

PROPOSED REVISIONS TO SECTIONS 17.01 AND 17.40
LIVE-ABOARDS

17.01.030 Definition of Terms

I. Definitions: L

2. Live-Aboard. The term “live-aboard” shall mean the use or occupancy of a vessel as a domicile for human habitation; a) while at its ~~dock, berth or~~ mooring for a period exceeding seventy-two (72) hours in any thirty (30) day consecutive period; or b) at its dock or berth for a period exceeding one hundred eighty (180) days in any three hundred sixty-five (365) day period.

17.40.010 Purpose.

The City Council of the City of Newport Beach finds and declares as follows:

This chapter will promote the public health, safety and welfare by regulating the number of persons living aboard vessels on offshore moorings and insuring, to the extent possible, that the ~~this~~ residential use of a vessel in Newport Harbor does not result in the discharge of human waste; activities that are disruptive or impeded other parties use and/or enjoyment of Newport Harbor; or otherwise adversely impact the health, safety and welfare on Newport Harbor and those that visit, work around or live on or near, the bay.

17.40.030 Permits Required.

No person shall live-aboard any vessel ~~assigned to an offshore mooring in Newport Harbor~~ without first having obtained a live-aboard permit from the Harbormaster. No live-aboard permit shall be issued except to a person holding a valid mooring permit issued pursuant to Chapter 17.60 or a valid rental agreement from a commercial marina. No permit shall be issued to any live-aboard which is not intended to serve as the principal

residence of the ~~permittee~~ live-aboard. For purposes of this section, principal residence shall mean; a) for a mooring permittee, to live-aboard for not less than two hundred forty three (243) days in any calendar year; or b) for the holder of a valid rental agreement from a commercial marina, to live-aboard for a period not less than one hundred eighty (180) days in any three hundred sixty-five (365) day period.

17.40.050 Issuance of Permit

C. The applicant does not have a valid mooring permit as required by Section 17.60.040; or a valid rental agreement from a commercial marina.

17.40.050 Issuance of Permit

E. The vessel is incapable of safely maneuvering under its own power, whether by sail or engine, from its mooring, dock or berthing place, to the open waters of the Pacific Ocean and back to the mooring, dock or berthing place; or

17.40.060 Term/Renewal

C. The issuance of a live-aboard permit to a mooring permittee is not transferrable and does not create any tenancy between the City and the permittee or other persons living aboard, nor does it create any property right to the mooring site.

17.40.110 Limitation on Number of Permits

The number of live-aboard permits issued to permittees holding valid offshore mooring permits shall not exceed seven (7) percent of the number of offshore mooring permits issued by the City pursuant to Chapter 17.60.

PROPOSED REVISIONS TO SECTIONS 17.20 AND 17.25
IN-HARBOR PUBLIC ANCHORAGE RELATED

17.20.020 Vessel Operation.

E. Anchoring. In addition to the requirements set forth in Section [17.25.020](#)(A)(1)(b), no person owning, leasing, occupying or having charge or possession of any vessel shall anchor such vessel in any of Newport Harbor's designated public anchorage areas or on the Pacific Ocean unless the vessel is continuously occupied by a person during:

1. Any nighttime hours (sunset to sunrise);
2. Any time period when a Small Craft Advisory or greater has been issued by the National Oceanic and Atmospheric Administration; and
3. During daylight hours, except for one shore excursion per day for no more than three hours.

17.25.020 Anchorage, Berthing and Mooring Regulations.

A. Location. No person having charge of any vessel shall berth or anchor the same in Newport Harbor except within designated areas. Any vessel which is berthed, moored or anchored at a place not designated for such vessel shall be moved as directed by the Harbormaster. In the designation of mooring areas and anchorage areas, consideration shall be given to the needs of commerce, the utilization of turning basins, the use of channels for navigation, and the economy of space. No vessels shall be moored or anchored in any part of any turning basin or channel unless secured both fore and aft except as provided in subsection (H) of this section. Every vessel moored or anchored in any part of the harbor outside of any turning basin or channel shall be so moored or anchored as to prevent such vessel from swinging or drifting into any turning basin or channel.

1. No person owning, leasing, occupying or having charge or possession of any vessel shall:

a. Berth or anchor the same in Newport Harbor except within the designated areas; or

b. Anchor a vessel in any of Newport Harbor's designated public anchorage areas or at any location on the open waters of the Pacific Ocean within five hundred (500) yards of a designated protected swimming area for a cumulative period of time that exceeds seventy-two (72) hours within any thirty (30) calendar day period. The Harbormaster may authorize, in writing, an extension to the seventy-two (72) hour time limit if the Harbormaster determines that given the particular circumstances an extension of time is reasonable and warranted.