

CHAPTER 13.24 WATERWAYS¹

Note: The Petaluma Municipal Code can be access online at:

<https://www.codepublishing.com/CA/Petaluma/>

13.24.010 Title of chapter.

This chapter shall be known and may be cited as the "Petaluma Waterways Ordinance." (Ord. 1793 NCS §1 (part), 1990.)

13.24.020 Purpose.

This section establishes rules and regulations for use of the turning basin, waterways and/or marina. Particular consideration is given by this chapter to restrict the commercial berthing areas of the turning basin for commercial fishing vessels from the period of October 1 to April 30. From the period of May 1 to September 30, more berthing space shall be available for use by transient vessels. (Ord. 1793 NCS §1 (part), 1990.)

13.24.030 Definitions.

The following words and phrases shall have the meaning ascribed to them by this section:

- A. "Berth" means a place assigned by the city to secure a vessel.
- B. "To berth, moor, or anchor," means to secure a vessel to or upon any land, submerged land, mooring, fixture or structure by any means.
- C. "City" refers to city of Petaluma.
- D. "Commercial berthing area" means those docks so designated by the city and posted pursuant to Section [13.24.130](#).
- E. "Commercial fishing vessel" means any vessel currently registered with the California Department of Fish and Game used to obtain fish or other seafood for profit.
- F. "Day" means any twenty-four hour period of time.
- G. "Docking area" means that portion of the turning basin and marina to which vessels are normally secured including but not limited to any float.

H. "Float" means any wharf, slip, pier, dock, quay, landing or floating platform used or normally used for securing a vessel.

I. "Emergency" means a situation which poses an imminent threat of harm to persons or property.

J. "Harbormaster" means the person in day-to-day charge of the actual operations of the Petaluma Marina or the public works director or his/her designated representative.

K. "Marina" means that portion of land under the jurisdiction of the city which is bounded by a drainage channel on the southwest, Northwestern Pacific Railroad tracks on the northwest and another drainage channel on the east and the Petaluma River on the south, including launch ramp.

L. "Major repairs" means any construction, repair or replacement of structural members or portions of any boat, including repairs to the engine, gears, driveshaft, propeller or other propulsion system, other than routine repairs and maintenance.

M. "Pollutant" means any substance that may cause harm to persons, property or environment including but not limited to any substance identified as a pollutant by state or federal water pollution, air pollution or hazardous waste laws.

N. "Public fishing area" means any area posted and designated as such by the City of Petaluma.

O. "Residence" means a vessel used as a sleeping accommodation for more than three days in any fourteen day period.

P. "Sewage" means any and all waste substance, liquid or solid associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter, excepting galley wastewater and water used for exterior washdown or cleaning.

Q. "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water.

R. "Waterways" means any navigable waters within the territorial limits of the city.

S. "Turning basin" means area of water extending north from the "D" Street bridge to the Balshaw Pedestrian Bridge.

T. "Transient vessel" means any vessel which is berthed or moored without permit within the waterways or turning basin.

(Ord. 1793 NCS §1 (part), 1990.)

13.24.040 Duties of public works director and/or designated employees.



A. The public works director shall have full authority to enforce this chapter. His powers and duties include, but are not limited to:

1. Managing the operations of the turning basin, waterways and/or marina, including approval of and executing berthing permits.
2. Posting or restricting areas of the turning basin, waterways and/or marina for certain uses as provided in Section [13.24.100](#).
3. Boarding and moving, or ordering the owner or person in charge of any vessel to move, any vessel to another position as he determines necessary under the following conditions:
 - a. To prevent harm to person or property, including but not limited to when necessary to reduce risks due to fire, sinking, breakaway or collision; or
 - b. For the safe and orderly operation of the turning basin, waterways and/or marina, including but not limited to where necessary because of space limitations or navigation conditions;
4. Removing and impounding any vessel which has been abandoned, sunken or presents a hazard to person or property;
5. Issuing citations for violations of any provision of this chapter or any rule or regulation implementing this chapter.
6. Whenever a power is granted to, or a duty imposed upon the public works director, that power may be exercised or the duty may be performed by any person so designated by the public works director and as authorized by the city manager.

7. The city council may, by resolution, designate any employee to be a regular harbor policemen within the meaning of Section 663.5 of the Harbors and Navigations Code. Any person so designated is hereby charged with the responsibility for enforcing both this article and all applicable provisions of the Harbors and Navigations Code within the turning basin and waterways and may issue citations for violation of applicable provisions of the Harbors and Navigations Code.

(Ord. 1793 NCS §1 (part), 1990)

13.24.050 Violation of chapter.

A. This chapter is not intended to be the exclusive means of regulating activity of the turning basin, waterways and/or marina. Persons using turning basin, waterways and/or marina are subject to all other applicable local, state and federal laws.

