

17.25.020 Anchorage, Berthing and Mooring Regulations.

A. Designated Areas~~Location. No person having charge of any vessel shall berth or anchor the same in Newport Harbor except within designated areas. Any vessel which is berthed, moored or anchored at a place not designated for such vessel shall be moved as directed by the Harbormaster.~~ In the designation of mooring areas and anchorage areas, consideration shall be given to the needs of commerce, the utilization of the turning basins, the use of channels for navigation, and the economy of space. ~~No vessels shall be moored or anchored in any part of any turning basin or channel unless secured both fore and aft except as provided in subsection (H) of this section. Every vessel moored or anchored in any part of the harbor outside of any turning basin or channel shall be so moored or anchored as to prevent such vessel from swinging or drifting into any turning basin or channel.~~

1. No person owning, leasing, occupying, or having charge or possession of any vessel shall:
 - a. Berth or anchor the same in Newport Harbor except within the designated areas; or
 - b. Anchor a vessel in any of Newport Harbor's designated public anchorage areas or at any location on the open waters of the Pacific Ocean within five hundred (500) yards of a designated protected swimming area for a cumulative period of time that exceeds seventy-two (72) hours within any thirty (30) calendar day period. The Harbormaster may authorize, in writing, an extension to the seventy-two (72) hour time limit if the Harbormaster determines that given the particular circumstances an extension of time is reasonable and warranted.
2. Any vessel which is berthed, moored or anchored at a place in Newport Harbor not designated for such vessel shall be moved as directed by the Harbormaster. ~~In the designation of mooring areas and anchorage areas in Newport Harbor, consideration shall be given to the needs of commerce, the utilization of turning basins, the use of channels for navigation, and the economy of space.~~
3. Mooring permittees shall, at their expense, move their vessels or relocate to another mooring when deemed necessary by the Public Works Director and/or Harbormaster to address vessels drifting from their assigned mooring locations or to address safety or navigational concerns. Offshore mooring permittees who are assigned to mooring rows with established lengths that are greater than the permittees' mooring lengths by at least five feet shall be subject to relocation for the purpose of accommodating mooring extension requests under Section 17.60.040(M), with the costs to be borne by the requestor of the extension. The costs of moving vessels or relocating to the reassigned mooring shall include the costs of moving the mooring equipment.

B. Application of Chapter. The terms of this chapter, as they relate to moorings and buoys, shall apply to "on-shore moorings" which are moorings located landward of the pierhead line and to "offshore moorings" which are located bayward of the pierhead line, with equal force and effect.

C. Berthing.

1. Boats berthed at private or public piers shall not extend beyond the prolongation of the side property lines of the property or properties to which the pier is connected in accordance with Section 17.35.020.
2. Any boat berthed at a pier or slip shall not extend bayward beyond the end of the pier or slip by a distance of more than the maximum width of its beam. Between Bulkhead Station 256, beginning at Collins Avenue to Bulkhead Station 255, boats moored at a pier or slip shall not extend more than fifteen (15) feet bayward beyond the end of the pier or slip or more than the width of the beam of the boat, whichever is less.

D. Permit Required. No person shall place, erect, construct or maintain a pier mooring or buoy in the waters of Newport Harbor over City-owned or controlled tidelands without first having obtained a permit pursuant to this title.

E. Unauthorized Use of Mooring. No person shall use a mooring unless he or she holds a current and valid permit except with the permission of the Harbormaster for temporary use, as herein provided.

F. Mooring System Chains and Fastenings.

1. No person shall erect, construct or maintain any mooring in Newport Harbor unless all chains and fastenings are of sufficient size to stand a breaking strain of at least six times the weight of the mooring.

2. All mooring lines on buoys shall be so arranged that, when dropped, they will immediately sink. ~~With a double mooring, however, it shall be permissible~~ It shall not be a violation of this subsection for a double mooring to connect two mooring anchor lines or buoys with a spreader line having floats attached thereto to keep such spreader line afloat when the mooring is unoccupied.

