

City Council Ordinances pertaining to the establishment, maintenance and expansion of the Waterway Maintenance District.

Document #	Date	Type of Document	Summary/Description
595	1/27/1959	Ordinance	Annexing territory "Annexation 58-1(Mandalay sub-division, Et Al.) Establishing temporary interim zoning: providing for taxation and withdrawing said property from Ventura county fire protection district.
695	4/14/1961	Ordinance	Changes in zoning boundaries pertaining to lots 23 through 31, inclusive, of block 143 of Mandalay unit no. 1 (13 mr 58)
731	11/28/1961	Ordinance	Annexing "Annexation 61-10A (Southern California Edison);" establishing temporary interim zoning; and providing taxation thereof.
1005	3/22/1966	Ordinance	Adding Division 3A of Article II, Chapter 34 of the Oxnard City Code to provide R-W-1 Single family, water oriented Zone
1006	3/15/1966	Ordinance	Anexing "Anexation 65-17A(RAU Bahia Las Brisas)"; establishing interim zoning and providing for the taxation thereof.
1233	8/26/1969	Ordinance	Adding Division 3.2 article II, Chapter 34 of the oxnard city code to provide the R-W-2 Townhouse, water oriented zone.
1385	11/23/1971	Ordinance	Defining the inland waterway, regulating navigation and activities thereon, proscribing certain conduct; and providing for enforcement.
1777	9/18/1979	Ordinance	(Interim) Amending certain development standards of the R-W-1 Zone
1937	8/24/1982	Ordinance	Establishing regulations for inland waterway.
2484	2/2/1999	Ordinance	Repealing, amending and adding certain provisions relating to the inland waterway.

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2484

ORDINANCE REPEALING, AMENDING, AND
ADDING CERTAIN PROVISIONS RELATING
TO THE INLAND WATERWAY

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Chapter 18.1, Articles I, II, III and IV, Sections 18.1-1 through 18.1-22, inclusive, of the Oxnard City Code are hereby repealed.

Part 2. Chapter 18.1, Articles I, II, and III, Sections 18.1-1 through 18.1-25, inclusive, of the Oxnard City Code are hereby amended and added as follows:

Chapter 18.1
INLAND WATERWAY

ARTICLE I. IN GENERAL

Sec. 18.1-1. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) Commercial activities. Operations or businesses involving chartered sports fishing, commercial transport, commercial fishing, vessel or engine repair, vessel salvage, vessel rental, vessel sales, vessel schools, and other commercial uses of a vessel except for on-site minor vessel maintenance, repairs, or emergency services when the work or service is performed at the vessel's moorage.

(B) Easement area. The water area immediately adjacent to land bordering the inland waterway which has been reserved by deed and tract map as a private easement for the adjacent land.

(C) Float. A floating moorage, dock or structure intended to be used for tying fast or mooring a vessel which has been approved by the city.

(D) Harbor. The Channel Islands Harbor of Ventura County

(E) Inland waterway. The network of artificial watercourses comprised of two principal channels interconnecting a diffused system of canals, and which is confluent to the harbor, extends therefrom in a northerly direction, and lies within the property circumscribed by

Wooley Road, Victoria Avenue, Channel Islands and Harbor Boulevards.

(F) Live aboard. To reside on a vessel that is moored in the inland waterway between the hours of 2:00 a.m. and 4:00 a.m. unless a person is actively engaged in making the vessel ready for leaving its moorage that same day.

(G) Owner. The holder of the primary possessory interest in a vessel.

(H) Paddlecraft. A raft, surfboard, kayak, canoe, inner-tube or other nondescript watercraft propelled solely by paddles or oars.

(I) Refuse. Any discard or waste matter including garbage, sewage, offal and carcasses.

(J) Seaworthy. Except for paddlecraft, a vessel which is (1) currently registered by the State of California or is currently United States documented, (2) capable of immediate movement with installed power if a power boat or under auxiliary power if a sail boat, and (3) for vessels equipped with automatic bilge pump, the installed bilge pump and battery are fully operational.

(K) Stray vessel. An abandoned vessel, a vessel the owner of which is unknown, and/or a vessel moored without the dockowner's permission.

(L) Vessel. A watercraft of any description.

