

CHAPTER 18

BOATING AND WATERCOURSES

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ARTICLE I. BOATING AND WATERWAYS

Sec. 18-10. Definitions

Unless the context otherwise requires, the words and phrases used in this article have the meanings given them in Division 3, Chapter 5 (section 650 et seq.) of the California Harbors and Navigation Code. The following words have the following meanings for purposes of this division:

(a) **“Floating home”** or **“floating structure”** means a structure that has the following characteristics:

(1) It is a stationary structure in, on, or above the water that is:

(A) Permanently grounded; or

(B) Supported by a floatation system and held in place by piling or mooring devices; or

(C) Placed on or otherwise affixed to a foundation, dock, piling, walkway, gangway, pier, barge, or other permanent structure.

(2) It is incapable of being used for self-propelled navigation.

(3) It is designed and built to be used, or is modified to be used, or is used, to serve purposes or provide services typically associated with a structure on or other improvement to real property. The term “floating home” or “floating structure” includes a structure that is used as a residence, place of business or office with public access, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, or similar facility or represented as such. Incidental or limited movement of a structure upon water or resting partially or entirely on the bottom does not preclude the structure from being classified as a floating home or floating structure for purposes of this Code. Registration of a structure as a vessel with the California Department of Motor Vehicles does not preclude the structure from being classified as a floating home or floating structure for purposes of this Code. A houseboat or liveaboard that is permanently moored or grounded and is incapable of self-propelled navigation is a floating home for purposes of this Code. Floating homes and floating structures are expressly excluded from the definition of the term “vessel” provided in this section.

(b) “**Garbage**” has the meaning set forth in Health and Safety Code section 117475, or its successor.

(c) “**Houseboat**” means a liveaboard that has either a pontoon or flat-bottomed hull configuration, and has a permanent enclosed superstructure with sleeping and cooking facilities.

(d) “**Liveaboard**” means any vessel, supported by means of floatation and capable of being used for self-propelled navigation, that is used or designed to be used or fitted out to be used for human habitation.

(e) “**Moor**” means to make fast, tie up, or otherwise secure a vessel other than by anchoring. “Moor” includes to attach to a dock, pilings, walkway, gangway, pier, or other structure or to tie up to any natural object or feature.

(f) “**Sewage**” has the meaning set forth in Harbors and Navigation Code section 775.5(d), or its successor.

(g) “**Shore**” means that part of the land in immediate contact with a waterway, including the area between high-tide and low tide marks or between high-water or low-water marks.

(h) **“To anchor”** means to secure a vessel within a waterway by dropping an anchor, anchors, or other ground tackle to the bottom of the waterway.

(i) **“Vessel”** means every description of watercraft used or capable of being used as a means of transportation on the water, except: a seaplane on the water; 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. A “vessel” includes a barge, a dredge, a towboat and its tow, a houseboat, and a liveaboard.

(j) **“Waterway”** means any water, river, creek, canal, lagoon, bay, inlet, slough, channel, or tributary situated within the county, or any water area situated within the county providing access for vessels from one place to another.

(Ord. No. 821; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-11 Speed designated

The areas designated in this article and in Harbors and Navigation Code section 655.2 are speed zones. No person shall operate any vessel, or permit to be operated, in a speed zone at a speed in excess of five miles per hour.

(Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-12 Wakes

No person shall operate any vessel, or permit to be operated, in a speed zone in such a manner that the vessel's speed creates a wake that causes or raises a white crest from the moving vessel or causes a wake in excess of six inches in height.

(Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-13 Prohibitions

(a) No person owning, possessing, or in charge of any vessel shall permit the vessel to be operated or located in violation of this division.

(b) All houseboats and liveaboards are subject to all applicable provisions of this article and to all other applicable provisions of this Code and state and federal law.

(c) A floating home or floating structure is not allowed at any location in the County unless it meets all applicable zoning, building, health, sanitation, and other applicable provision of this Code, and meets all applicable provisions of the state and federal law.

(Ord. No. 564, §§1 to 3; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-14 Speed zones

No person shall operate any motorboat or other motor-powered vessel at a speed in excess of five miles per hour in the following areas:

- (a) Steamboat Slough: from eight hundred feet north to eight hundred feet south of the cable ferry crossing at Howard Landing, State Route 220.
- (b) Snug Harbor: at the southernmost mouth of what is commonly known as Back Harbor, proceed north for 6/10 miles, and end at the area where Snug Harbor intersects with East Ryer Island Road.
- (c) Belden's Landing: within two hundred feet of the dock.
- (d) Suisun Slough: from the City of Suisun/County of Solano boundary line to two hundred fifty yards south of the line.

