

HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

ORDINANCE No. 4

ORDINANCE ESTABLISHING PROCEDURES FOR THE EVALUATION
OF APPLICATIONS FOR "EMERGENCY AND ADMINISTRATIVE
PERMITS", AFFECTING OR INVOLVING AREAS OR ACTIVITIES
WITHIN THE JURISDICTION OF THE HUMBOLDT BAY HARBOR,
RECREATION, AND CONSERVATION DISTRICT, AND ESTABLISHING
RULES AND REGULATIONS PERTAINING THERETO.

THE BOARD OF HARBOR COMMISSIONERS OF THE HUMBOLDT BAY
HARBOR, RECREATION, AND CONSERVATION DISTRICT, DOES HEREBY
ORDAIN AS FOLLOWS:

Chapter I

Article 1, Definitions

1/ EMERGENCY. "Emergency" as used in these regulations means:
A sudden unexpected occurrence demanding immediate action to prevent
or mitigate loss or damage to life, health, property or essential
public services.

2/ ADMINISTRATIVE PERMIT. "Administrative Permit" means:
A permit which may be issued by the Chief Executive Officer under
the criteria established by Resolution No. 74-5 made by this
District on April 11, 1974, and pursuant to these regulations.

Chapter II

Permits for and Approval of Emergency Work

Article 1

This Chapter governs procedures for processing applications
for administrative permits to perform work to resolve problems
resulting from a situation that is asserted to be an "emergency"
as defined in Chapter I above. It is recognized that in some
instances governmental agencies, private persons and public util-
ities may need to undertake work to protect life and property,
and to maintain public service, before the provisions of the
California Harbors and Navigation Code, Appendix II, Sections 1
to 84 as amended, can be fully complied with. Such agencies,

individuals, persons and utilities shall nonetheless comply to the maximum extent feasible to the provisions of this Chapter.

Article 2

Application in cases of emergency shall be made to the Chief Executive Officer by letter or application if time allows, and by telephone or in person if time does not allow.

Article 3

The information to be reported during the emergency, if it is possible to do so, and to be reported fully in any case, after the emergency, shall include the following:

- (a) The nature of emergency;
- (b) The cause of the emergency, in so far as this can be established;
- (c) The location of the emergency;
- (d) The remedial, protective, or preventive work required to deal with the emergency; and,
- (e) The circumstances as they appeared during the emergency that justified the courses of action taken and the anticipated consequences if no action had been taken.

Article 4

The Chief Executive Officer shall verify the facts, including particularly the existence and nature of the emergency, in so far as time allows.

Article 5

In so far as time allows, the Chief Executive Officer shall consult with the President (or, in his absence, the Vice-President, or in his absence, the Secretary) before granting an emergency permit.

In the event of the absence of the Chief Executive Officer, the President (or in his absence, the Vice-President, or in his absence, the Secretary) may grant an emergency permit as provided for in this Chapter. In the absence of the Chief Executive Officer, the President shall consult with the Vice-President (or in his absence, the Secretary) before granting an emergency permit.

Article 6

The Chief Executive Officer may grant an emergency permit with reasonable terms and conditions if he finds that:

(a) An emergency exists and requires action more quickly than permitted by the procedures for administrative permits or for ordinary permits;

(b) The work proposed would be consistent with the policies, resolutions and ordinances of the District and of the Harbors and Navigation Code of the State of California, Appendix II, Sections 1 to 84 as amended.

Article 7

Within five working days after receiving an emergency permit, the permittee shall deliver to the Chief Executive Officer and the District descriptive material concerning the work, similar to the documentation required in applications for ordinary permits.

Article 8

The Chief Executive Officer shall report in writing to the District Commission at each meeting the permits for "emergencies" he has approved and issued since the last report, with sufficient description of the work authorized. Copies of this report shall be available at the meeting and shall have been mailed not later than three days preceding the meeting to all those persons and organizations which have requested such notification in writing.

Article 9

All emergency permits issued within the week of the meeting shall be briefly described by the Chief Executive Officer at the meeting and he shall also make the written report required by Article 8 above at the next succeeding meeting.

Chapter III Procedures for Administrative Permits

Article 1

This Chapter governs special procedures for processing applications for permits to perform work that is asserted to be within the following criteria: repair or maintenance activities of any sort, excluding dredging; provided, that such activities do not result in addition to, or an enlargement or expansion of, the object of such repair or maintenance activities.

Article 2, Applicants Statement

The permit application form provided for by this District pursuant to the provisions of the Harbors and Navigations Code, Appendix II, Sections 1 to 84 as amended, shall allow the applicant opportunity to state that in his opinion the work applied for follows within the criteria established in Article 1 above.

Article 3

Applications asserted to be within the criteria established by Article 1 above shall be furnished to the District in the same form as that required by the provisions of Resolution No. 74-5 made by the District on April 11, 1974.

Article 4

To the extent that he deems necessary, the Chief Executive Officer shall send notice of the application to, and shall hold consultations concerning the application, with interested government agencies and private individuals, and the President of the District, and may when necessary require an applicant to furnish additional copies of the application and/or exhibits for that purpose.

Article 5

The Chief Executive Officer may approve an application as an administrative permit for repair or maintenance activities of any sort, excluding dredging; provided, that such activities do not result in an addition to or enlargement or expansion of the object of such repair or maintenance activities, on the same grounds that the District may approve an ordinary application, and he may include a statement of reasonable terms and conditions consistent with the policies and objectives of the State of California Harbors and Navigation Code, Appendix II, Sections 1 to 84 as amended.

