

Attachment B

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EXISTING CHAPTER

Chapter 14.22 - HOUSEBOATS

Sections:

14.22.010 - Definitions.

- A. As used in this Chapter unless otherwise apparent from the context,
1. "Houseboat" means a water craft or industrial or commercial structure on or in the waters of San Antonio Lake, floating or non-floating, which is designed or fitted out as a place of habitation and is not principally used for transportation. "Houseboat" includes platforms.
 2. "County" means the County of Monterey.
 3. "Lake San Antonio" means the reservoir impounded by San Antonio Dam in the County of Monterey.
 4. "Parks Department" means the Monterey County Parks Department and its employees.
 5. "Use" means operate, navigate or employ.
 6. "Registered owner" means the person registered by the Department of Motor Vehicles as the owner of the houseboat.
 7. "Owner" means the registered owner of the houseboat.
 8. "Dock" means a floating device that is permanently anchored and used by the public or privately.
 9. "Mooring cable" means a permanently anchored mooring device designed specifically for houseboat mooring.
 10. "County approved concessionaire" means the currently approved concessionaire that is authorized to moor, rent, store houseboats on Lake San Antonio.
 11. "Permit holder" means the person who is listed currently as the holder of the houseboat permit issued pursuant to this Chapter.
 12. "Permitted houseboat" means the houseboat for which a valid, current permit has been issued pursuant to this Chapter.
 13. "Houseboat permit waiting list" means the list of permit applicants who have submitted written applications to the Monterey County Parks Department for a houseboat permit pursuant to this Chapter.
 14. "Houseboat repair yard" means the houseboat repair yard established by the Monterey County Parks Department at the Lynch Resort Area at Lake San Antonio.
 15. "Notify" means written notice by stamped letter, addressed to the Director of Parks, Monterey County Parks Department, Star Route, Box 2610, Bradley, California 93426 or addressed to the applicant or permit holder and deposited in the U.S. Mail, or by hand delivery to the addressee. The date of notice in event of a mailed notice shall be the day of which said letter is deposited. The date of notice in the event of hand delivery shall be the date of receipt by the addressee.
 16. "Person" includes every natural person, firm, co-partnership, association, or corporation.
- B. Words in the present tense include the future as well as the present. Words in the masculine gender include the feminine and the neuter. The singular number includes the plural, and the plural the singular.
- C. Section headings, when contained in this Chapter, shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section.

(Ord. 2985, 1984)

14.22.020 - Regulations for houseboat use on Lake San Antonio.

- A. No houseboat shall be placed or used on Lake San Antonio without a valid, current permit issued by the Parks Department.
- B. A permitted houseboat shall be placed on Lake San Antonio within thirty (30) days after the date of issuance of its permit or be subject to a revocation of the houseboats permit and a forfeiture of the first year permit fees. A permit holder, upon a showing of good cause, may be granted an extension of time by the Parks Department up to one year from the date of issuance of the permit during which the permit holder must place the permitted houseboat on Lake San Antonio or be subject to a revocation of the houseboats permit, a forfeiture of the first year permit fees, and a forfeiture of all prepaid moorage fees.
- C. A houseboat permit shall be valid for one year unless revoked or renewed.
- D. Upon revocation or non-renewal of a houseboat permit, the permit holder shall remove the houseboat from Lake San Antonio within thirty (30) days of the date of revocation or non-renewal. After thirty (30) days from the date of revocation or non-renewal of a houseboats permit, the houseboat and its contents, if not removed from Lake San Antonio, shall be deemed abandoned and the Parks Department may dispose of the houseboat without liability for any damage to or destruction of the houseboat or its contents.
- E. Permitted houseboats may be used on a twenty-four (24) hour basis in all areas of Lake San Antonio other than the disallowed areas set forth in Section 14.30.020, subdivision F of this Chapter.
- F. No houseboat shall be placed or used at any time in any of the following disallowed areas of Lake San Antonio:
 - 1. Army property;
 - 2. Cemetery Cove;
 - 3. All marinas;
 - 4. South Shore Marina to Harris Creek Ramp;
 - 5. North Shore Ramp to corrals;
 - 6. Within five hundred (500) feet of the face of the Dam;
 - 7. All Parks Department and County approved concessionaires buoys.
- G. A permitted houseboat shall be placed in a County approved concessionaires dock or mooring cable when not in use on Lake San Antonio.
- H. A permit holder shall repair or replace a houseboat that has suffered damage to or destruction of any structural units within a reasonable time not to exceed six months. Within a reasonable time not to exceed six months, the permit holder shall repair or replace a houseboat that has suffered cosmetic damage or non-structural damage if notified in writing by the Parks Department that the cosmetic or non-structural damage must be corrected. The Parks Department may grant an extension of time beyond the six months limit for repairs to or replacement of a houseboat, upon the written request of a permit holder that demonstrates extraordinary circumstances requiring such an extension of time. Failure to make repairs or to replace a houseboat within the time allowed shall result in a revocation of the permit.
- I. The houseboat repair yard shall be available for use only by permitted houseboats and boats owned or leased by a County approved concessionaire.
- J. Houseboats shall be used at all times according to applicable Federal, State and County statutes, codes, ordinances, rules, regulations and standards pertaining to the safe and reasonable operation of houseboats.
- K. A houseboats sewage system shall be maintained according to all applicable Federal, State and County statutes, codes, ordinances, rules, regulations and standards pertaining to houseboat

