

Napa Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES](#)**Chapter 12.60 WATERCRAFT AND HOUSEBOATS**

12.60.010 Purpose and intent.

This chapter is enacted, pursuant to Harbors and Navigation Code Section 660, to provide for and to protect the public health, safety and general welfare by establishing rules and regulations to ensure proper activities by vessels and persons within the waterways situated within the City, to preserve flora and fauna within the City's boundaries, to promote boating safety, and to allow for the peaceful co-existence of those using the Napa River and those living adjacent to the Napa River.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.020 Definitions.

For the purposes of this chapter, the following phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"*Garbage*" includes any or all of the following: garbage, swill, refuse, cans, bottles, papers, vegetable matter, carcasses of dead animals, trash, rubbish, brush, lumber, timber, radioactive material, hazardous or toxic materials, or any other objects or materials not permitted to enter the water.

"*Harbor master*" means a person designated by a homeowners association, neighborhood group or other organization representing an identifiable geographic area recognized by the City, and authorized by the City to register vessels mooring in an identifiable geographic area. A harbor master shall not have the powers of a peace officer. Any organization wishing to designate a harbor master shall assure the City that adequate volunteers exist to provide coverage each day of the year.

"*Houseboat*" means any vessel, boat, watercraft or structure on or in any waterway, floating or non-floating, which is designed to be used without a permanent foundation and is designed or fitted out as a place of habitation and is not principally used for transportation. A houseboat is also known as a floating home and a live-aboard boat.

"*Marina*" means a facility operating under a valid use permit issued pursuant to Title 17 of this code that contains two or more berthing spaces at which vessels may be moored and occupied and which is capable of supplying each moored vessel with an individual electrical connection from a separate circuit and an individual water supply.

"*Moor*" means the fixing or keeping of a vessel in one location, temporarily or permanently, by mooring, anchoring, grounding, or any other means.

"*Occupy*" means living, sleeping, residing, or cooking in a vessel.

"*Person*" includes any person, firm, association, corporation, or any members, agents, or employees of any of the foregoing.

"*Personal watercraft*" means and includes, consistent with federal law, jet skis, watercycles and similar devices.

"*Sewage*" means any and all waste substance, liquid or solid, associated with human habitation, or which contains, or may be contaminated with, human or animal excreta or excrement, offal, or any feculent matter.

"*Transient vessel*" means any vessel temporarily moored or occupied on a waterway within the City for a period of less than four consecutive days and less than ten days in any calendar month.

"*Vessel*" means any watercraft of any type or size used or capable of being used as a means of transportation on water, including but not limited to barges, ferry boats, yachts, or rafts, but not including houseboats.

"*Waterway*" means any water, waterway, lake, river, creek, canal, lagoon, bay, inlet, slough, tributary, or arm of the sea situated within the territorial limits of the City, whether or not the lands lying under the water are privately or publicly owned.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.030 Prohibited acts and activities.

It is unlawful for any person to do any of the following:

