

# VENTURA PORT DISTRICT

## ORDINANCE NO. 44

Adopted June 2004

as Amended by Ordinance 47 in October 2008

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**AN ORDINANCE REGULATING THE USE OF VENTURA HARBOR AND SETTING PENALTIES FOR VIOLATIONS OF ANY OF THE PROVISIONS HEREOF.**

THE BOARD OF PORT COMMISSIONERS OF VENTURA PORT DISTRICT DOES ORDAIN THAT THE PROVISIONS OF VENTURA PORT DISTRICT ORDINANCE NO'S. 30 (WHICH SUPERSEDED AND REPLACED ORDINANCE NO'S. 11, 12, 13, 25 AND 29) AND 38 SHALL BE REPEALED AND REPLACED AS FOLLOWS:

**ARTICLE 1. GENERAL PROVISIONS.**

Sec. 101. Short Title.

This Ordinance shall be known and may be cited as the "Ventura Harbor Ordinance No. 44".

Sec. 102. Invalidity of Provisions.

If any provision of this Ordinance, or the application thereof to any person(s) or circumstances is held invalid, the remainder of this Ordinance, and the applicability of such provisions to other persons or circumstances shall not be affected thereby.

Sec. 103. Authority of General Manager; Delegation of Power and Duty.

Whenever by the provisions of this Ordinance, a power is granted to, or a duty imposed upon, the General Manager, such power may be exercised or duty performed by a designee of the General Manager or by any other person authorized pursuant to law, unless herein otherwise expressly provided.

Sec. 104. Facilities, Control of Use.

As the representative of Ventura Port District, the General Manager is vested with authority over and control of all floats, piers wharves, docks, and other facilities owned, leased, controlled, constructed, or maintained by Ventura Port District or any lessee thereof, for the purpose of causing to be corrected any condition which violates or which might reasonably tend to cause or contribute to any violation of this Ordinance or which presents a danger or hazard to life, property or navigation within Ventura Harbor.

Sec. 105. Authority for Enforcement.

The Harbor Patrol of Ventura Port District, acting under the orders and direction of the General Manager, shall have authority to enforce all laws, ordinances and regulations affecting the use of Ventura Harbor and other facilities, waterways and beaches within Ventura Harbor, including the power to arrest for a violation of any provision of said laws, ordinances and regulations.

Sec. 106. Violations.

Violation of any provision of this Ordinance is an infraction punishable by a fine of not more than the amount allowed by the California Harbors and Navigation Code. A repetition or continuation of a violation of any provision of this Ordinance on successive days constitutes a separate offense for each day during any portion of which such violation is committed, repeated or continued.

Sec. 107. Peace Officer Status.

The Harbormaster and each Harbor Patrol Officer, whether Full-time or Part-time employees, are hereby designated as Peace Officers for purposes of enforcing all laws, ordinances and regulations affecting the use of Ventura Harbor and facilities, waterways and beaches within Ventura Harbor to the extent allowed by the laws of the State of California and the United States of America.

Sec. 108. No Liability.

Neither Ventura Port District, nor any officer, agent or employee of Ventura Port District shall be liable for any loss or damage incurred or suffered by any person as a result of actions performed or undertaken pursuant to this Ordinance.

## **ARTICLE 2. DEFINITIONS.**

As used in this Ordinance, the following terms shall have the meaning ascribed to them in these definitions.

### **Sec. 201. Aid to Navigation.**

Any device placed in, on, or near the water to convey an official message to a vessel operator on matters that may affect health, safety, or well being of persons or property.

### **Sec. 202. Alcoholic Beverages.**

"Alcoholic beverage" includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, alcoholic beverages as defined in Section 23004 of the Business and Professions Code, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.

### **Sec. 203. Beach.**

Beach means any beach area bordering the waters of Ventura Harbor.

### **Sec. 204. Board.**

Board means the Board of Port Commissioners of Ventura Port District.

### **Sec. 205. Commercial Sportfishing.**

Commercial Sportfishing means the operation of any boat or vessel for profit by virtue of persons being allowed to fish therefrom.

### **Sec. 206. Commercial Vessel.**

Commercial Vessel includes any vessel used or operated in any type of commercial activity or venture for compensation, including, but not limited to, carrying of passengers or freight for hire, commercial fishing, conducting charter boat trips, operating a towing, tugboat, water taxi, or excursion boat service, or any other activity or venture for which compensation is received for use of a vessel.

### **Sec. 207. County.**

County refers to the County of Ventura, State of California.

### **Sect. 208. Disabled Vessel**

A vessel that is Incapable of being maneuvered due to mechanical failure.

Sec. 209. Distress.

Distress means a state of disability, which if unduly prolonged, would endanger life, health, the environment, or property.

Sec. 210. Emergency.

Emergency means a state of proximate danger to life, health, the environment, or property in which time is of the essence.

Sec. 211. Emergency Access Route, Fire Access or Harbor Utility Easements.

Emergency Access Route, Fire Access or Harbor Utility Easements includes any access roads and/or easements designated or identified by the General Manager for use by authorized emergency or utility vehicles.

Sec. 212. Fairway.

Fairway means the open waterway, space, or path between finger float ends used for the ingress and egress of vessels to and from a slip, berth, or mooring.

Sec. 213. Finger Float.

Finger Float means any floating structure normally used as a point of transfer for passengers and/or goods and/or for mooring purposes.

Sec. 214. Gangway.

Gangway means a ramp or bridge that provides access to a dock, float, pier, wharf, slip, or vessel.

Sec. 215. General Manager.

General Manager means the chief administrative officer of Ventura Port District.

Sec. 216. Harbor.

Harbor means Ventura Harbor in Ventura Port District, State of California.

