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June 12, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Agenda No. 23
03/06/18

**Re: Ordinance Amending Title 19 – Airports and Harbors of the
Los Angeles County Code**

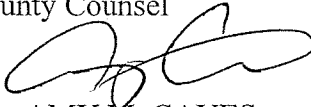
Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing regarding the above-referenced ordinance amending Title 19 – Airports and Harbors of the Los Angeles County Code, to add regulations in various sections of Chapter 19.12 (Harbors), to minimize and prevent the discharge of chemical and bacterial pollutants into receiving waters of Marina del Rey Harbor.

At the conclusion of the public hearing, your Board indicated an intent to approve the ordinance and instructed our office to prepare the final ordinance for your Board's consideration. Enclosed are the analysis and final ordinance.

Very truly yours,

MARY C. WICKHAM
County Counsel

By 
AMY M. CAVES
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:


LAWRENCE L. HAFETZ
Chief Deputy County Counsel

AMC:ph
Enclosure

c: Sachi A. Hamai, Chief Executive Officer
Celia Zavala, Acting Executive Officer, Board of Supervisors
Amy J. Bodek, Director, Department of Regional Planning

ANALYSIS

This ordinance amends Title 19 – Airports and Harbors of the Los Angeles County Code, to add regulations in various sections of Chapter 19.12 (Harbors), to minimize and prevent the discharge of chemical and bacterial pollutants into receiving waters of Marina del Rey Harbor.

MARY C. WICKHAM
County Counsel

By 

AMY M. CAVES
Principal Deputy County Counsel
Property Division

AC:ph

Requested: 03-19-18

Revised: 05-25-18

ORDINANCE NO. _____

An ordinance amending Title 19 – Airports and Harbors of the Los Angeles County Code, to add regulations in various sections of Chapter 19.12 (Harbors), to minimize and prevent the discharge of chemical and bacterial pollutants into receiving waters of Marina del Rey Harbor.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 19.12.100 is hereby amended to read as follows:

19.12.100 Violation—Penalty.

A. It is unlawful to violate any provision of this chapter, the conditions of any permit or license issued pursuant thereto, or any rule, regulation, or policy relating to the harbors, waterways, maritime facilities, or beaches, as the case may be, duly adopted by the Board of Supervisors, the Director, Fire Chief, or Sheriff when properly adopted under his/her delegated authority, and any person committing such violation is guilty of an infraction, punishable by a fine in accordance with California Government Code section 25132.

B. Notwithstanding the above, violation of Sections 19.12.690, 19.12.810, 19.12.1040, 19.12.1100, 19.12.1140, 19.12.1150, 19.12.1160, 19.12.1170, 19.12.1250, 19.12.1280, 19.12.1380, 19.12.1420_(B), and/or 19.12.1420_(E) of this chapter is a misdemeanor, punishable by a fine not exceeding \$1,000 or imprisonment in the County Jail for a period not exceeding six months, or both.

~~C. A repetition or continuation of any violation of any provision of this chapter, or of any order or direction of the Director, Fire Chief, Sheriff, and/or code enforcement~~

officer on successive days, constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted. The first and second violation of Section 19.12.1145 within a 12-month period by a Responsible Person, as defined in Section 1.25.020.F (excluding subsections 4 and 5 thereof) and including, without limitation, the owner of the subject vessel, shall be an infraction. The third and each additional violation of Section 19.12.1145 within a 12-month period by such a Responsible Person shall be a misdemeanor. Each such Responsible Person shall be jointly and severally liable for each violation of this section.

D. Each Responsible Person with actual or constructive knowledge of a violation of Sections 19.12.700, 19.12.1140, 19.12.1145, or 19.12.1146 shall report said violation to the Director or harbor master as soon as practically possible. Failure to report such a violation shall be an infraction.

E. A repetition or continuation of any violation of any provision of this chapter, or of any order or direction of the Director, Fire Chief, Sheriff, and/or code enforcement officer on multiple days, constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted.