3. With the approval of the Harbormaster, mooring permittees may use a single buoy system for a two-point mooring by use of a sand line, defined as a line from one anchor line to the opposing anchor line and that is properly weighted to immediately sink when dropped. The mooring permittee shall submit a mooring modification request to the Harbormaster with details of the modification, including diagrams, if requested. The Harbormaster may approve or conditionally approve the request if the Harbormaster determines that the modification will not result in any safety or navigational concerns.

G. Buoy Markings. Mooring buoys shall be painted with the number allocated thereto by the Harbormaster to the mooring, the numeral(s) of which shall be at least three inches in height.

H. Mooring, Anchoring and Vessel Condition Requirements.

1. ~~Mooring Anchoring~~ Anchoring and Mooring. All vessels anchored on the open waters of the Pacific Ocean or in the designated anchorage area in Newport Harbor shall be anchored in such a manner so that the vessel does not come in contact with another vessel or structure. Vessels anchored in the designated anchorage area in Newport Harbor shall also not extend beyond the demarcation line of the designated anchorage area. All vessels using moorings in Newport Harbor shall be firmly anchored to a mooring from bow and stern in such a manner as to prevent the vessel from swinging, turning or drifting in a way that interferes with or impedes safe navigation around the moored vessel, except in areas

designated by the Harbormaster as single mooring areas. Vessels in single mooring areas shall be tied from the bow. Double or two-point moorings that are equipped with two mooring buoys for mooring to both bow and stern are required to have at all times (a) a vessel properly tied to both mooring buoys or (b) a spreader line secured and connected to both buoys. The spreader line shall be kept clean of algae and other marine growth to ensure it remains easily visible. The maximum permitted mooring lengths shall not exceed the established length of their mooring rows. No portion of a moored vessel or any object attached to the vessel may extend into the mooring field fairways. ~~All vessels anchored in Newport Harbor in the designated anchorage area shall be anchored in such a manner so that the vessel does not come in contact with another vessel or structure and does not extend beyond the demarcation line of the designated anchorage area.~~

2. Vessel Condition. Safety, Seaworthiness and Operability. Vessels assigned to a mooring by permit must be maintained in a safe, seaworthy and operable condition. If, based upon the appearance of the vessel, inspection by the City or other facts, the Harbormaster has cause to believe a vessel is not safe, seaworthy and operable, the Harbormaster shall give written notice to the permittee, in accordance with the service requirements of Section 1.05.030, requesting a demonstration that the vessel is safe, seaworthy and operable. The permittee shall, upon written notice specifying the date and time, demonstrate to the Harbormaster that the vessel assigned to the mooring is safe, seaworthy or operable. In the event that the Harbormaster determines that vessel is not safe, seaworthy or operable, the permittee shall:

- a. Commence repairs within thirty (30) calendar days upon service of the written notice of such determination and complete repairs within ninety (90) calendar days of the commencement unless the Harbormaster, upon written request from the permittee specifying the reasons therefor, approves an extension of time to complete the repairs; or
- b. Remove the vessel within thirty (30) calendar days of service of the written notice of such determination and request assignment of a different vessel that is safe, seaworthy and operable to the mooring within sixty (60) calendar days after the removal of the vessel. This section is not intended to apply to any brief period of repair common to most vessels. The Harbormaster may repeat his or her request to test operability and seaworthiness as needed.

3. Vessel Condition—Public Nuisance. No person owning, leasing, occupying or having charge or possession of any vessel shall maintain, permit, cause or allow to exist on such vessel any of the following conditions:

- a. Promotion of a fire hazard, including, but not limited to, improper open fuel storage, deficiencies in the vessel's fuel storage tanks, inoperable electrical systems, storage of combustible or other flammable material that constitutes a fire hazard to any vessel;
- b. Retention of water that becomes stagnant, unsanitary, or polluted;
- c. Accumulation or storage of rubbish, trash, debris, rubble, containers, or boxes that are visible aboard the vessel or stored inside the vessel in such a way as to make the vessel inoperable for its intended use;