Sec. 217. Harbor Patrol.

Harbor Patrol means the organization comprised of those persons regularly employed by Ventura Port District, including the Harbormaster, Harbor Patrol Officers or other employees within that Department, whether full-time or part-time employees.



Sec. 218. Major Repairs.

Major Repairs means repairs or alterations to a vessel that likely result in obstruction of facilities or having any materials entering the waters of Ventura Harbor. Examples of such repairs or alternations include, but are not limited to, engine replacement or overhauls, sanding or painting the external hull of a vessel, sanding and painting large areas of the external deck and cabin areas of a vessel, removing or altering the cabin or superstructure.

Sec. 219. Moor.

Moor means to secure a vessel other than by anchoring.

Sec. 220. Mooring.

Mooring means, depending on its usage, (1) a place where vessels are secured; (2) the equipment used to secure a vessel; or (3) the process of securing a vessel other than by anchoring.

Sec. 221. Mooring Buoy.

Mooring Buoy means a buoy secured to the sea bottom by anchors and provided with attachments to which a vessel may be secured by use of its anchor chain or mooring lines.

Sec. 222. Navigable Waters.

Navigable Waters includes any and all waters over which Ventura Port District has Jurisdiction.

Sec. 223. Harbormaster.

Harbormaster means the chief administrative officer of the Harbor Patrol or a member of the Harbor Patrol designated to act in the place and instead of the Harbormaster, acting under the orders and directives of the General Manager.

Sec. 224. Person(s).

Person(s) includes human beings and all legal entities such as a corporation, a partnership, a limited liability company or other form or entity.

Sec. 225. Police.

Police means the police department of the City of San Buenaventura (Ventura), State of California.

Sec. 226. Regulatory Marker.

Regulatory Marker means any of the waterway markers defined as "regulatory markers" in the California Administrative Code, Title 14, Division 4, Chapter 1, commencing with Section 7000.

Sec. 227. Riprap.

Riprap means the retaining wall of rock on an embankment slope.

Sec. 228. Slip.

Slip includes any berthing space for a single vessel alongside a pier, finger float, or walkway.

Sec. 229. Shall and May.

"Shall" is mandatory; "may" is permissive.

Sec. 230. State.

State means the State of California.

Sec. 231. Stray Vessel.

Stray Vessel, depending upon usage, means (1) an abandoned vessel; or (2) a vessel the ownership of which cannot be determined through the Department of Motor Vehicles or Coast Guard records; or (3) a vessel without legible registration or documentation papers; or (4) a vessel moored without permission; or (5) a vessel underway without an owner or operator on board.

Sec. 232. To Anchor.

To Anchor means to secure a vessel to the bottom of a body of water by dropping an anchor or anchors.

Sec. 233. Underway.

Underway means the condition of a vessel when not at anchor, without moorings, or when not made fast to the shore or aground.

Sec. 234. Unseaworthy.

A vessel in such condition that it presents a risk of sinking, thus creating a pollution or sanitation hazard.

Sec. 235. Vehicle.

Vehicle includes any device by which any person or property may be propelled, moved, or drawn upon land.

Sec. 236. Ventura Harbor.

Ventura Harbor means the land and water areas of that certain harbor owned, controlled and regulated by Ventura Port District.

Sec. 237. Ventura Port District.

Ventura Port District means that port district in the County of Ventura, State of California, formed pursuant to Section 6200, et seq., of the California Harbors and Navigation Code and which operates Ventura Harbor.

Sec. 238. Vessel.

Vessel includes every description of watercraft used or capable of being used as a means of transportation on the water, except a seaplane or a watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled.

Sec. 239. Vessel for Hire.

Vessel for Hire means the carrying of a person by vessel for a valuable consideration, whether directly or indirectly, received by the owner, charter operator, agent, or any other person, interested in such a vessel.

Sec. 240. Waters of the Harbor.

Waters of the Harbor means all waters of Ventura Harbor that are owned, leased, managed, or controlled by Ventura Port District, whether or not a mean high tide line of the Pacific Ocean has been fixed by Ordinance, statute, court action, or otherwise.

### **ARTICLE 3. GENERAL BOATING AND TRAFFIC CONTROL REGULATIONS.**

#### **Sec. 301. Traffic Control Authority.**

The General Manager shall have authority to control water-borne traffic in any portion of the waters of Ventura Harbor by use of authorized State regulatory markers, signals, orders, or directions, and no person shall willfully fail or refuse to comply with any authorized State regulatory marker utilized by the General Manager, or with any signal, order, or direction of the General Manager.

#### **Sec. 302. Basic Speed Law.**

(a) The speed limit in all areas of Ventura Harbor shall be five (5) miles per hour.

(b) No person, except a public officer in performance of his/her duty, shall operate a vessel in excess of five (5) miles per hour in any water area of Ventura Harbor.

(c) No person, except a public officer in performance of his/her duty, shall operate a vessel at any speed in which the vessel's wake\_ will cause other vessels to heave, pitch or roll. For the purposes of this subsection, the term "heave, pitch, or roll" is excessive roll motion that is likely to cause imbalance or instability to individuals and/or property on board the vessel.

#### **Sec. 303. Permits for Races, Regattas, or Special Events.**

(a) No person shall engage or participate in a boat race, regatta, demonstration, exhibition, competition or other special event within the boundaries of Ventura Harbor or which is supported by or affects the normal use by the public by any facilities or operations within the boundaries of Ventura Harbor, including, but not limited to parking facilities, picnic and recreational facilities or restrooms, unless so authorized by permit issued by the General Manager.

