

## ATTACHMENT B

### PROPOSED AMENDMENTS TO TITLE 17 FOR RAFT-UPS (STRIKEOUT)

Underline = new text / ~~Strikeout~~ = deleted text

**1. Amend Section 17.01.030(N), pertaining to definitions, to add “raft-up” and renumber the existing definitions:**

1. Raft-up. The term “raft-up” shall mean the securing of five (5) or more vessels together, which are in turn anchored to the seabed by one or more anchors. Dinghies and tenders of fourteen (14) feet LOA or less are excluded from the vessel count.

**2. Amend Section 17.25.020 (Anchorage, Berthing and Mooring Regulations) to add raft-ups as a new subsection and to re-letter the existing subsection (M) (Administration):**

M. Raft-ups

1. Raft-ups require a permit and are allowed only in designated public anchorage areas.
2. The sponsor or organizer of a raft-up which will break up before sunset on any given day shall apply for a permit from the Harbormaster in accordance with Section 17.60.015 on or before the day of the proposed event. Up to twenty (20) vessels may be included in a permit.
3. The sponsor or organizer of a raft-up which will remain in place beyond sunset on any given day shall apply for a permit from the Harbormaster in accordance with Section 17.60.015 at least 30 days in advance of the proposed event. Up to twelve (12) vessels may be included in a permit. No more than four permits for raft-ups remaining in place beyond sunset will be issued on any given date.
4. The Harbormaster may issue a permit if he or she determines the raft-up will not interfere with the natural flow of traffic, or negatively impact surrounding property owners. The Harbormaster may impose conditions on the permit to protect persons and property and to assure that the raft-up will not create a nuisance or interfere with the reasonable use of Newport Harbor by other vessels or persons. At a minimum, the permit shall include as conditions that the permittee: (a) indemnify, defend and hold harmless the City, County of Orange, and the State of California for all liability, injury or damage that relates in any way to or arises from permittee’s event/activity; and (b) otherwise comply with this Code, the California Harbors and Navigation Code, and the Federal Inland Navigation Rules.
5. No person shall join, participate in, or interfere with a raft-up without the

consent or over the objection of the permittee.

6. Raft-up permits are nontransferable and shall be in addition to any license, permit or fee required under this Code or any other provision of law.
7. The Harbormaster may immediately revoke a raft-up permit if: (a) the permittee fails to comply with the conditions of the permit; (b) an individual participating in the raft-up fails to comply with the lawful instructions of the Harbormaster, or any other person authorized by the City to enforce rules and regulations within Newport Harbor; or (c) the permittee has made a material misrepresentation in any part of the permit. The permittee shall immediately break up the raft-up upon revocation of the permit. The decision of the Harbormaster shall be final and non-appealable.

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

**Discussion:** Title 17 of the City of Newport Beach Municipal Code does not define or regulate “raft-ups.” Significant concern with raft-ups of vessels in the designated anchorages in Newport Harbor has been expressed by a variety of interested parties. Concerns expressed include but are not limited to; ability to respond to and effectively provide services in the event of a fire or medical emergency, vessels reducing the ability of others to freely navigate in and through the anchorage; the playing of excessively loud amplified music; and negatively impacting the peaceful enjoyment of the anchorage by nearby mariners and residents. These concerns appear to grow significantly worse as the size of raft-ups increase. Defining when a permit is required for raft-ups will allow the City to better manage raft-ups and respond if or when concerns are expressed in the future.