sewage systems. All wastewater and sewage from a houseboat shall be delivered into onboard holding tanks. The onboard holding tank of a houseboat only shall be emptied by pumping into a County approved sewer system.

- L. The maximum size of a permitted houseboat shall be sixteen (16) feet wide and fifty-five (55) feet long. The minimum size of a permitted houseboat shall be ten (10) feet wide and twenty (20) feet long. All permitted houseboats shall meet construction and maintenance requirements of all applicable Federal, State, and County statutes, codes, ordinances, rules, regulations and standards pertaining to the construction and maintenance of houseboats. The Parks Department may publish and keep current a "Construction Standards Handbook for Houseboats" which prospective houseboat owners may consult. Copies may be sold for a fee of ten dollars (\$10.00).
- M. The following inspection requirements shall apply to the use of houseboats on Lake San Antonio:
 - 1. Before the issuance of a first time permit, the permit applicant shall make the houseboat for which the permit is sought available for a Parks Department inspection to ensure compliance with all applicable construction, health and safety requirements and to ensure that the construction, maintenance or use of the houseboat shall not seriously interfere with the public health, safety or welfare.
 - 2. A houseboat which is on Lake San Antonio as of the effective date of this Chapter and which is found by the department to not be in compliance with the construction, health or safety requirements for houseboats shall be brought into full compliance after the first takeout and prior to re-entry or within one year of the effective date of this Chapter, whichever is earlier.
 - 3. After issuance of the first year permit, the permitted houseboat may be subject to periodic inspections by the Parks Department at any time with the consent of the permit holder or at any time the Parks Department finds the public health, safety or welfare so requires. If the permit holder is not present during a periodic inspection, the inspection shall be limited to the exterior and undersides of the houseboat unless an inspection warrant has been obtained.
 - 4. When a permitted houseboat is removed from Lake San Antonio for repairs, renovations, or for any reasons, the permit holder shall notify the Parks Department of such fact within five days of the date of removal and shall make the removed houseboat available for inspection by the Parks Department before again placing the houseboat on Lake San Antonio.
 - 5. After any inspection, the Parks Department shall notify the permit holder in writing of any non-compliance with construction, safety or health requirements. The notice shall state the time period, not to exceed six months, during which the permit holder must bring the houseboat into compliance or be subject to a renovation of the houseboat permit.
- N. Houseboats, owned privately, may not be rented or leased without the expressed written permission of the Parks Department.

(Ord. 2985, 1984)

14.22.030 - Permit application.

- A. The Parks Department shall establish a houseboat permit waiting list. The Parks Department may accept first time applications for the houseboat permit waiting list from the effective date of this Chapter through September 1, 1984. Thereafter, the Parks Department may accept applications for the houseboat permit waiting list only during the annual application period. The annual application period shall be from January 1st through January 31st of each year.
- B. To obtain a position on the houseboat permit waiting list, applicants must submit a written application during the annual application period to the Parks Department. The Parks Department shall stamp each such application with the date and time of receipt. Priority on the houseboat permit waiting list shall be established in order of the date and time of receipt by the Parks Department of the

application. An applicant's position on the houseboat permit waiting list shall be maintained until a permit is issued or the applicant withdraws his or her name from the list.