(b) If the General Manager, in his/her sole discretion, finds that conditions in Ventura Harbor, or any portion thereof, at a particular time can be so regulated that the participation of a person or group of persons in a boat race, regatta, demonstration, exhibition, competition, or other special event, will not create undue danger to persons or property and will not unduly interfere with the normal use of Ventura Harbor, the General Manager may grant a temporary permit authorizing such person or group of persons to participate in such special events at such times and under such conditions and restrictions as he may prescribe.

(c) A person or group of persons may conduct or participate in such boat race, regatta, demonstration, exhibition, competition, or other special event so authorized by permit, only so long as s/he complies in all respects with the terms, conditions and restrictions of such permit. Permits granted under the provisions of this Section 303 are revocable upon determination by the General Manager that a dangerous situation exists in conjunction with the special event, or that said event is or will unduly interfere with the normal use of the Harbor and its facilities and operations, or upon determination of noncompliance with the terms, conditions and restrictions of the permit.

(d) A special events permit may be granted on a yearly basis to those persons or organizations sponsoring a series of such events; provided, however, that the granting of a yearly permit shall not restrict or limit in any way, the right of the General Manager to revoke said permit as herein provided in Section 303(b) herein.

(e) Fees for the issuance for race or regatta permits may be set by the Board and reviewed periodically.

Sec. 304. Hoop Nets.

(a) No person shall set a hoop net unless it is within two-hundred (200) feet of his or her vessel and all hoop nets shall be placed as to be grouped proximal to each other.

(b) Setting hoop nets is prohibited:

- (1) South of North Jetty and its extension;
- (2) Within 15 feet of the inside of the detached breakwater;
- (3) Within 250 feet of the outside of the detached breakwater.

(c) Hoop net buoys must be effectively lighted so as to make them visible in the dark.

#### **ARTICLE 4. GENERAL REGULATIONS.**

Sec. 401. Intentionally left blank.

Sec. 402. Launching or Recovering Vessels.

(a) No person shall launch into or remove from the waters of Ventura Harbor any vessel except at specific locations designated by the General Manager for the purpose of launching and recovering vessels or in accordance with a written permit issued by the General Manager.

(b) No person shall embark or disembark at, over or across the rock riprap of Ventura Harbor, except at specific locations designated by the General Manager for that purpose or in accordance with a written permit issued by the General Manager.

Sec. 403. Permits, Suspensions, or Revocation.

Any permit granted under the authority of this Ordinance shall be valid only for such period as may be determined by the General Manager, or his/her designee. A violation of the provisions of this Ordinance or of any other applicable Ordinance or any condition or requirement of a permit, by any permittee, shall be grounds for suspension or revocation of such permit.

Sec. 404. Found Property.

(a) All stray vessels and all personal property or other articles, not in the lawful possession or control of some person, found within Ventura Harbor shall be immediately delivered to the Harbor Patrol. Items with an estimated value over One Hundred Dollars (\$100.00) and any item with a traceable identification or serial number shall be reported to said Police Department for disposition as provided in subparagraph (b) below.

(b) Any such property shall be dealt with by the appropriate authorities as provided in the California Civil Code, the Harbors and Navigation Code, the Penal Code, and/or any other applicable law.

(c) The owners of any found property shall be liable for any costs incurred by Ventura Port District in effecting removal, storage, sale, or disposition of such property.

Sec. 405. Vandalism.

No person shall willfully or negligently destroy, damage, disturb, deface, or interfere with any aid to navigation or mooring buoy, float, life preserver, sign, signal, notice control device, or any other public or private property whatsoever within Ventura Harbor.

Sec. 406. Tampering With or Boarding Vessels Without Permission.

(a) No person shall willfully injure, break, remove or tamper with any part of any vessel in Ventura Harbor.

(b) No person shall climb into or upon a vessel without consent of the owner unless in the performance of official duty or to protect life or property.

Sec. 407. Obstruction of Facilities.

No person shall at any time obstruct the free and easy access to and departure from any portion of any landing, pier, berth, float, wharf, or other facility of Ventura Harbor.

Sec. 408. Overnight Stay/Place of Abode.

(a) No person, other than one specifically authorized by permit, license, or lease issued by the General Manager, or his/her designee, shall camp, lodge, sleep, reside or loiter overnight upon any public portion of Ventura Harbor.

(b) No person shall erect, maintain, use, or occupy overnight any tent, lodge, shelter, structure, house trailer, trailer coach, or other conveyance used as a place of abode.

(c) This Section shall not apply to the use of a vessel as an abode when such use is in compliance with Section 705 of this Ordinance.

Sec. 409. Alcoholic Beverages.

No person shall enter, be, or remain within any public area of Ventura Harbor while serving, selling, giving away, or consuming any alcoholic beverage without the prior written permission of or permit from the General Manager. This Section 409 shall not apply to the consumption of an alcoholic beverage while on board a vessel on the waters of Ventura Harbor.

Sec. 410. Signs, Erection and Maintenance.

(a) The General Manager may place and maintain, or cause to be placed and maintained, either on land or water, such signs, notices, signals, buoys, or control devices as s/he considers necessary to carry out the provisions of this Ordinance or to insure public safety and the orderly and efficient use of Ventura Harbor.

(b) A lessee, upon written approval from the General Manager, may place, maintain, or cause to be placed, signs or notices, as s/he considers necessary to carry out the provisions of this Ordinance.

Sec. 411. Compliance with Authorized Signs, Buoys, etc.

No person shall fail to obey any sign, notice, signal, control device, or buoy placed or erected pursuant to Section 410.

Sec. 412. Securing Permission to Disembark.