B. Any person violating any provision of this chapter shall be guilty of an infraction and subject to punishment by:

1. A fine not exceeding one hundred dollars for a first conviction; or
2. A fine not exceeding two hundred dollars for a second conviction of this chapter within one year; or
3. A fine not exceeding five hundred dollars for each additional conviction of this chapter within one year; or
4. Such greater fine as may be authorized by state law.

C. For each day a violation of this chapter continues, it shall constitute a separate and distinct offense.

(Ord. 1793 NCS §1 (part), 1990.)

13.24.060 Owner's responsibility to pay.

A vessel owner or any person in charge of a vessel shall pay the city for:

A. All berthing fees, transient docking fees, rents and other charges, all as approved and adopted by city council;

- B. All reasonable expenses incurred by city in attempts to secure or protect vessels or their contents from harm;
- C. All damage to city property caused by such owner or person;
- D. All costs of raising, moving, impounding and storing any vessel or vehicle.

Failure to pay all such charges shall subject persons and vessels to legal action including, but not limited to, enforcement of the State Boater's Lien Law.

(Ord. 1793 NCS §1 (part), 1990.)

13.24.070 Time of day restrictions.

- A. In the turning basin or waterways, no person shall use a vessel moored or berthed therein as a residence except as specifically authorized by the public works director, in writing, as follows:
 - 1. A commercial fishing vessel may be used as a residence except such a vessel may not be so used for more than five consecutive days in any three hundred sixty-five day period;
 - 2. A transient vessel may be used as a residence for not more than three consecutive days in any fourteen day period.
 - 3. Emergency conditions: A vessel may be used as a residence when necessary during a storm or emergency but in no event for more than ninety consecutive days in any three hundred sixty-five day period.
- B. In the turning basin and/or marina, no person other than a vessel owner and/or a person in charge of a vessel (and/or a person at the invitation of either) shall be in the docking area between sunset and sunrise. This restriction shall be posted as provided in Section [13.24.130](#).
- C. In the turning basin, waterways and/or marina, amplified music, loud radios, shouting and any other loud noise are prohibited between the hours of 11:00 p.m. and 5:00 a.m., unless specifically authorized in writing by the public works director.
- D. The mooring or anchorage of vessels, regardless of size, is prohibited within the city's waterways between sunset of any day and sunrise of the next day, except at established public/private/ commercial docks or when a bona fide emergency exists. Pursuant to Section [13.24.130](#), the public

facilities and services director shall post such signs as he or she deems appropriate along the Petaluma River, from its junction with Washington Creek, downstream to the southern corporate limits of the city, giving notice of this restriction.

(Ord. 2173 NCS §2, 2004: Ord. 1793 NCS §1 (part), 1990.)

13.24.080 Skateboard and bicycle restrictions.

Skateboards or bicycles are not permitted on any ramp, gangway or float of the turning basin and/or marina. (Ord. 1793 NCS §1 (part), 1990.)

13.24.090 Pollution control restrictions.

No person shall throw, discharge or deposit from any vessel, or from any part of the turning basin, waterways and/or marina, any refuse or pollutant of any kind whatsoever directly into or upon the waters therein. (Ord. 1793 NCS §1 (part), 1990.)

13.24.100 Specific use and area restrictions.

- A. No person shall operate any vessel:
1. Within the waterways, turning basin and/or marina in excess of that which creates a flat wake;
 2. In the turning basin and/or waterways on the land side of the docking areas. These areas shall be posted.
- B. No person shall launch or retrieve any vessel within the area of turning basin by use of a trailer.
- C. The public works director may reserve areas of the turning basin, waterways and/or marina for temporary recreational purposes by conspicuously posting signs reserving those areas. No person shall use any area of the turning basin, waterways and/or marina in violation of any signs posted.
- D. No person shall operate, anchor or moor any vessel larger than eighteen feet in length on the Petaluma River upstream of the Balshaw Bridge. Pursuant to Section [13.24.130](#), the public facilities and services director shall post such signs as he or she deems appropriate along the Petaluma River, giving notice of this and other restrictions imposed by this section. (Ord. 2173 NCS §3, 2004: Ord. 1793 NCS §1 (part), 1990.)

13.24.110 Damage to public property.

It shall be unlawful to willfully or carelessly destroy, damage, disturb, deface or interfere with any public or municipal property in or adjacent to the waters of the municipality. (Ord. 1793 NCS §1 (part), 1990.)

13.24.120 Operation, maintenance and docking of vessels on public docks.

- A. No person shall, within the turning basin and marina make major repairs on any vessel except upon prior written authorization of the public works director.
- B. Exterior power-spraying is prohibited in the turning basin and marina.
- C. No person shall sand any vessel or equipment in the turning basin and marina except by hand or small power sander.
- D. No person shall secure any vessel so that any part of the vessel, including bowsprit, boom, boomkit, or equipment blocks any portion of any walkways of turning basin and marina.
- E. No vessel owner or person in charge of any vessel shall obstruct passage on walkways and/or floats, in any manner except by a landing step as hereinafter provided. Landing steps must be floatable, may not be used for storage and shall not be more than one-half the width of any passageway. Landing steps shall be kept on board the vessel when not in use.
- F. No person shall allow any materials to remain on walkways and/or floats, other than for temporary purposes.
- G. No person shall permanently attach any tire, rope, canvas or other material to floats, piers, docks, piles or any part of the turning basin and/or marina without the written approval of the public works director. Dock lockers or similar dock storage are prohibited. Only floatable fenders are permitted for use within the turning basin and/or marina.
- H. No person shall build or extend any float, bulkhead or seawall, or structure of any kind whatsoever, within turning basin, waterways and/or marina without the express written consent of public works director.
- I. This section does not apply to private property.