SECTION 2. Section 19.12.371 is hereby added to read as follows:

19.12.371 In-Water Hull Cleaning.

"In-Water Hull Cleaning" means the cleaning, by hand or mechanical means, of a recreational or commercial vessel hull up to the waterline while the vessel is in the water. In-Water Hull Cleaning does not include cleaning, by hand or mechanical means, of a recreational or commercial vessel painted with a Non-Biocide Hull Paint, or

other in-water maintenance activities such as the servicing of zinc anodes or the maintenance and repair of through-hull drive-shaft components, and similar mechanical or structural maintenance activities.

SECTION 3. Section 19.12.372 is hereby added to read as follows:

19.12.372 In-Water Hull Cleaning Best Management Practices.

"In-Water Hull Cleaning Best Management Practices" or "Hull Cleaning BMPs" means In-Water Hull Cleaning practices generally accepted by the hull cleaning industry to be effective, while having as little negative effect on the environment as practicable, including, without limitation, tools, schedules of activities, housekeeping practices, pollution-prevention practices, training and educational practices, maintenance practices, and other practices and procedures used to prevent or minimize the discharge of pollutants into receiving waters. Hull Cleaning BMPs may include any and all pollution prevention and pollution control measures designed to maintain and improve water quality.

SECTION 4. Section 19.12.451 is hereby amended to read as follows:

19.12.451 ~~Ocean lifeguard~~Non-Biocide Hull Paint.

~~"Ocean lifeguard" means a lifeguard employed by the County to provide life-saving services as described in Chapter 2.20 of this code.~~ "Non-Biocide Hull Paint" means a hull paint that does not contain any chemical agents capable of killing living organisms.

SECTION 5. Section 19.12.452 is hereby added to read as follows:

19.12.452 Ocean Lifeguard.

"Ocean lifeguard" means a lifeguard employed by the County to provide life-saving services, as described in Chapter 2.20 of this code.

SECTION 6. Section 19.12.575 is hereby added to read as follows:

19.12.575 Vessel Service or Repair Person.

"Vessel Service or Repair Person" means any person who boards, dives near, or works on any vessel, while the same is berthed, moored, or stored within any County harbor or maritime facility, for the purpose of conducting thereon any maintenance, In-Water Hull Cleaning, service, or repairs for compensation.

SECTION 7. Section 19.12.700 is hereby amended to read as follows:

19.12.700 Safekeeping of ~~v~~Vessels—Evidence of a~~n~~Authorization to ~~p~~Perform ~~e~~Certain ~~s~~Services ~~r~~Required.

A. The lessee of any premises within a eCounty-owned harbor or maritime facility at which ~~p~~privately owned vessels are regularly or occasionally berthed, moored, or stored shall take or cause to be taken all reasonable precautions to ~~assu~~ensure the safekeeping of such vessels at all times.

B. It is unlawful for any person to board, dive near or work on any ~~p~~privately owned vessel, while the same is berthed, moored, or stored within any eCounty harbor or maritime facility, for the purpose of conducting thereon any maintenance, service or repairs for compensation, or In-Water Hull Cleaning, whether for compensation or not, unless such person shall have first complied with all registration and identification

procedures as may from time to time be established by the harbor master. The harbor master may require written or other satisfactory evidence that such person, if not the owner, has been authorized by the owner of said vessel to conduct such maintenance, service or repairs.

C. The harbor master shall issue written identification to any person who satisfactorily complies with ~~such~~the harbor master's registration and identification procedures, which written identification shall be carried at all times by such person while rendering ~~such~~ services on or about any privately-owned vessel within any County-owned harbor or maritime facility.

D. ~~The provisions of subsection B of this section shall not be deemed to apply to the owner of any vessel, to members of his immediate family, to regular employees of the facility or premises on which such vessel is located, or to any person boarding or performing work on any privately-owned vessel for the purpose of performing maintenance, service or repairs thereon or thereto without compensation.~~ In-Water Hull Cleaning – Certification Required.

The harbor master shall issue written proof of certified or re-certified completion of one or more education and training programs in Hull Cleaning BMPs to any person who, whether for compensation or not, boards, dives near, or works on any vessel, while the same is berthed, moored, or stored within any County harbor or maritime facility, for the purpose of conducting thereon any In-Water Hull Cleaning.