No person having charge of a vessel shall permit passengers to disembark or cargo to be loaded or unloaded onto any publicly or privately owned bulkhead, float, wharf, pier, dock, or other structure within Ventura Harbor, or onto another vessel without the consent of the person in charge of such structure or vessel, except in an emergency where such action is reasonably necessary to protect life, health, the environment and/or property.

Sec. 413. Protected Swimming Area.

The General Manager may establish protected swimming areas within Ventura Harbor, and no person shall operate or navigate any vessel within the boundaries of any such area except as may be specifically permitted by other provisions of this Ordinance.

Sec. 414. Record of Vessels.

The General Manager may keep an accurate record of the number, size, type and description of vessels within Ventura Harbor and no person having knowledge of such information shall fail or refuse to provide said information to the General Manager upon his/her request therefore.



Sec. 415. Underwater Activity.

(a) No person shall engage in skin diving or any underwater activity requiring a breathing apparatus in Ventura Harbor without first receiving a written permit from the General Manager, authorizing such diving or underwater activity.

(b) All persons engaging in a permitted underwater activity shall conspicuously display a red and white "Divers Flag" or a blue and white "Alpha Flag" in the immediate area of such activity, as appropriate.

Sec. 416. Trespassing.

No person shall enter upon the lands or waters of any leased area in Ventura Harbor without the consent of the lessee's manager or agent unless such area is clearly and openly accessible to the public.

Sec. 417. Operation of Aircraft and Radio Controlled Aircraft

(a) Except in an emergency, no person shall land or take off any helicopter, sea plane or other aircraft on or from any land or water area within Ventura Harbor without prior approval of the General Manager.

(b) Radio Controlled Aircraft

(1) No person shall operate a radio controlled aircraft except within an area designated for such use and while in possession of a permit issued by the Ventura Port District;

(2) No person shall operate a radio controlled aircraft that is not rated as a "park model", which are those radio controlled aircraft designed to be safely operated within a public park. Park Models shall weigh two pounds or less and be incapable of reaching speeds greater than 60 miles per hour, and must be electric or rubber powered;

(3) No person shall operate a radio controlled aircraft that is powered with an internal combustion engine;

(4) Radio controlled aircraft must be remotely controlled or flown within a control line and remain within the pilot's line of sight at all times; and

(5) Radio controlled aircraft which create a public nuisance because of noise, speed, or being operated recklessly (intentionally or unintentionally) are prohibited.

Sec. 418. Safekeeping of Vessels.

(a) The lessee of any premises within Ventura Harbor at which privately owned vessels are berthed, moored, or stored, shall take or cause to be taken all reasonable precautions to assure the safekeeping of such vessels at all times.

(b) No person shall board any privately owned vessel berthed, moored or stored within Ventura Harbor, for the purpose of conducting thereon any maintenance, service, or repairs for compensation, unless such person shall have first complied with all registration and identification procedures established by Ventura Port District. The General Manager, Harbormaster or other designated official may require disclosure of written or other satisfactory evidence that such person has been authorized by the owner of said vessel to so board.

(c) The provisions of subsection (b) of this Section shall not be deemed to apply to the owner of any vessel, to members of his/her immediate family, to regular employees of the facility or premises on which such vessel is located, or to any person boarding any privately owned vessel for the purpose of performing maintenance, service, or repairs thereon or thereto without compensation and with consent of the owner of the vessel.

(d) Lessees of water areas where vessels are berthed, moored or stored shall post appropriate notices of the provisions of this Section 418 pursuant to the provisions of Section 410(b) of this Ordinance, and such commercial identification procedures as may be established by Ventura Port District.

Sec. 419. Vessels for Hire - Passenger Information.

The owner or person in charge of, or operating, any vessel using any Ventura Port District facility may be required to furnish to the General Manager, information regarding the number of passengers carried and the charges or other consideration paid by such passengers for use of such vessel.

**ARTICLE 5. REGULATIONS CONCERNING ANCHORING, MOORING, AND  
SECURING OF VESSELS.**

Sec. 501. Intentionally left blank.

Sec. 502. Placement of Private Mooring Buoys.

No person shall place a private mooring buoy in Ventura Harbor without first securing a permit for such installation from the General Manager. Any person securing such a permit shall be responsible for providing equipment meeting the General Manager's specifications for accurate initial placement of the buoy and tackle, and for its subsequent maintenance, positioning, and removal in accordance with the terms and conditions of the permit. Such person shall also be liable for any costs necessarily incurred by the District in the recovery, repositioning, or resecuring of such buoy and tackle.

Sec. 503. Anchoring.

(a) No person shall anchor a vessel within Ventura Harbor without first obtaining permission from the General Manager, except in the case of an emergency where time is of the essence. In such an emergency, the person anchoring the vessel or occupying the mooring shall immediately report the emergency condition to the Harbormaster and shall thereafter move and secure the vessel in accordance with the Harbormaster's instructions.

(b) The General Manager may permit vessels to anchor or occupy a mooring buoy for such period of time as s/he may prescribe and in designated areas set aside or reserved for such purpose by the General Manager. All vessels so anchored or occupying a mooring between sunset and sunrise shall display lights as prescribed by applicable law, rules, and regulations regarding anchor lights in inland waters.

Sec. 504. Securing Vessel Without Permission; Failure to Move Vessel.

(a) No owner or other person having charge of any vessel shall secure, moor, or make fast any vessel to any float, wharf, pier, mooring, or other facilities in Ventura Harbor without the consent of the lessee, agent, or other person in charge of such facility.

(b) No owner or other person in charge of a vessel secured in violation of Section 504(a) above shall refuse or fail to remove or change the position of his/her vessel as ordered by the General Manager. In the event the owner of a vessel moored without permission cannot be located within a reasonable time, the General Manager may, in his/her discretion, have the vessel removed without liability for any damage

thereto, and such vessel shall remain in the District's custody until claimed by the proper owner(s), who shall pay all expenses incurred by Ventura Port District in having the vessel removed and/or stored before taking charge of the vessel from Ventura Port District.