Sec. 18.1-2. Seaworthiness required.

The owner shall not permit a vessel to be launched, moored or used upon the inland waterway unless the vessel is in a seaworthy condition and either bears a decal showing current registration of the vessel by the State of California or is a currently United States documented vessel.

Sec. 18.1-3. Public way; watercourse identification.

(A) The navigational course of the inland waterway is declared to be a public way for the purpose of navigation. The water and surface of each canal and channel of the inland waterway are divided into three constituent parts: two easement areas extending medially from the banks of the canal or channel which bound and delimit a central passage or navigational course for vessels underway.

(B) The city shall identify by name, color or device each watercourse of the inland waterway.

(C) Every developed property which is adjacent to the inland waterway shall display the numerical address of the property in a place and a format approved by the city.

Sec. 18.1-4. City manager's powers.

The City Manager or designee ("manager") is granted full authority to enforce the provisions of this chapter and is vested with those powers reasonably necessary to perform the function.

Sec. 18.1-5 Public access; permits for special events.

(A) The manager shall not restrict reasonable public access to the inland waterway or the public enjoyment thereof for navigational purposes.

(B) No group of persons, or business, political or social organization, shall parade or conduct a special event or activity requiring group participation within the inland waterway without first obtaining a permit from the manager.

Sec. 18.1-6. Marking, removing sunken vessels.

The owner of a wrecked or sunken vessel within the inland waterway shall immediately mark the vessel with a lighted buoy, shall immediately report the location of the wrecked or sunken vessel to the City's fire department, and shall maintain the lighted mark until the vessel is removed from the inland waterway. The owner shall promptly effect removal of the vessel. The failure of the owner to do so within 72 hours shall be considered abandonment of the vessel.

Sec. 18.1-7. Responsibility of owner.

(A) The owner is responsible for the conduct of persons aboard the vessel while the vessel is moored or operated upon the inland waterway.

(B) The owner shall not permit the vessel to be operated upon the inland waterway without a competent person in command.

ARTICLE II. REGULATION OF VESSELS

Sec. 18.1-8. Operation of vessels.

No person in command of a vessel upon the inland waterway shall operate the vessel, or permit its operation or moorage:

- (A) At a speed greater than five nautical miles an hour;
- (B) At a speed which result in a wake which causes damage to or is unsafe to persons, vessels underway, moored vessels, docks, or other property, public or private;
- (C) In a manner that obstructs or endangers moorage or navigation;
- (D) Near the sea wall bulkheads in such a manner as the vessel's propeller wash causes damage to the bulkhead;
- (E) With the stern of a motorized vessel moored towards the sea wall bulkhead; or
- (F) With any portion of the vessel extending into the public right of way or an adjacent private easement without the written permission of the owner of such adjacent private easement.

Sec. 18.1-9. Living aboard and discharge of refuse prohibited.

No person shall:

- (A) Live aboard a vessel moored in the inland waterway;
- (B) Discharge the contents of a vessel's galley, toilet fixtures, or fuel tanks into the inland waterway; or
- (C) Abandon or deposit refuse, fuel, oil, or lubricants into the inland waterway or on any property, public or private, adjacent to the inland waterway.

Sec. 18.1-10. Moorage; abandonment of vessels; obstruction.

No person shall :

- (A) Leave a vessel unattended in the inland waterway unless the vessel is made fast to a float approved by the manager;
- (B) Moor or tie-off a vessel to another vessel or in a manner which causes the vessel to extend into the public right of way or an adjacent private easement without the written permission of the owner of such private easement;
- (C) Moor or tie-off a vessel in the inland waterway without written permission of the owner or person in possession of the float; or
- (D) Abandon a vessel, whether afloat, aground or sunken, upon the inland waterway.

Sec. 18.1-11. Disposition of abandoned, stray, grounded or sunken vessels.

Any stray, abandoned, grounded or sunken vessel, and any unauthorized float or other obstruction, upon the inland waterway shall be subject to removal, storage, sale or destruction by the manager at the expense of the owner or other person entitled to possession.

Sec. 18.1-12. Use of inflammables on moored vessel.