(Ord. No. 160, §6; Ord. No. 821; Ord. No. 1406, §1; Ord. No. 1690, §2; Ord. No. 1701, §1)

Sec. 18-15 Vessel removal

- (a) If the Sheriff determines a vessel is moored or anchored in violation of this article, the Sheriff may issue a Notice to Remove. The notice will provide a date by which the vessel's owner must remove the vessel from the waterway.
- (b) If the vessel's owner does not remove the vessel or cause the vessel to be removed after receiving a Notice to Remove, the Sheriff may remove and store the vessel. The vessel may be redeemed upon proof of ownership and payment of all costs incident to recovery, movement, impounding, and storage, or may be disposed of in accordance with this Code.

(Ord. No. 423, §§1, 2; Ord. No. 1145, §1; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-16 Vessel disposition

- (a) A vessel removed and stored by the Sheriff may be disposed of in accordance with the provisions of the Boaters Lien Law (Harbors and Navigation Code section 500 et seq., or their successor). The owner of the vessel will be civilly liable to the County for all costs, fees, damages and expenses incurred by the County in removing, storing and selling the vessel. These costs are a lien upon the vessel and the proceeds of the sale.
- (b) Wrecked and abandoned vessels are subject to disposal in accordance with Harbors and Navigation Code section 510 et seq., or their successor.

(Ord. No. 1406, §2; Ord. No. 1690, §2)

Sec. 18-17 Sanitation and pollution

No person shall do any of the following:

- (a) Place, deposit or dump any garbage on or adjacent to the bulkheads, docks, piers, gangways, or wharves of any waterway where the material is likely to be washed or otherwise deposited into a waterway by tides, floods, storms, waves, or accidental displacement.
- (b) Cause any mooring line, water hose, electrical cable or other service line to extend across a dock, pier, or gangway so as to create a hazardous condition that could cause accident or injury or cause any obstacles such as ladders, tools, canvas, vessels, boat gear, or other materials or equipment to obstruct free passage along any dock, pier, or gangway or create any other hazardous condition on a dock, pier, or gangway that could cause accident or injury.
- (c) Leave or store on any dock, pier, gangway, or wharf of a waterway any empty tanks or containers previously used for flammable or combustible liquids, unless free from explosive vapors, except that empty safety containers may be kept in storage.

(Ord. No. 416, §1; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-18 Sunken vessels

- (a) Whenever a vessel is sunk in a waterway, the owner must mark the vessel immediately with a buoy or daymark during the day and with a light at night, in accordance with 33 Code of Federal Regulations part 64, or its successor. The marking must be maintained until the sunken vessel or obstruction is removed. Removal of the vessel must commence immediately and be completed in a timely manner. The owner must immediately notify the Sheriff of the sunken vessel and provide all other notifications required by law.
- (b) A vessel that is not properly marked, or a vessel where removal does not commence immediately and is not completed in a timely manner, is subject to removal, storage, and disposal in accordance with sections 15 and 16.

(Ord. No. 670, §§1 to 3; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-19 Mooring regulations

- (a) Except as otherwise permitted by this chapter, no vessel shall be moored, anchored, grounded, placed, or otherwise located in any waterway for a period exceeding 96 hours.
- (b) A vessel, other than a houseboat or liveaboard, may be moored in any waterway in excess of 96 hours if it is adjacent to or used in accordance with a properly zoned, licensed and bonded industrial or commercial business.

(c) A vessel, other than a houseboat or liveaboard, may be moored at the following locations to the extent permitted by law:

- (1) A permitted dock.
- (2) A permitted marina provided the vessel is moored in compliance with all applicable permit conditions imposed on the marina.

(Ord. No. 671, §§1 to 4; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-20 Houseboats and liveaboards

(a) A houseboat or liveaboard may be moored in a permitted marina if all of the following requirements are met:

- (1) The houseboat or liveaboard is equipped with one of the following:
 - (A) An operable Coast Guard certified marine sanitation device.
 - (B) A self-contained portable toilet or other on-board portable sewage reception system that prevents the overboard discharge of treated or untreated excrement, sewage, or other waste matter or contaminant of any kind.
 - (C) A legal connection to a permitted public sewer system.
- (2) The houseboat or liveaboard is capable of self-propelled navigation
- (3) The houseboat or liveaboard is moored in compliance with all applicable permit conditions imposed on the marina.
- (4) The houseboat or liveaboard is moored in compliance with all applicable federal and state laws.

(b) A houseboat or liveaboard may be moored at a permitted dock to the extent permitted by law if all the following requirements are met:

- (1) The houseboat or liveaboard is equipped with one of the following:
 - (A) An operable Coast Guard certified marine sanitation device.
 - (B) A self-contained portable toilet or other on-board portable sewage reception system that prevents the overboard discharge of treated or untreated excrement, sewage, or other waste matter or contaminant of any kind.
 - (C) A legal connection to a permitted public sewer system.
- (2) The houseboat or liveaboard is capable of self-propelled navigation

(3) The houseboat or liveaboard is moored in compliance with all applicable permit conditions imposed on the marina.