- d. Storage or securing a vessel in such a way that it impedes pedestrian travel on City beaches and tidelands;
- e. Contribution to hazards to public safety or health, such as, but not limited to: propagation of vermin, rats, insects, or unsanitary conditions from the accumulation of fecal materials;
- f. Maintenance in such nonseaworthy condition that the vessel is unsafe, unsightly or poorly maintained, including, but not limited to: broken windows, unsecured doors or hatches, excessive marine growth attached to the vessel, being inoperable for the vessel's intended use, partially destroyed or partially repaired for more than three continuous months, providing access to marine mammals, actively seeping hazardous or toxic material into the surrounding waters, or would present a physical danger to public safety personnel during emergency access;
- g. Operation of its mechanical or electrical systems creates excessive noise, odors, vibrations, fumes, discharges or emissions that constitute an impact on public health or safety;
- h. Violation of the terms and conditions of other use or rental permits as granted by the City;
- i. Allowance of repetitive, boisterous or unruly conduct by the vessel operator or occupants when that conduct:
 - i. Is offensive to a person of ordinary sensibility, and
 - ii. Continues after a written or oral request to terminate the conduct, or
 - iii. Is offensive to a considerable number of people;
- j. Anchorage in an area controlled by the City without adequate anchor(s) rope or chain appropriate for the wind and sea conditions encountered in Newport Bay;
- k. Inability of a vessel on a shore mooring to be self-righting on an incoming tide without flooding the vessel;
- l. Attachment to a mooring in such a way that the vessel regularly drifts or impedes safe navigation in Newport Bay; or
- m. Installation of a marine sanitation device that is not connected directly to an internal holding tank at all times while in Newport Bay.

Violation of this subsection (H) is hereby declared to be a public nuisance. In the event that the City determines that a vessel is a public nuisance, the City may commence public nuisance abatement as provided in this title.

4. If, based upon the appearance of the vessel, inspection by the City or Harbormaster or other facts, the Harbormaster determines that a sea lion has boarded a moored vessel, the Harbormaster shall issue and serve a notice of violation in accordance with Section 1.05.030 and the permittee shall take any and all necessary action to employ and maintain appropriate measures to deter sea lions from boarding the vessel within seven calendar

days of the notice of violation. If the Harbormaster determines that appropriate deterrent measures have not been taken within seven calendar days of the notice of violation, the Harbormaster may issue an administrative citation or take any other enforcement action authorized by this Code. In the event the Harbormaster issues an administrative citation, the permittee shall:

- a. Take any and all necessary action to employ and maintain appropriate sea lion deterrent measures; or
- b. Remove the vessel from Newport Harbor.

“Appropriate deterrent measures” shall be defined as the latest methodology permitted by National Marine Fisheries Service to minimize sea lion boarding of vessels assigned to a mooring. If the City is unable to reach the permittee within the seven calendar days, the Harbormaster may install temporary deterrent measures as needed and recover the City’s cost of compliance.

I. Maintenance. All moorings shall be kept in good and serviceable condition in the location assigned by the Harbormaster. Mooring permittees shall be responsible for the maintenance, repair, and replacement of mooring system components, including but not limited to chains, shackles, anchor, weights, lines, buoys, and all other gear and equipment used in securing their vessels to the mooring. This subsection shall not apply to City-installed anchors for use as shared moorings, which shall be maintained, repaired, and replaced by the City.

J. Specifications. Additional ~~§~~ specifications for the size of chains required on moorings, ~~and weights of moorings, and other mooring equipment~~ shall be ~~adopted by resolution of the City Council~~ established by the Harbor Commission.

K. Inspection of Moorings. Each mooring shall be lifted by the owner for inspection by the Harbormaster at least once every two years and shall be repaired, as necessary, so as to be in good condition before being replaced; provided, that the Harbormaster may require any mooring to be lifted at any time when deemed necessary to assure it is in good condition. If the permittee has such lifting performed by a marine contractor, then the Harbormaster may authorize such contractor to inspect the mooring on behalf of the Harbormaster and certify the results to the Harbormaster in writing. The permittee shall pay the costs of any inspection performed by a contractor on behalf of the Harbormaster.

L. Rental Not Permitted. Except as authorized in Section 17.60.040(B)(1)(a), no mooring may be leased or rented by the permittee to another person except with the written permission of the Harbormaster.

M. Administration. The Harbormaster shall administer all provisions in this section.