No person shall:

(A) Use a spray gun for any purpose except spraying water, or use a torch for welding or burning, upon a float or aboard a vessel moored thereto in the inland waterway;

(B) Store any cloth subjected to solvent, oil or paint, or store any highly flammable substance, upon a float or aboard a vessel moored thereto in the inland waterway; provided, however, paint products and motor fuel may be stored in closed, airtight metal containers or in tanks produced commercially for the specific purpose; or

(C) Burn paint, or use or permit an open fire for any purpose, upon a float or aboard a vessel moored thereto in the inland waterway; provided, however, a hibachi may be used on the open deck of a vessel or float under safe conditions.

ARTICLE III. REGULATION OF CONDUCT

Sec. 18.1-13. Unauthorized boarding or tampering with vessels.

No person shall board a vessel moored in the inland waterway, or damage, remove or tamper with any part thereof, without the consent of the owner.

Sec. 18.1-14. Commercial activity; moorage of commercial vessel; dock rental.

(A) Commercial activities. No person shall advertise or conduct any commercial activities in any residential zone in or adjacent to the inland waterway. This prohibition includes residences, lots, ramps and docks adjacent to the land.

(B) Moorage of commercial vessels. Except for vessels making temporary service calls, no vessel used for commercial activities or a vessel being prepared for commercial activities shall be moored in the inland waterway unless a limited commercial moorage permit is obtained from the manager. A commercially licensed or registered vessel is prima facie evidence that the vessel is used for commercial activities.

(C) Dock rentals. The rental of a dock space or moorage for more than one vessel for each residence or lot is deemed to constitute commercial activity and is not permitted in the

inland waterway.

Sec. 18.1-15. Limited commercial moorage permit.

(A) A limited commercial moorage permit may be obtained from the manager. The permit authorizes a commercially registered vessel to moor in the residential zones of the inland waterway, provided that the owner or one of the owners who has at least 51% interest in the vessel, is a resident of the dwelling unit associated with or adjacent to the mooring.

(B) The limited permit shall not be issued by the manager if any of the following activities are then occurring and may be rescinded by the manager if any of the following activities occur after permit issuance:

(1) Frequent or extensive repairs are made to the engine, equipment, gear or fishing paraphernalia of a vessel indicating that the vessel is being used for substantial commercial activities;

(2) A generator or other auxiliary motor is operated between 9:00 p.m. and 7:00 a.m. or for more than two hours between the hours of 7:00 a.m. to 9:00 p.m.;

(3) Excessive noise arises from the operation of the vessel's engines or from any other activity on or close to the vessel which interferes with the quiet enjoyment of residents in the area;

(4) Any person lives on board or stays overnight on the vessel;

(5) The vessel is used for transporting persons, equipment or supplies to oil platforms; or

(6) The vessel is used for commercial activities more than 12 days, or portions of a day, during any 12 month period.

Sec. 18.1-16. Docking permit required; issuance; prohibited activities.

(A) Docking permit required. No vessel shall be docked adjacent to a vacant lot within the inland waterway unless a valid docking permit is obtained from the manager.

(B) Issuance of docking permit. Upon receipt of an application for a docking permit, the manager shall issue the docking permit if the provisions of subsection (C) of this section are satisfied.

(C) Purpose of docking permit. The purpose of the docking permit is to allow a vessel to be docked adjacent to a vacant lot without jeopardizing the single-family residential

nature of the inland waterway. The following standards shall apply to the issuance and continued validity of a docking permit:

(1) No vessel over 50 feet in length shall be eligible for a docking permit.

(2) A docking permit will only be issued:

(a) To the owner of a vacant lot; or

(b) To anyone having the written permission of such an owner to dock a vessel adjacent to the vacant lot.

(3) A docking permit may only confer benefits to the individual permittee. The docking permit is not a covenant running with the land and shall not be construed to confer any benefits to heirs, successors or assigns of the permittee.