(4) The houseboat or liveaboard is moored in compliance with all applicable federal and state laws.

(c) A houseboat or liveaboard may be anchored in a waterway for up to 30 consecutive days if all the following requirements are met:

(1) The houseboat or liveaboard is equipped with one of the following:

(A) An operable Coast Guard certified marine sanitation device.

(B) A self-contained portable toilet or other on-board portable sewage reception system that prevents the overboard discharge of treated or untreated excrement, sewage, or other waste matter or contaminant of any kind.

(C) A legal connection to a permitted public sewer system.

(1) The houseboat or liveaboard is capable of self-propelled navigation

(2) The houseboat or liveaboard is moored in compliance with all applicable permit conditions imposed on the marina.

(3) The houseboat or liveaboard is moored in compliance with all applicable federal and state laws.

(d) No person shall cause or allow a vessel to be moored to his or her property in violation of this section.

(Ord. No. 160, §§3, 4, 5, 8; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-21 Services

No person shall furnish or supply electrical service, natural gas or fresh water, or provide a sewer connection, to any vessel moored in violation of this article.

(Ord. No. 160, §1; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-22 Equipment

(a) Any vessel moored or anchored shall be moored or anchored in such a manner to prevent breakaway resulting in sanitation damage or pollution.

(b) Mooring lines at docks and marinas shall be installed in a manner that will maintain a moored vessel within its berth and prevent the vessel from posing a safety hazard to the berth or to adjoining vessels.

(Ord. No. 168, §2; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-23 Peace officers exempted

This article does not apply to any vessel being used by a peace officer or any federal, state or local agency while engaged in law enforcement activities for which the use of a motorboat is reasonably necessary, or vessels operated by the state or any of its agencies in the performance of official duties.

(Ord. No. 1314, §1; Ord. No. 1406, §1)

Sec. 18-24 Enforcement

(a) The County may enforce this article by any remedy allowed under this Code or any other remedy allowed by law, except that violations of federal or state law incorporated into this article shall be enforced as provided for under the applicable law.

(b) The Sheriff is authorized to enforce this division.

(c) Whenever this chapter grants a power to the Sheriff, the power may be exercised by a deputy of the Sheriff or by a person authorized by law, unless otherwise provided.

(d) All notices and decisions issued by the Sheriff pursuant to this division will be transmitted to the registered vessel owner by first class mail and by posting at a conspicuous place on the vessel, or by personal service by the Sheriff.

(Ord. No. 1646, §7; Ord. No. 1690, §2)

Sec. 18-25 Charges

Charges imposed by the County for services under this article, including the recovery, movement, impounding, and storage of vessels, will be in accordance with the Sheriff's Office fee schedule adopted by the Board of Supervisors.

(Ord. No. 1665, §1; (Ord. No. 1690, §2)

Sec. 18-26 Violations

Any violation of this article is an infraction punishable upon a first conviction by a fine of not more than one hundred dollars, and for a second conviction within a period of one year, by a fine not exceeding two hundred dollars, and for a third or any subsequent conviction within a period of one year, by a fine not exceeding five hundred dollars.

(Ord. No. 1690, §2)

ARTICLE II. CANALS

Sec. 18-30 Canals—uses prohibited

(a) For the purposes of this section, the word “canal” means any artificial open watercourse operated and maintained by a public agency within the County used for the transportation of water.

(b) No person shall swim, wade, bathe, play or fish in any canal, or throw, place or cause to be placed in any canal rock, dirt, rubbish or any other material or thing not reasonably necessary to the use, operation or maintenance of such canal.

(c) No person shall enter, be, loiter or play on any canal bank or structure used to control water within the canal; provided that this subsection shall not apply to persons and their duly authorized agents, servants and employees operating, maintaining, repairing or inspecting such canal, engaged in the lawful removal of water or engaged in enforcing the provisions of this section.

(Ord. No. 564, §§ 1 to 3; Ord. No. 1406, §1; Ord. No. 1690, §2)

Sec. 18-31 Violations

Any violation of this article is an infraction punishable upon a first conviction by a fine of not more than one hundred dollars, and for a second conviction within a period of one year, by a fine not exceeding two hundred dollars, and for a third or any subsequent conviction within a period of one year, by a fine not exceeding five hundred dollars.

(Ord. No. 1406, §1; Ord. No. 1690; §2)

(Ord. No. 1145, §1; Ord. No. 1213, §1; Ord. No. 1314, §1; Ord. No. 1349, §1; Ord. No. 1379, §1; Ord. No. 1384, §1; Ord. No. 1406, §1)