Article 6

If the District receives an application that is asserted to be for repairs or maintenance within the criteria established by this Ordinance and by the provisions of the Harbors and Navigation Code of the State of California, Appendix II, Sections 1 to 84 as amended, and if the Chief Executive Officer finds that the application does not qualify as such, he shall not file the application, but shall forthwith return the application to the proposed applicant with an explanation.

Article 7

If the Chief Executive Officer determines not to grant a properly filed application for an administrative permit for repairs or maintenance allegedly within the criteria established by this Ordinance, he shall promptly mail written notice to this effect to the applicant with an explanation for his reasons.

Article 8

In the event the Chief Executive Officer finds that the application does not qualify for an administrative permit, the applicant may proceed, if he wishes, to file an application under the normal permit procedures established by the District.

Article 9

The Chief Executive Officer shall report to the District Commission at each meeting the permits that he has approved as administrative permits and issued since the last report, with sufficient description of the work authorized. Copies of this report shall be available at the meeting and shall have been mailed to all those persons and organizations wishing to receive such notification, not later than three days preceding the meeting. Any such administrative permits approved in the week preceding the meeting shall be included in the report for the next succeeding meeting.

Chapter IV

Article 1

All applicants for permits made pursuant to the provisions of Chapter II and Chapter III set forth herein shall pay the filing fee and costs incurred by the District as set forth in Humboldt Bay Harbor, Recreation, and Conservation District Resolution No. 74-5, Section III entitled "Rates and Charges", dated April 11, 1974. In addition thereto, all applicants shall pay all costs incurred by the District in connection with the review and processing of the applications made hereunder.


Article 2

Any person who violates the provisions of this Ordinance of the District shall be guilty of a misdemeanor.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT ON THE 13th DAY OF MARCH, 1975, BY THE FOLLOWING POLLED VOTE:

AYES: Commissioner Startare Commissioner Davenport
 Commissioner Christensen Commissioner Gast
NAYES:

ABSENT: Commissioner Ridenhour.



William J. Startare, President,
Board of Commissioners, Humboldt
Bay Harbor, Recreation, and
Conservation District.

Attest:



Richard I. Ridenhour, Secretary

CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the Humboldt Bay Harbor, Recreation, and Conservation District, does hereby certify: That the attached Ordinance is a true and correct copy of Ordinance No. 4, entitled "ORDINANCE ESTABLISHING PROCEDURES FOR THE EVALUATION OF APPLICATIONS FOR 'EMERGENCY AND ADMINISTRATIVE PERMITS', AFFECTING OR INVOLVING AREAS OR ACTIVITIES WITHIN THE JURISDICTION OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT, AND ESTABLISHING RULES AND REGULATIONS PERTAINING THERETO" as regularly adopted at a legally convened meeting of the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District, duly held on the 13th day of March, 1975; further, that such Ordinance has been duly recorded in the journal of proceedings in my office and is in full force and effect.

In witness whereof, I have hereunder set my hand this 24th day of March, 1975.



Richard L. Ridenhour, Secretary,
Board of Commissioners.

(seal)

HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

AMENDMENT NO. 1 TO ORDINANCE NO. 4

AMENDMENT TO ORDINANCE ESTABLISHING PROCEDURES FOR
THE EVALUATION OF APPLICATIONS FOR "EMERGENCY AND
ADMINISTRATIVE PERMITS", AFFECTING OR INVOLVING AREAS
OR ACTIVITIES WITHIN THE JURISDICTION OF THE HUMBOLDT
BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT, AND
ESTABLISHING RULES AND REGULATIONS PERTAINING THERETO

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR,
RECREATION, AND CONSERVATION DISTRICT, DOES HEREBY AMEND CHAPTER
III, ARTICLE 1 AND ARTICLE 5 OF ORDINANCE NO. 4 TO READ AS FOLLOWS:

Article 1

This Chapter governs special procedures for processing applications for permits to perform work that is asserted to be within the following criteria: repair or maintenance activities of any sort, including maintenance dredging; provided, that such activities do not result in addition to, or an enlargement or expansion of, the object of such repair or maintenance activities.

Article 5

The Chief Executive Officer may approve an application as an administrative permit for repair or maintenance activities of any sort, including maintenance dredging; provided, that such activities do not result in an addition to or enlargement or expansion of the object of such repair or maintenance activities, on the same grounds that the District may approve an ordinary application, and he may include a statement of reasonable terms and conditions consistent with the policies and objectives of the State of California Harbors and Navigation Code, Appendix II, Sections 1 to 84 as amended.

) This Amendment to Ordinance shall become effective thirty (30) days after the date of its Publication in The Times Standard Newspaper, Eureka, California, pursuant to the provisions of Section 22, Appendix 2 of the California Harbors and Navigation Code.


PASSED AND ADOPTED THIS 21ST DAY OF DECEMBER, 1995, BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES: COMMISSIONER CURLESS, COMMISSIONER FREDERICK, COMMISSIONER HUNTER, COMMISSIONER OLLIVIER

NAYES:


ABSENT:

ABSTAIN: COMMISSIONER SMITH

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ROY CURLESS, President
Board of Commissioners

ATTEST:



JOHN FREDERICK, Secretary
Board of Commissioners