Sec. 505. Vessels Making Fast.

(a) No person shall make fast or secure a vessel to any mooring already occupied by another vessel, or to a vessel already moored, except that a rowboat, dinghy, yacht tender, skiff, canoe, dory, or other craft regularly used by a larger vessel for transportation of persons or property to or from shore, may be secured to such larger vessel or to the mooring regularly used by such larger vessel.

(b) A rowboat, dinghy, yacht tender, skiff, canoe, dory, or other craft tied within a slip occupied by a larger vessel shall not extend over four (4) feet into the fairway beyond the end of the slip.

Sec. 506. Docking or Mooring at Ventura Harbor.

(a) Except in an emergency or for the purpose of conducting business with or to secure information from the Ventura Port District office, no person operating any vessel or having charge of any vessel, shall dock, moor, or make fast or secure to any Ventura Port District breakwater, bulkhead, wharf, pier, dock, float, mooring buoy, or other Ventura Port District facility without the prior written consent of the General Manager. In the event of an emergency causing a person to so dock, moor, make fast or secure a vessel to such facility, the person so doing shall forthwith report such emergency to the Harbormaster and thereafter comply with instructions of the General Manager or the Harbormaster and the failure to do so shall be a violation of this Section 506.

(b) In the event the General Manager or the Harbormaster is unable to determine the identity of the person who caused the vessel to be docked, moored, or made fast or secured in violation of subdivision (a) of this Section, a citation for violation of this Section may be issued to the registered owner of said vessel.

Sec. 507. Secure Mooring and Anchoring of Vessels.

The owner of any vessel moored or anchored within Ventura Harbor shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage, and shall thereafter provide for periodic inspection,

maintenance, replacement, and adjustment of the anchor, mooring, or tie lines at reasonable intervals.

Sec. 508. Correcting an Unsafe Mooring.

If any vessel shall be found to be anchored or moored within Ventura Harbor in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels or to persons, the environment or property, the General Manager may order and direct necessary measures to eliminate such unsafe or dangerous conditions. Primary responsibility for compliance with such orders and directions of the General Manager shall rest with the owner of the improperly anchored or moored vessel; in the absence of the owner, said responsibility shall rest with the authorized operator of the facility at which the vessel is anchored or moored. In an emergency situation, or in the absence of any such responsible person, the General Manager, Harbormaster or other designated official shall forthwith board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for any costs incurred by Ventura Port District in effecting such correction. The General Manager or other District official shall not be liable for any damages to such vessel or its owners for any harm resulting from such corrective action.

Sec. 509. Removal and Custody of Illegally Moored or Abandoned Vessels.

(a) Wrecks, Hulks, Derelicts, Abandoned, or Salvaged Vessels within Ventura Harbor shall be subject to disposition in accordance with sections 510 et seq. of the Harbors and Navigation Code.

(b) If any unattended vessel is illegally anchored or moored within Ventura Harbor, the General Manager, Harbormaster or other designated official may assume custody of such vessel and cause it to be removed and held or placed in storage. The General Manager or other District official shall not be liable for any damages to such vessel or liable to its owners before or after assuming custody. Vessels so taken into custody shall be released to the owner by the Harbormaster only after satisfactory proof of ownership has been presented and full reimbursement made to Ventura Port District for all costs incurred incident to recovery, movement and storage of the vessel.

Sec. 510. Intentionally left blank.

Sec. 511. Disabled or Unseaworthy Vessels.

Any disabled or unseaworthy vessel within Ventura Harbor shall immediately become subject to the orders and directions of the General Manager or the

Harbormaster and no person shall fail or refuse to comply with their orders or directions with regard to the disposition of such a vessel.

Sec. 512. Unseaworthy Vessels.

No person shall secure or permit to be anchored or moored in Ventura Harbor a vessel of any kind whatsoever which is in an unseaworthy condition, as defined in Section 234 of this ordinance..

Sec. 513. Intentionally left blank.

**ARTICLE 6. INTENTIONALLY LEFT BLANK.**

**ARTICLE 7. SANITATION REGULATIONS.**

Sec. 701. Discharge of Refuse.

(a) No person shall throw, discard, discharge or deposit any refuse, trash, sewage or waste matter of any description upon the lands or waters of Ventura Harbor.

(b) No person shall urinate or defecate in any public area except a restroom facility designed for the sanitary disposal of human waste.

(c) Discharge of refuse or other material which is harmful to fish, plant life, or bird life into the waters of Ventura Harbor shall be subject to prosecution under the laws of the State of California, including, but not limited to section 5650 of the Fish and Game Code and sections 117480 and 117515 of the Health and Safety Code.

Sec. 702. Discharge of Petroleum or Paint Products.

(a) No person shall spill, discharge, deposit or permit to pass onto the lands of Ventura Harbor any coal, tar, oil, gasoline, diesel, sludge or residuary products of coal, petroleum, asphalt, bitumen or other carbonaceous material or substance or any varnish, paint, or similar products, nor shall any such material or substance be permitted to accumulate in a bilge where it can be pumped or discharged into the waters of Ventura Harbor.

(b) The intentional or accidental spill, discharge, deposit or passing of any of the materials or products identified in subsection (a), above, shall be immediately reported to the Harbor Patrol. Any failure of the person responsible for such a spill, discharge, deposit or passing to make a report as herein required shall be a separate violation of this Ordinance.