(Ord. 1793 NCS §1 (part), 1990.)

13.24.130 Signs and posting. SHARE

The public works director may place and maintain, or cause to be placed and maintained, either on land or water, such signs, notices, signal buoys, markers or control devices as he/she deems necessary to carry out the provisions of this chapter, or to secure public safety and the orderly and efficient use of the turning basin and marina, including the designation of anchorage or mooring areas. (Ord. 1793 NCS §1 (part), 1990.)

13.24.140 Rates and fees. SHARE

The city council shall establish, by resolution, rates for services, rents, fees and such other charges as may be necessary for the orderly operation of the turning basin, waterways and/or marina. (Ord. 1793 NCS §1 (part), 1990.)

13.24.150 Berthing. SHARE

A. No person shall berth, moor or anchor a vessel except as authorized by a berthing permit, berthing agreement or other written approval of the public works director. Any vessel which is lawfully berthed or anchored is still subject to the provisions contained in Section [13.24.040](#) A, 3. of this chapter.

1. A berthing permit is that which is issued for areas of the turning basin and waterways.
2. A berthing agreement is that which is for space in the marina.

B. No person shall berth or anchor a vessel in the turning basin, waterways and/or marina which is unseaworthy or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats or other vessels or which may become a menace to navigation, except in cases of distress or emergency when reasonable precautions for the safety of the persons and property of others have been taken.

C. No berthing permit or berthing agreement shall be issued to a vessel unless it is currently registered, numbered or documented as required by state and/or federal law.

D. No person shall sublet a berth.

E. Berthing in the commercial berthing area of the turning basin shall be reserved for commercial fishing vessels and any other commercial vessel so approved by city council, during the period of

October 1 to April 30 of any year. During the period of May 1 to September 30, transient vessels shall have the right to occupy the commercial vessel areas for temporary berthing.

(Ord. 1793 NCS §1 (part), 1990.)

13.24.160 Appeal.

In the event that any applicant or permittee is for any reason dissatisfied with the actions of the public works director by reason of failure to grant a permit, the applicant or permittee shall have the right to appeal to the city council, in writing, within ten days after notification of the action of the public works director. Upon receipt of an appeal, the city clerk shall call a hearing at the next regular meeting not less than twenty days from receipt of the appeal and give the applicant notice thereof by registered or certified mail addressed to the appellant, at the address shown on the application or permit. At the conclusion of the hearing, the city council shall render a decision, which decision shall be final. (Ord. 1793 NCS §1 (part), 1990.)

13.24.170 Additional rules and regulations.

The city council may, by resolution, adopt such additional rules and regulations as it determines are necessary to operate and manage the turning basin, waterways and/or marina. Such additional rules and regulations may provide for additional time of day, pollution control, use and area, operation and maintenance, or berthing restrictions. All such rules and regulations shall be conspicuously posted in a location convenient to turning basin, waterways and/or marina users. Copies of rules and regulations shall be available at the public works office. No person shall use any portion of the turning basin, waterways and/or marina except as authorized by such rules and regulations. Any violation of a posted and adopted regulation is a violation of this chapter. (Ord. 1793 NCS §1 (part), 1990.)

13.24.180 Conflict with other laws.

This chapter is not intended, and shall not be construed, to apply to any substance or activity which is regulated by federal or state law, to the extent that application of this article would conflict with such law or would unduly interfere with the achievement of federal or state regulatory objectives. It is the intention of the city council that this chapter shall be interpreted to be compatible with federal and state enactments, and in furtherance of the public purposes which those enactments express. (Ord. 1793 NCS §1 (part), 1990.)

13.24.190 Berthing permit.

All applications for berthing permits shall be in writing on a form supplied by the city public works department, and shall be accompanied by a fee prescribed by resolution of city council. (Ord. 1793 NCS §1 (part), 1990.)

13.24.200 Berth agreement.  

All berthing agreements shall be in writing on a form supplied by the city public works department and shall be accompanied by a fee prescribed by resolution of city council and copies of the marina rules and regulations. (Ord. 1793 NCS §1 (part), 1990.)

[1](#)

Editor's Note: Ordinance No. 1284 NCS and amending Ordinance Nos. 1328 NCS and 1463 NCS, which were previously codified herein, were superseded in entirety by Ordinance No. 1793 NCS.