



**City of Newport Beach
Harbor Commission
Title 17 Review Subcommittee
NBMC Recommended Revisions – REDLINE**

10.06.010 Human Waste.

No person shall urinate or defecate on private property in an area exposed to the public view, or on any public street, sidewalk, alley, park, beach, Newport Harbor or other public place except in a public or private restroom. (Ord. 2023-22 § 437, 2023; Ord. 1506 § 1, 1973)

11.20.050 Cleaning of Fish or Mussel.

No person shall place, cut or clean any fish, mussel, bait or other marine animal upon any bench or seat placed upon any ocean pier, public dock or upon the floor or railings of such piers or docks. (Ord. 95-1 (part), 1995; Ord. 93-28 § 2 (part), 1993)

17.05.140 Public Hearings.

B. Notice of Public Hearing.

2. Method of Notice Distribution. Notice of a public hearing required by this title shall be given as specified below.

a. Mailing. Notice shall be mailed or delivered at least ten (10) calendar days before the scheduled hearing to all the following:

i. Project Site Owners, Applicant and Appellant. The owners of the property being considered in the application, or the owners' agent, the applicant or the applicant's agent, and the appellant, if any;

ii. Nearby Property Owners. All owners of real property located within a three hundred (300) foot radius of the exterior boundaries of the location of the subject matter of the application, as shown on the last equalized assessment roll. It shall be the responsibility of the applicant to obtain and provide to the review authority a list of the names and addresses of all owners who are to be provided notice under this subsection; and

iii. Persons Requesting Notice. A person who has made a written request for notice with the City Clerk.

17.10.020 Permit for Commercial Activities in Newport Harbor Required.

A. No person shall engage in any commercial activity including, but not limited to, advertising, brokering, scheduling, arranging, providing, operating or renting any bareboat or certified charter, vessel or equipment, on the waters of Newport Harbor without first obtaining a valid marine activities permit pursuant to this chapter.

B. Any person or entity engaging in commercial activity that advertises, lists, or offers a vessel for rent or charter in the City, including on any charter and boat rental hosting platforms, or social media platform, shall prominently display the valid City issued marine activities permit number within the body of every such advertisement, marketing materials, or listing.

C. The Harbor Master shall have the authority to issue and serve administrative subpoenas to the permit holder, agent, charter and boat rental hosting platforms, social media platform, or any person or entity facilitating vessel charters and rentals, as necessary, to obtain specific information regarding charter listings located in the City, including but not limited to the names of the persons responsible for each such listing, the address of each such listing, the length of

rental for each such listing and the price paid for each listing, to determine whether the listing complies with this chapter. Any subpoena issued pursuant to this section shall not require the production of information sooner than thirty (30) days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that thirty (30) day period. Failure to respond to an administrative subpoena in accordance with the terms set forth therein shall be punishable and the City may file a judicial action to compel compliance with the subpoena.

17.25.020 Anchorage, Berthing and Mooring Regulations.

H. Mooring, Anchoring and Vessel Condition Requirements.

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

m. For vessels equipped with a portable or permanently installed marine sanitation system, allowing said device not to be connected directly to an internal holding tank at all times while in Newport Harbor

n. For any vessel on which a person may stay aboard overnight on a mooring permit, mooring sub-permit, mooring license, or in one of the public anchorages, the absence of an operable portable marine sanitation device or a permanently installed marine sanitation system

o. The use of improvised waste containment methods for human or animal excreta.

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

17.45.030 Waste and Refuse.

A. Discharge of Treated or Untreated Human or Animal Excreta. No person shall discharge, permit or allow any other person on a vessel under his or her control or command to discharge any treated or untreated human or animal excreta from any marine sanitation device or by other means into the waters of Newport Harbor or the Pacific Ocean. The provisions of this section do not apply to the cleaning of vessels for the purpose of removing accumulated animal excreta from non-domesticated animals, including sea lions and migratory waterfowl. In accordance with California Harbors and Navigation Code Section 782, any vessel in the waters of Newport Harbor or on the waters of the Pacific Ocean within the jurisdiction of the City, with a marine sanitation device, is subject, at any time, to boarding by the Harbormaster to inspect the operation and condition of the same and shall be subject to the use of a dye tablet to determine whether or not the marine sanitation system is discharging overboard. Violations are subject to all available remedies, including immediate removal from Newport Harbor.

17.60.040 Mooring Permits.

B. Issuance of Permit—Conditions.

2. Permit Requirements.

g. Provide registration or other proof of controlling possessory right in the assigned vessel that matches the names of the permittee or permittees, all to the satisfaction of the Harbormaster;

m. Agree not to advertise for rent, rent, lease, assign, loan, or transfer the use of the mooring to any other person without prior written permission of the Harbormaster

C. Plans and Specifications Required. No mooring permit shall be issued for placing, erecting, constructing or maintaining a mooring or buoy unless such mooring or buoy is constructed:

1. In accordance with standard plans and specifications approved by the Harbormaster and at a location approved by the Harbormaster with reference to the specifications established by the Harbor Commission as required in Section 17.25.020(J); or
2. In accordance with other plans and specifications for such mooring or buoy which have been submitted by the applicant, showing the construction of such proposed mooring or buoy together with the location thereof, and which meet the requirements established in this chapter and which have been approved by the Harbormaster with reference to the specifications established by the Harbor Commission as required in Section 17.25.020(J).

G. City's Authority to Assign Moorings through Use of Sub-Permits. With the exception of the Balboa Yacht Club, the Newport Harbor Yacht Club, and the Lido Isle Community Association's designated moorings, mooring permittee may not advertise for rent, rent, lease, assign, or transfer the use of the mooring to any other person. With the exception of moorings issued to mooring permittees described in subsection (B)(3)(g) of this section, the Harbormaster shall have the authority to assign vacant moorings to sub-permittees pursuant to the following provisions:

17.70.015 Suspension of Marine Activities Permit.

B. Procedure for Suspension. Permits shall be suspended in the manner provided herein.

1. The Harbormaster or designee shall investigate whenever he or she has reason to believe that a marine activities permit holder has submitted an application that contains false information or committed a violation of a permit condition, this Code, or State or Federal law related to a marine activities permit. Such investigation may include, but is not limited to, on-site or vessel inspections. Should the investigation reveal substantial evidence to support a finding that warrants a suspension of the marine activities permit, the Harbormaster shall issue a written notice suspending the permit. The written notice shall be served on the owner in accordance with Section 1.05.030. The notice shall specify the facts which, in the opinion of the Harbormaster, constitute substantial evidence to establish grounds for imposition of the suspension, and specify the proposed time the marine activities shall be suspended. For suspensions lasting longer than three (3) days, the permittee may request an appeal hearing within thirty (30) days of receiving written notice of the suspension. If appealed, the Harbormaster shall notify the permittee of the date, time and place of the hearing. At least fourteen (14) days' notice of such hearing shall be given in accordance with Section 1.05.030 to the permittee shown on such permit, setting out the date, time and place of hearing.