(c) Discharge of petroleum products into the waters of Ventura Harbor shall be subject to prosecution under the laws of the State of California, including, but not limited to section 5650 of the Fish and Game Code.

Sec. 703. Dead Animals or Fish.

(a) No person shall allow any dead animal, fish, shellfish, bait or other putrefying matter to remain on or about the structures, vessels, floats, piers, sidewalks, or land of Ventura Harbor.

(b) No person shall clean fish on the jetties, breakwaters, seawalls, structures, floats, piers, sidewalks, land or waters of Ventura Harbor, except at those

locations specifically designated by the General Manager for the purpose of cleaning fish.

Sec. 704. Vessels' Toilet Fixtures.

(a) Any toilet on a vessel must meet the current State and Federal regulations for Marine Sanitation Devices

(b) Any vessel with a system equipped with a bypass valve for pumping at sea must have the valve sealed in a closed position or rendered inoperable while in Ventura Harbor.

Sec. 705. Use of Vessel as an Abode.

(a) No person shall use or allow to be used any vessel or any other floating facility in Ventura Harbor as an abode, in excess of three (3) days in any seven (7) day period unless a written permit has been obtained from the Harbormaster authorizing such use.

(b) Regardless of the length of occupancy:

(1) No person living aboard any vessel or other floating facility in Ventura Harbor, shall use the toilet fixtures of any vessel or other floating facility unless approved and acceptable devices have been installed, and a permit secured, as provided in Section 704.

(2) The Harbormaster may require that the toilet fixtures of any vessel or other floating facility used as an abode be sealed so long as the vessel or other floating facility remains in the Harbor.

(3) The owner of any vessel or other floating facility not equipped with approved and acceptable devices for the neutralization or storage of contaminants shall post notices that the toilet facilities aboard shall not be used while the vessel or other floating facility is moored in or using the waters of Ventura Harbor.

(c) The General Manager may promulgate such additional regulations in connection with vessels used as abodes as may be necessary to insure the maintenance of sanitary conditions and the preservation and protection of the public health, safety, peace, welfare and convenience in the use of Ventura Harbor. A violation of any part of such regulations or this Article 7 shall be cause for revocation of the permit for use of a vessel or other floating facility, as an abode, and no person shall live aboard such vessel or floating facility until such violation has been corrected to the satisfaction of the Harbormaster.



Sec. 706. Responsibility for Sanitation of Facilities.

(a) Every operator, manager or person in charge of a facility or water area under lease from Ventura Port District shall at all times maintain such facility and water area in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris, and other waste materials.

(b) Should the General Manager find that any facility or water area under lease is not so maintained, s/he may in writing notify said operator, manager or other person in charge of said facility or area to immediately commence and diligently prosecute to completion the necessary correction of the unsanitary condition to the General Manager's satisfaction. Failure to do so with reasonable dispatch shall be a violation of this Ordinance, and the General Manager may then cause the condition to be corrected as s/he considers necessary and any costs incurred by Ventura Port District in correcting such a condition shall be charged to said operator, manager, and/or person in charge of such a facility.

(c) Every operator, manager or person in charge of a facility or water area under lease from Ventura Port District within Ventura Harbor shall at all times ensure that the premises, facilities, or area under his/her control is operated in compliance with the sanitation regulations of this Article 7. No operator, manager or person in charge of a recreational or commercial berthing facility shall authorize or allow the use of any vessel or other floating facility moored within said berthing facility as an abode without insuring that the written permit required by Section 705 of this Article has been obtained.

## **ARTICLE 8. REGULATIONS CONCERNING SAFETY AND MAINTENANCE.**

### **Sec. 801. Flammable and Combustible Liquids and/or Materials.**

(a) No person shall sell, offer for sale, or deliver in bulk any class of flammable liquid or combustible material, nor dispense any flammable or combustible liquids into the fuel tanks of a vessel except in compliance with the requirements of the City of San Buenaventura "Fire Code" and all other laws or regulations applicable thereto.

(b) No person shall transfer, handle, or use any flammable or combustible liquid on docks, floats, or wharves of Ventura Harbor, except in approved safety containers (Underwriters Laboratories, National Fire Protection Association, or other similar appropriate organizations).

(c) No person shall leave or store on any dock, float, pier or wharf of Ventura Harbor, any flammable, or combustible liquid or materials or an empty tank and/or container previously used for flammable or combustible liquids, unless free from explosive vapors, except that empty approved safety containers may be kept in storage.

(d) No person shall use flammable liquid within a vessel moored to any dock, float, pier or wharf of Ventura Harbor for washing parts or for removing grease, dirt, or, other substances.

### **Sec. 802. Unobstructed Walkways.**

(a) No person shall cause any mooring line, water hose, electrical cable or other service line to extend across a main walkway, or cause any obstacles such as mooring lines, ladders, tools, canvas, bicycles, potted plants or other material or equipment to obstruct free passage along any walkway, finger float or gangway or create any hazardous condition which could cause an accident or injury.

(b) No person shall leave or store on any walkway, finger float, or gangway, a rowboat, skiff, dory, dinghy, canoe, or other craft.

### **Sec. 803. Board Steps and Stairs.**

(a) Platform steps, used as a means of boarding boats, shall not occupy more than one-half of the width of the walkway or finger float

(b) Boarding steps shall not align directly with adjacent boarding steps in such a way as to block free access or passage on a walkway or finger float.

(c) Boarding steps or ladders shall not be placed or located within the outermost five (5) feet of any finger float so as to ensure that emergency access may be had to the outermost edge of the finger floats at all times.

Sec. 804. Hazardous Lights.

No person shall place, erect, install, or maintain within Ventura Harbor any light fixtures in such a manner as to constitute a hazard to operators of vessels in navigating at night.