(D) Prohibited activities. The following activities are prohibited in connection with the docking of a vessel adjacent to a vacant lot in the inland waterway:

(1) Performing major alterations, repairs or maintenance on a vessel, or its engines, or equipment;

(2) Creating excessive noise, whether by operation of a vessel's engines or from any other activity on or close to the vessel or lot;

(3) Storing engine parts, equipment, material, or any other paraphernalia, on the dock;

(4) Modifying the dock or lot;

(5) Parking automobiles, trucks, trailers, or other vehicles or storing anything whatsoever, on the adjacent vacant lot;

(6) Using the adjacent vacant lot in any way not expressly authorized by the zoning ordinance; or

(7) Creating a nuisance or causing any of the following to occur in an offensive or objectionable manner and to a greater extent than is customary in a residential area:

(a) Noise;

(b) Lights;

- (c) Vibrations;
- (d) Smoke;
- (e) Odor;
- (f) Glare;
- (g) Dust or dirt;
- (h) Electrical interference;
- (i) Pedestrian traffic;
- (j) Vehicular traffic; or
- (k) Television or radio interference.

Sec. 18.1-17. Revocation of permits.

Any violation of this chapter shall be cause for revocation of any permit by the manager after the permittee has an opportunity for a hearing.

Sec. 18.1-18. Request for public hearing.

A. A request for hearing shall be filed with the city clerk. Upon receiving a request for hearing, the city clerk shall send the request to the hearing officer. The hearing officer shall promptly schedule and conduct a hearing.

B. The hearing officer shall mail the notice of the hearing at least 10 days before the hearing to interested persons.

C. If a timely request for hearing is not received the manager shall have the authority to revoke the permit without holding a public hearing.

Sec. 18.1-19. Hearing procedures.

A. All hearings shall be open to the public.

B. The hearing officer shall conduct the hearing in an informal fashion and shall not be bound by the technical rules of evidence.

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Sec. 18.1-20. Decision.

Within 14 days of the conclusion of the hearing, the hearing officer shall issue and mail to interested persons a written decision containing a statement of the reasons on which the decision is based. The hearing officer shall serve a copy of such decision on the manager. The decision of the hearing officer shall be final and shall exhaust available administrative remedies.

Sec. 18.1-21. Judicial Action.

Any person may seek judicial review of the decision of the hearing officer within the time and in the manner provided by Code of Civil Procedure section 1094.5.

Sec. 18.1-22. Fishing restricted.

No person shall fish, cast, or permit fishing gear to extend within the navigational course of the inland waterway.

Sec. 18.1-23. Construction of floats and structures; dredging.

No person shall build or alter a float, a seawall or a structure of any kind, within the inland waterway without obtaining a permit from the manager for the design, location, and construction thereof, nor shall any person excavate or dredge, within the inland waterway without first obtaining a permit for the purpose from the manager.

Sec. 18.1-24. Storage on floats and seawalls.

No person shall store on a float or seawall any lumber, junk, trash, salvage materials or debris, or abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment. For the purpose of this section, the term "debris" shall include unused or discarded matter and material having no substantial market value, including (without limitation or exclusion by enumeration) such matter and material as: rubbish, refuse, and matter of any kind including but not limited to rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and other pieces of metal, ferrous or nonferrous, furniture or parts thereof, abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, trimmings from plants or trees, cans, bottles, and barrels.

Sec. 18.1-25. Prohibited Activities. The following activities are prohibited in connection with the docking of a vessel adjacent to a developed lot in the inland waterway:

(A) Performing major alterations, repairs or maintenance on a vessel, or its engines, or equipment;

(B) Creating excessive noise, whether by operation of a vessel's engines or from any other activity on or close to the vessel or lot;

(C) Storing engine parts, equipment, material, or any other paraphernalia, on the dock;

(D) Creating a nuisance or causing any of the following to occur in an offensive or objectionable manner and to a greater extent than is customary in a residential area:

(1) Noise;

(2) Lights;

(3) Vibrations;

(4) Smoke;

(5) Odor;

(6) Glare;

(7) Dust or dirt;

(8) Electrical interference; or

(9) Television or radio interference.

Sec. 18.1-26. Permit fees.

The fees for any permit required by this chapter shall be established by resolution of the City Council.

Part 3. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation in the City. Ordinance No. 2484 was first read on January 26, 1999 and finally adopted on February 2, 1999 to become effective thirty days thereafter.

AYES: Councilmembers Lopez, Maulhardt, Pinkard, Zaragoza, Holden.

NOES: None.

ABSENT: None.



Dr. Manuel M. Lopez, Mayor