- A. To moor or to occupy a houseboat on any waterway within the City;
- B. To discharge or to allow the discharge of untreated sewage into a waterway;
- C. To dump, place, deposit, discharge or throw garbage, or to allow garbage to enter, into a waterway;
- D. To moor or cause or permit another person to moor any vessel without complying with the requirements of this chapter;
- E. To occupy any vessel or to accept money, goods or services in exchange for occupying any vessel, without complying with the requirements of this chapter;
- F. To allow berthing space to be used by any vessel that is not in compliance with this chapter;
- G. To cause or allow a vessel or houseboat, or to cause or allow a vessel or houseboat located on or at a person's property, to be moored or occupied in contravention of this chapter for a period in excess of three days after receipt of a written notice from any authorized employee of the City Police Department or from a peace officer specifying the vessel or houseboat involved, the location of the vessel or houseboat, and the violation;
- H. To furnish or supply or to allow to be furnished or supplied electrical service, telephone service, natural gas or fresh water, or provide a sewer connection, to any vessel or houseboat that does not comply with this chapter;
- I. To obstruct, or cause to be obstructed, the free use of the waterways with any vessel, houseboat, dock or pier, except for the purpose of loading or discharging freight or passengers, or making improvements pursuant to permit or doing necessary work pursuant to permit along the banks or upon such waterways; provided, however, that any such allowable obstruction shall be of a reasonable nature and for a reasonable length of time so as not to interfere with the free use of such waters in the customary manner for the purposes of commerce, transportation or improvements;
- J. To moor, tie to, or attach to, or cause to be moored, tied, or attached, at any point, place or wharf, along the banks of any waterway or any inlets or tributaries thereto within the territorial limits of the City, any vessel when not in use, other than in compliance with this chapter;
- K. To fail to securely and safely moor a vessel, so that mooring lines are of sufficient size and quality to secure the vessel against all anticipated conditions, and so that each vessel is moored to at least two separate cleats or pilings on a proper dock or other mooring location of good condition;
- L. To bring or moor any vessel or houseboat of any kind whatsoever in any waterway within the City which is in such a badly deteriorated condition that it is liable to sink or damage other vessels, houseboats or other property, or which may become a menace to navigation, except in cases of extreme emergency, in which case the owner of the vessel or houseboat will be liable for any damage caused by such vessel or houseboat;

M. To fail to mark the position of any sunken, sinking, swamped or otherwise disabled vessel, houseboat, dock, pier or other similar structure in any waterway;

N. To fail to raise and dispose of any disabled vessel, houseboat, dock, pier or other similar structure from any waterway within three days of first becoming disabled, but this subsection shall not in any manner be construed to permit violation of subsection I of this section;

O. To construct or reconstruct, or cause or permit the construction or reconstruction, of a vessel or houseboat on any waterway within the City;

P. To moor any vessel to any public facility reserved for transient vessels unless the vessel itself is a transient vessel;

Q. To create or maintain, or to allow the creation or maintenance of any noise, except sound signals required by state or federal law and motorboat engines in conformance with Section 654.05 of the Harbors and Navigation Code, on any vessel or houseboat between nine p.m. and seven a.m. of the following day which can be heard on any property zoned or used for residential purposes;

R. To moor or occupy any vessel in a location which is not permitted by Title 17 of this code; or

S. To violate any other laws or regulations applicable to vessels or houseboats that are effective within the territorial limits of the City.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.040 Additional mooring requirements.

A. Any person intending to moor or actually mooring a vessel on the waterways within the City for a period of four or more consecutive days or ten or more days in any calendar month shall register with the City Police Department;

B. In areas where signs indicate, registration with the City Police Department shall be accomplished by registering with a person designated by the City as a harbor master. A harbor master shall have no authority to issue a vessel occupancy permit as required by Section 12.60.050(A);

C. In areas where there are no signs directing persons and their vessels to register with a harbor master, registration with the City Police Department shall be accomplished by the completion of a registration form at the Police Department offices, located at 1539 First Street, Napa;

D. The mooring registration required by this section shall not apply to vessels owned by persons owning or leasing improved property to which the vessels are moored.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.050 Occupancy requirements.

A. A vessel occupancy permit shall be required under the following circumstances:

1. When a vessel is occupied on the waterways within the City for a period of seven or more consecutive days or fifteen or more days in any calendar month, even if not in the same location, or

2. When a vessel is occupied for any length of time if such vessel is moored to a property, or is receiving shoreside utilities or services from a property, to which any number of occupied vessels have been moored or from which shoreside utilities have been received for a total of more than twenty days in any six month period;

B. A vessel occupancy permit shall not be required for any vessel moored in an approved marina;

C. No vessel shall be occupied for more than thirty days in any six month period;

D. No vessel is to be occupied, lived in, slept in or cooked in unless adequate provision is made for the disposal of sewage and garbage;