Sec. 805. Welding, Burning, or Cutting

No person shall weld, burn, or cut material using any device or attachment facilitating welding, burning, or cutting, nor use any type of gas welding, burning or cutting equipment on or within any vessel moored or anchored within Ventura Harbor, except when the vessel is moored or anchored within an area that has been designated by the General Manager as a commercial boat repair yard or designated dredge work site.

Sec. 806. Servicing and Repairs of Vessels.

(a) No person shall conduct or perform, or cause to be performed, any major repairs, alterations, or other work beyond routine maintenance work to the hull, deck or superstructure of any vessel except in a boat repair yard.

(b) No person shall apply paint or other finish to a vessel's hull, from the gunwale to the waterline, while the boat is on the waters of Ventura Harbor.

## **ARTICLE 9. REGULATIONS CONCERNING USE OF THE VENTURA HARBOR.**

### **Sec. 901. Vessels Extending Beyond Slip.**

(a) No part of any vessel shall extend more than four (4) feet beyond the end of any slip into the public waterways of Ventura Harbor without the prior written permission of the General Manager.

(b) No part of any vessel shall extend over or above any walkway or portion thereof.

### **Sec. 902. Prohibited Areas for Vessels.**

(a) No person shall launch into or operate any vessel in a designated swimming area enclosed by buoys and connecting lines.

(b) No person shall leave, moor, dock, beach or place any unattended vessel upon any public beach area between the hours of 10:00 p.m. and 6:00 a.m. without the written permission of the General Manager.

### **Sec. 903. Mooring at Terminal of Main Walks.**

Vessels may be moored or secured at the terminus of any main walk within Ventura Harbor except that any such vessel shall not extend into the fairway more than twenty-five (25) feet measured at right angles from the pierhead line of a basin. Any such vessel shall be secured parallel to such pierhead line.

### **Sec. 904. Violations.**

At any public beach, recreation area, or other public area within Ventura Harbor, it shall be a violation of this Ordinance, except by written permission of the General Manager, for:

(a) Any person to disturb or remove any rock or dirt from the riprap encompassing the waters of Ventura Harbor;

(b) Any person to operate or tow any inner tube, water ski, aquaplane or similar device within the limits of Ventura Harbor;

(c) Any person operating a vessel to tow an object, structure, or vessel at a distance in excess of seventy-five (75) feet astern of the towing vessel;

(d) Any person to engage in swimming or wading in the waters of Ventura Harbor except in zones marked by signs posted by the General Manager or the Harbormaster;

(e) Any person to operate

(1) A hydrofoil craft, seaplane, air propeller-driven watercraft

(2) or, except in designated areas, paddle board, surfboard, windsurfer, windsurfing equipment, surf mat, or similar craft or device propelled principally by manual or sail power on the waters of Ventura Harbor;

(f) Any person to loiter between the hours of 10:00 p.m. and 6:00 a.m. of the following day;

(g) Any person to light or maintain any fire except in a stove, barbecue, brazier, smoker or fire circle, or other place provided for that purpose; except that no stove, barbecue or brazier that uses charcoal or similar material shall be used upon any dock, slip, or wharf;

(h) Any person to appear, bathe, walk, change clothes, disrobe, or be on any beach in such manner that the genitals, pubis, buttocks, anus, anal region, or pubic hair region of any person, or any portion of the breast at or below the upper edge of the areola thereof of any female person, is exposed to public view, except in those areas, if any, expressly set aside for such purpose.

(1) This section shall not apply to persons under the age of 10 years provided such children are sufficiently clothed to conform to accepted community standards.

(i) Any person to solicit in any manner or for any purpose, or to sell, or offer for sale, any goods, wares, merchandise, or services or to distribute or pass out any handbill or advertising material except:

(1) By virtue of a concession operating under license or lease granted by Ventura Port District; and

(2) When found by the General Manager to be consistent with the policies of Ventura Port District or to support the programs of Ventura Port District under conditions prescribed by him;

(j) Any person to operate the motor of a vessel with the gears engaged when such vessel is moored or secured in a slip or berth;

(k) Any person to discharge or shoot any firearm, air gun, slingshot, or bow and arrow;

(l) Any person to dig, remove, destroy, injure, mutilate, or cut any tree, plant, shrub, bloom or flower or any portion thereof; nor shall any person remove any wood, turf, grass, soil, rock, sand or gravel;

(m) Any unauthorized person to cut, break, injure, deface or disturb any building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment or property, or any portion thereof; or to mark or place thereon any writing or attach thereto any sign, card, display or other similar device;

(n) Any person to disturb the peace and quiet by:

(1) The excessively loud playing of music or causing or producing any boisterous or unusual noise;

(2) Any repetitive tooting, blowing, or sounding of any horn, siren, signal, or noise-making device;

(3) The use of vulgar, profane, or indecent language;

(o) Any person to operate or permit to be operated a vessel with a spinnaker sail within the inner portions of Ventura Harbor;

(p) Any person to bicycle, skateboard, skate, or ride a scooter or other wheeled vehicle upon any sidewalk, walkway, or other area designed primarily for pedestrian use;

(q) Any person to participate in any lewd or sexual conduct in any public area of Ventura Harbor;

(r) Any person to fish except from a vessel or within a designated area.

Sec. 905. Animals.

