

HARBOUR COMMISSION

Subject:

Harbour Commission Review of Municipal Code Chapter 13.32, 13.36, 13.40 and 13.44

Recommended Action:

The Harbour Commission is requested to review and approve recommending to the City Council the following changes to Municipal Code Chapter 13.32, 13.36, 13.40 and 13.44, as recommended by the Policy Ad Hoc Committee:

13.32 - HARBOURS GENERALLY

13.32.010 - Scope: Should *marinas* be referenced in this section?

13.32.020 - Definitions: Should the definition of *commercial activity* include rental agencies?

13.32.030 - Administrative Authority: Responsibility for enforcement of this portion of the Municipal Code is assigned to the Director of Community Services. Should it be assigned to the Fire Chief?

13.32.040 - Permit for Commercial Activities Required: Paragraph *B. Exceptions* needs to be reviewed and possibly revised regarding permissible commercial fishing operations from the Harbour.

13.32.050 - Application for Permit: A requirement should be added that Duffy boat operators are required to view a *rules of the road* safety video and take a test afterward; the vendor should be required to identify the maximum number of rentals they will provide; the vendor should be required to provide a map of the Harbour to boat operators; Section *D* should specify that a drawing *and photo* of the boat will be provided.

13.32.070 - Grounds for Issuance of Denial of a Permit: Language should be added that says the failure of rental agencies to enter an agreement with the City for use of public beaches for staging equipment is grounds for denial of a permit.

13.32.080 - Permit-Denial-Appeal: Consideration could be given to changing the body that would hear appeals from the City Council to the Harbour Commission. The Commission would review the request and make a recommendation to the City Council.

13.32.090 - Duration of Permit: The duration of the permit should be revised from *valid unless such permit is suspended or revoked to valid for five (5) years*.

13.32.100 - Revocation or Suspension: In addition to the reasons listed for revocation or suspension of a permit, vendor negligence should be referenced in regard to creation of unsafe conditions.

13.32.110 - Public Liability Insurance Requirement: Whether insurance is transferrable should be addressed in this section.

13.36 - BOATING REGULATIONS

13.36.010 - Towing Prohibited in Huntington Harbour: This section should be rewritten with clearer language. Section *13.32.020 Definitions* should include a definition for *vessels* that cross references the Coast Guard definition. Here, and in other sections where applicable, *Director of the Community Services Department* should be changed to *Harbour Master*.

13.36.040 - Damaging Harbor Property: *Bridges* should be added to the list of Harbor property in this section.

13.36.060 - Airboats Prohibited: The Commission recommended that the portion of the City of Newport Beach Municipal Code which addresses this be looked at. It includes specific and descriptive language that is current to this issue.

13.36.110 - Board Vessel Without Permission: This section should also reference vessels underway.

13.36.160 - Abandoned Vessel-Removal: Code Enforcement staff should be consulted regarding an update of this section.

13.36.170 - Docking Vessel Without Permission: This section should be looked at to ensure that it is still current.

13.40 - SWIMMING RULES

No changes recommended to this section of the Municipal Code

13.44 - HARBOUR SANITATION

13.44.040 - Signs Prohibiting Waste Deposit: Should the Municipal Code reference regarding sign requirements be referenced here?

13.44.050 - Storage on Shoreline Prohibited: Should public docks be referenced here?

13.44.060 - Vessel Wastes: Does Section C still apply?