1. As a requirement of registration, any person who performs In-Water Hull Cleaning shall provide proof of certified or re-certified completion of one or more education and training programs in Hull Cleaning BMPs, to the satisfaction of the harbor master.

Acceptable education and training programs must cover each of the following topics to the satisfaction of the harbor master: Hull Cleaning BMPs, regulatory perspective and the Federal Water Pollution Control Act (Clean Water Act), boating pollution economics and impacts, hull coatings, fouling growth and progression, and invasive species.

2. Written proof of certification may only be issued to applicants who are not the subject of any open or unresolved violation of County Code Section 19.12.1145.

E. Appropriate notices of the provisions of this section shall be posted pursuant to the provisions of Section 19.12.760 of this chapter. The provisions of subsection B of this section, except those provisions relating to In-Water Hull Cleaning, shall not be deemed to apply to the owner of any vessel, to members of his immediate family, to regular employees or sub-contractors of the facility or premises on which such vessel is located, or to any person boarding or performing work on any privately owned vessel for the purpose of performing maintenance, service, or repairs thereon or thereto without compensation.

F. Appropriate notices of the provisions of this section shall be posted, pursuant to the provisions of Section 19.12.760 of this chapter.

SECTION 8. Section 19.12.1090 is hereby amended to read as follows:

**19.12.1090 Sanitation—Responsibility of ~~l~~Lessee or ~~a~~Agent—
Correction by ~~e~~County ~~a~~Authorized ~~w~~When—Costs.**

The lessee, agent, manager, or person in charge of a facility or water area under lease from the ~~e~~County, or owned in fee in any ~~e~~County harbor, waterway, or maritime facility shall at all times maintain the premises under his/her charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris, and other waste materials. Should the ~~d~~Director find that any facility or water area under lease is not so maintained, he/she shall notify in writing ~~notify~~ said lessee, and the agent, manager or other person in charge of said facility or area to immediately commence and diligently prosecute to completion the necessary correction of the unsanitary condition, to the satisfaction of the ~~d~~Director. Failure to do so ~~with~~ reasonable dispatch, as soon as practically possible, shall be a violation of Part 7 of this chapter, and the ~~d~~Director may then cause the condition to be corrected as he/she deems necessary, and the costs of such correction to be charged to said lessee, ~~agent,~~ ~~manager or person in charge.~~

SECTION 9. Section 19.12.1100 is hereby amended to read as follows:

19.12.1100 Toilet ~~f~~Fixtures—Use ~~p~~Prohibited.

A. Vessel's Toilet Fixtures Not to be Used. No person shall operate the toilet fixtures of a vessel, floating home, houseboat, or other floating facility within a County harbor, waterway, or maritime facility at any time so as to cause or permit to pass or to

be discharged into the waters of such harbor, waterway, or maritime facility any excrement, treated or untreated sewage, or other waste matter or contaminant of any kind.

B. Toilet fixtures of any vessel, floating home, houseboat, or other floating facility must employ either a self-contained portable toilet or a federally-approved marine sanitation device, which has been demonstrated to the satisfaction of the harbor master to prohibit the overboard discharge of excrement, treated or untreated sewage, or other waste matter or contaminant of any kind while within the Marina del Rey Small Craft Harbor.

C. If a vessel, floating home, houseboat, or other floating facility has a sanitation device, which allows direct overboard discharge of excrement, treated or untreated sewage, or other waste matter or contaminant of any kind, it must be secured while moored in or using the waters of the harbor, waterway, or maritime facility, so that overboard discharge is prevented. Acceptable methods of securing such device include:

1. Closing the seacock and removing the handle;
2. Padlocking the seacock in the closed position;
3. Using a non-releasable wire-tie to hold the seacock in the closed

position; or

4. Locking the door to the space enclosing the toilet(s) with a padlock or door handle key lock.

D. Toilet fixtures of any vessel, floating home, houseboat, or other floating facility may be sealed by the harbor master, unless such fixtures can be operated in compliance with subsections A, B, and C of Section 19.12.1100 of this code at all times when the vessel, floating home, houseboat, or other floating facility remains in the harbor.