No person shall bring or allow into the waters of Ventura Harbor, or onto any public beach, recreation area, or other area of Ventura Harbor, animals of any kind except as hereinafter provided:

(a) Cats and Dogs. A person may bring or keep a dog or cat if such dog or cat is at all times kept on a leash and if said dog or cat is kept under the full control of such person; provided, however, no person shall bring or permit a dog or cat on the sand area of any public beach or any other area within Ventura Harbor where the Ventura Port District has posted signs indicating dogs or cats are prohibited;

(b) Horses, etc. A person may ride a horse, mule, burro, or donkey, or other similar animal, or lead such animal through a public beach, recreation or other public area of Ventura Harbor, but only if such person has been given written permission by the General Manager to do so;

(c) Should any animal mentioned in this Section cause excrement to be discharged in a public park, beach, recreation or other public area of Ventura Harbor, the owner or custodian of the animal shall immediately remove the excrement and

forthwith clean the area so that it will not be offensive to the senses of any person coming into proximity thereto.

Sec. 906. Wild Animals, Birds, etc.

(a) No person shall hunt, injure, molest, frighten, trip, chase, tease, shoot or throw missiles at any animal, bird or fowl in Ventura Harbor, nor shall a person remove or have in his/her possession the young of any wild animal, or the eggs, nest or young of any bird or fowl;

(b) No person shall give or offer, or attempt to give or offer, to any animal, bird or fowl, any tobacco, alcohol, or other known noxious or toxic substances within Ventura Harbor.

(c) No person shall feed or spread food for any wild animal, bird or fowl within Ventura Harbor.

Sec. 907. Intoxicated Persons.

No person shall enter, remain in, or be upon any public area of Ventura Harbor while under the influence of alcoholic beverages, and/or drugs or other controlled substances.

Sec. 908. Children.

Children under ten years of age shall not be permitted on docks and fingers without the immediate presence and supervision of their parents or other responsible adults.

Sec. 909. Structures on Docks.

No person shall construct, mount, or fasten any lockers, cabinets, or other structures on any dock, finger float, or piling without the permission of the General Manager.

**ARTICLE 10. VEHICULAR TRAFFIC AND PARKING REGULATIONS.**

Sec. 1001. General Traffic Control Authority.

No person shall fail to comply with or obey the orders and instructions of the General Manager or his/her designee, all of whom are hereby authorized and instructed to direct traffic in Ventura Harbor, whenever and wherever needed in accordance with the provisions of this Ordinance, and such supplementary regulations as may be subsequently issued by the General Manager.

Sec. 1002. Emergency Access.

(a) No person shall park or leave unattended any vehicle, or place or leave equipment or property of any kind, in such a manner as to obstruct the passage of emergency vehicles of the state, county, city, district or any public utility, along or adjacent to, or within any "fire access route", "emergency access route", "Port District utility easement", or other easements identified for emergency access by the General Manager.

(b) Whenever any area of Ventura Harbor is posted by either Ventura Port District or a lessee of Ventura Port District with signs or red paint identifying it as an "emergency access", or "fire lane", a peace officer or member of a fire department or a deputy of the General Manager may cause to be moved, any vehicle, equipment, material, or other object obstructing such emergency access, to the nearest available location in the vicinity where parking or storage is permitted, and the cost of such removal, parking and storage shall be charged to the owner of said vehicle, equipment, material or object and no peace officer, public official or governmental entity shall be liable for damage of any nature whatsoever arising out of or in any way connected with the removal, storage or parking of such vehicle or equipment.

Sec. 1003. Traffic Signs.

(a) No person shall fail to observe a traffic sign indicating direction, caution, stopping or parking, or any other sign posted for traffic control or for safeguarding life or property.

(b) No person shall fail to observe a traffic sign or other marking indicating direction, caution, stopping or parking, or any other sign or marking posted for traffic control or for safeguarding life or property.



Sec. 1004. Operations Confined to Roads.

No person shall, without prior written permission of the General Manager, drive any vehicle in any area except paved roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the General Manager.

Sec. 1005. Designated Areas.

No person shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions, markings or striping thereat, and the instructions of any attendant who may be present.

Sec. 1006. Double Parking.

No person shall double-park any vehicle, unless permitted or directed to do so by the General Manager.

Sec. 1007. Bicycles - Motorcycles.

No person shall ride a bicycle or motorcycle on other than a paved vehicular road or on a path specifically designated for bicycle or motorcycle use. However, a person shall be permitted to wheel or push a bicycle by hand over any area normally reserved for pedestrian use. Moreover, no person shall leave a bicycle or motorcycle lying on the ground or paving, or set against a building or a tree, or in any place or position that may cause a person to trip or be injured by it.

Sec. 1008. Vehicles or Trailers Parked Over Forty-Eight Hours.

(a) Except in an area under lease from Ventura Port District, the owner or operator of any vehicle, recreational vehicle, travel trailer or boat trailer left in a public area more than forty-eight (48) hours shall register the same with the Harbormaster in person, or by telephone, and a failure to do so shall be a violation of this Ordinance.

(b) The General Manager may cause to be moved, any vehicle, recreational vehicle, travel trailer or boat trailer left in a public area more than forty-eight (48) hours to a storage facility, and the cost of such removal and storage shall be charged to the owner of said vehicle, recreational vehicle, travel trailer or boat trailer and neither Ventura Port District nor the General Manager shall be liable for damage of any nature whatsoever arising out of or connected in any way to such removal or storage.

Sec. 1009. Vehicles or Trailers Currently Registered.

(a) Any vehicle parked in Ventura Harbor must be properly and currently registered in the state of primary use and must display its license plate and current tags.

(b) Any vehicle found parked in violation of this Section for more than twenty-four (24) hours may be towed from the facility at the direction of the General Manager.

PASSED and ADOPTED this 30<sup>th</sup> day of June, 2004

Sandford Waddell, Chairman  
Board of Port Commissioners

Attest:  
Andru F. Ortiz, Secretary  
Board of Port Commissioners

(District

Seal)

## ORDINANCE 44 INDEX

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