- C. Only the registered owner of the houseboat may apply for a houseboat permit.
- D. When a houseboat permit is available, the applicant with the highest priority on the houseboat permit waiting list shall be sent a notice of houseboat permit availability by certified mail, return receipt requested.
- E. An applicant receiving a notice of houseboat permit availability shall pay the first year permit fee within five days of receipt of the notice. If for any reason, payment of the first year permit fee is not received by the Parks Department within the five-day period, the applicant will be denied a houseboat permit and will be removed from the houseboat permit waiting list.
- F. If the notice of houseboat permit availability is mailed to the applicants address as shown on the houseboat permit waiting list, the applicant's failure to receive the notice, for any reason, shall not entitle the applicant to any relief from any resulting denial of a houseboat permit and removal of the applicant's name from the houseboat permit waiting list.
- G. Before issuance of a houseboat permit, the applicant shall obtain an authorized mooring space from the applicable County approved concessionaire and shall pay, in advance, the monthly mooring fees for three months.
- H. No person shall sell, trade, gift, assign, or otherwise transfer a position on the houseboat permit waiting list.
- I. At the time a houseboat permit is issued, the registered owner of the houseboat must include the applicant's name as shown on the houseboat permit waiting list.

(Ord. 2985, 1984)

14.22.040 - Permit renewals.

- A. Only a registered owner and a current houseboat permit holder may apply for renewal of the houseboat permit.
- B. A permit holder seeking renewal of the houseboat permit must submit a written renewal application and pay the annual renewal fees to the Parks Department before February 1st of the renewal year or be subject to a delinquency notice and a late charge. Failure to pay the renewal fees and the late charge within thirty (30) days of the date of the delinquency notice shall result in a revocation or non-renewal of the permit. The date of revocation or non-renewal will be deemed to be the date of the delinquency notice.
- C. A houseboat permit will be renewed upon the payment of all required fees and upon submission to the Parks Department of satisfactory proof of the following:
 - 1. That the houseboat's holding tank has been pumped out a minimum of five times during the preceding permit year, and
 - 2. That the houseboat's moorage fees for the preceding permit year have been paid in full.Failure to submit proof of the above facts shall result in a denial of the renewal of the permit.

(Ord. 2985, 1984)

14.22.050 - Change in houseboat ownership.

- A. A registered owner who sells or otherwise transfers a houseboat with a current, valid houseboat permit must notify the Parks Department in writing within five days of the date of the sale or transfer that:
 - 1. The houseboat has been sold or transferred;
 - 2. The names, addresses and telephone numbers of the new owners are as stated in the notification;
 - 3. The current permit holder is relinquishing the permit to the Parks Department;
 - 4. The current permit holder has given the new houseboat owner a copy of all applicable rules, regulations and standards and has not notified the new houseboat owner that he or she must file a permit application form and pay the required Change of Ownership Fee to the Parks Department within five days of the date of the sale or transfer.
- B. The new houseboat owner must file with the Parks Department a completed houseboat application form and pay to the Parks Department the required Change of Ownership Fee within five days of the date of sale or transfer.
- C. To add or delete registered co-owners from a current houseboat permit, the houseboat permit holder must notify the Parks Department in writing within five days of the registered owners Department of Motor Vehicles notification of change of ownership. The permit holders written notice to the Parks Department shall include a houseboat permit application for the new registered owners of the houseboat and payment of the Change of Ownership Fee. (Ord. 2985, 1984)

14.22.060 - Fees.

- A. The County of Monterey Parks Department shall invoke a series of fees related to houseboats and overnight use. The categories are annual permits, renewal permits, first year permits, change of ownership fee, late charges, lake overnight use fee. These fees can be found in the fee ordinance as adopted by the County Board of Supervisors.

(Ord. 2984, 1984)

14.22.070 - Revocation or denial of permit—Hearing.

Any person subject to the revocation or denial of a house boat permit for Lake San Antonio has the right to demand a hearing before the Director of Parks, Monterey County Parks Department. A demand for a hearing pursuant to this Section shall be made by written notice to the Director of Parks within ten (10) days of the date of revocation or denial of the permit.

(Ord. 2985, 1984)

14.22.080 - Civil penalties.

- A. A violation of any of the provisions of this Chapter shall be grounds for revocation or denial of a houseboat permit.
- B. Any person who rents a houseboat to another without a permit is in violation of this Chapter and shall be liable to the County for civil penalties in the amount of five hundred dollars (\$500.00) per day the violation occurs or is allowed to exist, or in such other amount as the Board of Supervisors may establish by resolution.

(Ord. 3659, § 12, 1993)

PROPOSED CHAPTER (REDLINE)

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