E. Adequate provision for the disposal of sewage and garbage shall be accomplished by one or more of the following:

1. On-board, self-contained and sealed facilities for the sanitary collection and storage of sewage and garbage and the regular use of an approved shoreside dumping facility, or
2. An on-board sewage treatment system approved by or on behalf of the United States Environmental Protection Agency or United States Coast Guard that meets the applicable federal effluent standards, or
3. The ability and permission to use and the actual use of sanitary shoreside facilities for the collection and storage of sewage and garbage, including permission to enter and/or cross the properties between the vessel and the shoreside facilities;

F. Application for a vessel occupancy permit shall be initiated by the completion of an application form, and by the payment of a nonrefundable fee as established by resolution of the City Council, at the office of the City Police Department, located at 1539 First Street, Napa. The application shall include the following information: name, address and telephone number of the person in charge of the vessel, including an emergency phone number; the names and addresses of the occupants of the vessel; a notation on a parcel map and/or aerial photograph showing the mooring and occupancy location of the vessel; information about how the vessel occupants will take care of their garbage and sewage; how the occupants will get light, heat and fresh water; the specific dates of mooring and occupancy; the manner of access to and from the vessel; and any other information required by this chapter or deemed necessary by the City Police Department to administer this chapter;

G. A vessel occupancy permit shall be granted if all of the following determinations can be made:

1. That adequate provision has been made for the disposal of sewage and garbage,
2. That adequate provision has been made for safely supplying light, heat and fresh water to the vessel,
3. That the vessel will be moored properly and will not obstruct the free use of the waterways,
4. That occupancy of the vessel for which the vessel occupancy permit is requested will not create a hazard to the health, welfare or safety to the occupants thereof or to the community in general,
5. That the owner or person in charge or control of the vessel and the owner of the property to which the vessel is moored consent to the mooring and occupancy of the vessel and have read and understand the requirements of this chapter,
6. That the vessel has a current and valid certificate of ownership, certificate of number and hull identification number as prescribed by the state Department of Motor Vehicles or that the vessel is a Coast Guard documented vessel,
7. That the vessel has a sufficient number of the appropriate type of personal flotation devices, fire extinguishers and anchor lights,
8. That any permanent or temporary electrical connections between the vessel and the shore, and the shoreside electrical equipment and wiring, are installed and used in accordance with the National Fire Protection Association (NFPA) National Fire Codes and particularly NFPA Standard 70, the National Electrical Code, as it applies to wet, damp and hazardous locations,
9. That no flammable liquids be stored or kept in or on the vessel except those which are stored or kept in containers sold or used for that purpose or in appliances that use the liquids, and
10. That the vessel and the mooring and occupancy of the vessel comply with this chapter and with any other laws or regulations applicable to vessels that are effective within the territorial limits of the City;

H. All vessel occupancy permit approvals may be made subject to such conditions as the City deems appropriate to ensure compliance with the provisions of this chapter;

I. The vessel occupancy permit granted by this section shall be posted and maintained upon the vessel at all times while it is moored and occupied in any waterway within the City in such a location that it is visible to a person standing on the nearest accessible shore or dock;

J. Any vessel occupancy permit issued in compliance with this section shall become null and void upon any material change in the conditions shown on the application for such permit, or upon any change in the ownership of the vessel or property to which the vessel is moored, or upon any change in the mooring and occupancy location of the vessel. The approval shall not become null and void due to a change in the mooring and occupancy location if the vessel is absent from the approved mooring and occupancy location for a period of less than twenty- four hours;

K. The chief of police or his or her designee shall have the right to revoke any vessel occupancy permit granted hereunder in the event that it is ascertained that a vessel is moored or occupied, or that an occupant of a vessel has acted or is acting, in violation of any of the provisions of this chapter or of any conditions attached to any vessel occupancy permit. The person authorized to revoke a permit issued under this chapter shall first give written notice of the revocation of any vessel occupancy permit under this chapter by personal or certified mail service on any person causing such use to be continued or by posting the notice on the vessel involved.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.060 Enforcement and inspections.

A. Enforcement of this chapter shall rest with the chief of police. The chief of police may direct any peace officer or other Police Department employee otherwise authorized to enforce City ordinances to enforce the provisions of this chapter. Hereinafter the word "police" shall include any such employees so directed by the chief of police.

B. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the police have reasonable cause to believe that there exists in or on any vessel or houseboat any code violation or any condition which makes such vessel or houseboat unsafe, dangerous or hazardous. The police may enter private property and board and enter all areas of such vessel or houseboat at all reasonable times to inspect the same. If such property, vessel or houseboat is occupied, the police officer shall first present proper identification and request to enter the property and to board and enter the vessel or houseboat; and if such property, vessel or houseboat is unoccupied, the police shall first make a reasonable effort to locate the owner or other person having charge or control of the property, vessel or houseboat and request to enter the property and to board and enter the vessel or houseboat. If entry is refused, the police shall have recourse to every remedy provided by law to secure entry. Pursuant to Section 663 of the state Harbors and Navigation Code, every peace officer shall have the authority to stop and board any vessel or houseboat where the peace officer has probable cause to believe that a violation of state law or regulations or local ordinances exists.

C. When the police shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry and boarding, no owner or occupant or any other persons having charge, care or control of any property, vessel or houseboat shall fail or neglect, after proper request is made as herein provided, to promptly permit entry of such property or boarding and entry of such vessel or houseboat by the police or any peace officer for the purpose of inspection and examination.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.070 Appeal.

In the event that any person is for any reason dissatisfied with the actions of the police by reason of issuance of, revocation of, imposition of conditions relating to or failure to grant a vessel

occupancy permit, or by reason of asserting that a vessel or houseboat or an occupant of a vessel or houseboat is in violation of this chapter, the person shall have the right to appeal to a board comprised of the planning and public works directors of the City and the director of environmental health of the county or their designees. Such appeal shall be in writing and shall be submitted to the City Clerk within seven calendar days after the action of the police being appealed has taken place. Upon receipt of an appeal, the appeals board shall schedule a hearing to be held within seven calendar days from receipt of the appeal and shall give the appellant notice thereof by registered or certified mail addressed to the appellant at the address shown on the appeal or by personal service on the appellant. The hearing shall take place as scheduled, even if the appellant receives notice of the hearing but does not attend or if the City makes a reasonable and determined effort to secure service of the hearing notice on the appellant at the address shown on the appeal but is not able to secure such service. At the conclusion of the hearing, the appeals board shall render a decision, which shall be final and conclusive.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.080 Liability of city.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any vessel or houseboat for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this chapter or any approvals issued under this chapter.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.090 Violation; penalty.

A violation of this chapter shall constitute an infraction. Any person upon conviction shall be punished in accordance with law, including but not limited to, a requirement that the owner of the property to which the vessel or houseboat is unlawfully moored comply with the provisions of the California Civil Code regarding summary eviction from real property. A person shall be deemed to be guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by him or her.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.100 Nuisances declared.

Any vessel or houseboat moored, occupied or maintained and any use of the same contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the City may immediately commence action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such vessel, houseboat or use and restrain and enjoin any person from mooring, occupying or maintaining any such vessel or houseboat contrary to the provisions of this chapter.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.110 Exemptions from chapter provisions.

Except as provided in Section 12.60.140, this chapter shall not apply to any vessel owned and operated by any branch of the United States military, Department of Fish and

Game, Army Corps of Engineers, any public safety agency, or the Napa Sea Scouts; except those provisions and sections which directly concern the health and safety of the community.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.120 Hours for boats on Lake Hennessey.

Boats shall not be allowed upon the waters of Lake Hennessey between one hour after sunset to one hour before sunrise.

(Ord. 4132, § 1, 1989; Ord. O2001 12)

12.60.130 Speed limits; control.

No person shall operate a boat, vessel, or personal watercraft, including documented or undocumented vessels, in excess of five miles per hour, on that part of the waters of the Napa River from two hundred yards south of the Napa Yacht Club to the northern City limits beyond the Oxbow area. Said area shall be designated with signs and/or buoys bearing the words 5MPH.

(Rev. Code 1954, § 7046; Ord. 1609, 1963; Ord. 1681, § 4, 1965; Ord. 2543, 1979; Ord. O2001 12)