E. The owner of any vessel, floating home, houseboat, or other floating facility not equipped with approved and acceptable devices for the neutralization or storage of contaminants shall post notices that the toilet facilities aboard shall not be used while the vessel, floating home, houseboat, or other floating facility is moored in or using the waters of the harbor, waterway, or maritime facility.

SECTION 10. Section 19.12.1110 is hereby amended to read as follows:

19.12.1110 Use of vVessel as pPlace of aAbode—Restrictions.

A. No person shall, within a eCounty harbor, waterway, or maritime facility, use any vessel, floating home, houseboat, or any other floating facility as an abode in excess of three days within any one-week period unless such person shall first have authorization by the lessee, agent, manager, or person in charge of such facility for a liveaboard status, and secondly, have obtained a liveaboard permit from the harbor master. The liveaboard permit shall establish compliance by such vessel, floating home, houseboat, or other floating facility with the following:

~~1. Compliance with the requirements for seaworthiness, as described in Section 19.12.1060 of this code, unless otherwise exempted or temporarily excused~~

by the provisions of that section; and the requirements for toilet fixtures, as described in subsection O of Section 19.12.110.

~~2. — Installation of a federally approved marine sanitation device or self-contained portable toilet which has been demonstrated to the satisfaction of the harbor master to prohibit the overboard discharge of treated or untreated excrement, sewage, or other waste matter or contaminant of any kind while within the Marina del Rey Small Craft Harbor.~~

If it is determined by the harbor master that the criteria for issuance of a liveaboard permit have been satisfactorily met, the harbor master shall issue a liveaboard decal which shall be prominently placed, as directed by the harbor master, on the vessel, floating home, houseboat, or any other floating facility. Liveaboard permits shall be valid for a period of one (1) year commencing with the first day of the month following the month of issuance and shall be renewed on each successive annual anniversary of the previous term's commencement date. Any renewal of a liveaboard permit shall be issued by the harbor master upon the same terms as required for the initial permit. In the case of a floating home, no annual renewal of a liveaboard permit shall be issued following the tenth anniversary of the effective date of the ordinance adding this subsection after July 31, 2018, unless the owner provides the harbor master with his or her statement, made under penalty of perjury, that no transfer of ownership, as defined by subsection B.2 of Section 19.12.1060-B2, has occurred with respect to that floating home since the tenth anniversary of the effective date of the

~~ordinance adding this subsection July 31, 2018.~~ Failure to have obtained such a liveaboard permit shall be a violation of Part 7 of this chapter.

~~B. For vessels, floating homes, houseboats or other floating facilities which had obtained authorization for use for a liveaboard status by the respective lessee, agent, manager or person in charge of the facility prior to the effective date of the ordinance adding this section to the code, a liveaboard permit shall be obtained within 120 days of the effective date of the ordinance adding this subsection to the code unless a longer time period is provided in order to demonstrate seaworthiness pursuant to the operation of Section 19.12.1060C or D.~~

~~C. For all other vessels, floating homes, houseboats or other floating facilities not covered by subsection B of this section, a liveaboard permit shall be obtained prior to the commencement of the use of the vessel, floating home, houseboat or other floating facility as an abode in excess of three days within any one week period.~~

~~D. Regardless of the length of occupancy:~~

~~1. A person living aboard any vessel, floating home, houseboat or other floating facility using the harbor, waterway or maritime facilities shall not use the toilet fixtures of any vessel, floating home, houseboat or other floating facility unless such use will not violate the provisions of Section 19.12.1100 of this code;~~

~~2. Toilet fixtures of any vessel, floating home, houseboat or other floating facility which is used as an abode may be sealed by the harbor master unless such fixtures can be operated in compliance with Section 19.12.1100 of this code so~~

~~long as the vessel, floating home, houseboat or other floating facility remains in the harbor;~~

~~3. The owner of any vessel, floating home, houseboat or other floating facility not equipped with approved and acceptable devices for the neutralization or storage of contaminants shall post notices that the toilet facilities aboard shall not be used while the vessel, floating home, houseboat or other floating facility is moored in or using the waters of the harbor, waterway or maritime facility.~~

EB. The dDirector and/or harbor master may promulgate such additional regulations in connection with vessels used as abodes, as may be necessary to insure ensure the maintenance of sanitary and sightly conditions, as determined by the Director and/or the harbor master, and the preservation and protection of the public health, safety, peace, welfare, and convenience in the use of any eCounty harbor, waterway, or maritime facility, or portion thereof. A violation of any part of such regulations shall be cause for revocation for use of any vessel, floating home, houseboat, or other floating facility as an abode, and it shall be unlawful for any person to live aboard such vessel, floating home, houseboat, or other floating facility until such violation has been corrected to the satisfaction of the dDirector and/or the harbor master.

SECTION 11. Section 19.12.1140 is hereby amended to read as follows:

19.12.1140 Discharge of pPetroleum, eCoal, or pPaint pProducts.

A. A person shall not discharge or deposit or permit to pass into the waters of a eCounty harbor, waterway, or maritime facility any coal, tar, oil, gasoline, diesel fuel,

solvents, sludge, or residuary products of coal, petroleum, asphalt, bitumen, or other refined oil products, nor any varnish, lacquer, or paint products.

B. Any such discharge, deposit, or spill of said products shall be immediately reported to the harbor master and any other ~~local or personal agency having concurrent jurisdiction~~ competent governmental or regulatory authority, and it shall be a violation of Part 7 of this chapter to fail to do so.

SECTION 12. Section 19.12.1145 is hereby added to read as follows:

19.12.1145 Vessel Servicing and Repair Prohibited.

No person shall conduct, perform, or cause to be performed any repairs, alterations, maintenance, In-Water Hull Cleaning, or other work upon or to any vessel on or in Marina del Rey, including the harbor waters, the beach and any land area, or on or in the Pacific Ocean, which in any manner causes, or may cause, without intervention, any material or substance, including, without limitation, paint, oil or other petroleum products, dirt, paint sandings or chips, paint plume, wood sandings, or other residue or debris, to enter the waters of the harbor or the Pacific Ocean.

SECTION 13. Section 19.12.1146 is hereby added to read as follows:

19.12.1146 In-Water Hull Cleaning—Certification Required.

No In-Water Hull Cleaning shall be performed in the Marina del Rey Harbor without first obtaining written proof of certification from the harbor master, in accordance with subsection D of Section 19.12.700.

SECTION 14. Section 19.12.1380 is hereby amended to read as follows:

19.12.1380 Wild ~~a~~Animals and ~~b~~Birds—Molesting and Feeding

pProhibited.

A. Anywhere within the harbor, a person shall not hunt, injure, molest, frighten, trap, chase, tease, shoot, or throw ~~missles~~missiles at any animal, bird, or fowl, nor shall a person remove or have in his possession the young of any wild animal or the eggs, nest, or young of any bird or fowl.

B. Feeding. Anywhere within or about the harbor, a person shall not give, or offer, or attempt to give, or provide in any way to any animal, bird or fowl any ~~tobacco,~~ alcohol, or other known noxious or toxic consumable substances, regardless of whether such substance is toxic or nontoxic.

SECTION 15. Section 19.12.1400 is hereby deleted as follows:

~~19.12.1400~~ ~~Vessel servicing and repair prohibited.~~

~~No person shall conduct, perform, or cause to be performed any repairs, alterations, maintenance, or other work upon or to any vessel on or in any public area of Marina del Rey, including the beach or any public parking lot, or in the Pacific Ocean, which in any manner may cause or tend to cause any materials or substance, including but not limited to, paint, oil or other petroleum products, dirt, paint sandings or chips, wood sandings, or other residue or debris, to be deposited upon any vessel, dock, structure, or private or County property, or to enter the waters of the harbor, or the Pacific Ocean.~~

[CH1912ACCC]