

TITLE 17 Harbor

This title was most recently updated by the following ordinances:

Ordinance No.	Subject	Effective Date	Code Site
5528	Waterfront Operations	August 12, 2010	Sections 17.18.050, 17.20.005, 17.20.255, 17.28.010, 17.28.020 and 17.28.070
5564	Harbor Parking	September 22, 2011	Chapter 17.36

TITLE 17

HARBOR

Chapter: 17.04 Definitions

**Chapter: 17.06 Board of Harbor
Commissioners**

Chapter: 17.08 Waterfront Director

Chapter: 17.12 Regulations for Use of Harbor

Chapter: 17.13 Stearns Wharf

**Chapter: 17.16 Sanitation and Contamination
of Harbor Waters**

Chapter: 17.18 Live-Aboards

**Chapter: 17.20 Slip and Mooring Regulations
and Charges**

Chapter: 17.24 Wharfage and Dockage Rates

**Chapter: 17.28 Business Activity and
Advertising in Harbor**

**Chapter: 17.32 Petroleum Products in Harbor
District**

Chapter: 17.36 Waterfront Parking

**Chapter: 17.40 Reserve for Harbor
Preservation**

Chapter 17.04

DEFINITIONS

Sections:

17.04.010 Definitions.

17.04.010 Definitions.

The following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

A. ANCHOR. A heavy metal device, fastened to chain or line, designed to help hold a vessel in position. (Ord. 5386, 2006.)

B. ANCHORING EQUIPMENT. An Anchor, line or chain and associated gear that is retrievable, stowable, non-permanent ground tackle designed to engage the seafloor and through its resistance to drag maintain a vessel within a given radius. (Ord. 5386, 2006.)

C. BERTH. A water surface area, delineated by either floating or fixed dock structures, intended for the purposes of embarking, disembarking and the wet storage of boats. A Berth is also known as a "Slip." (Ord. 5386, 2006.)

D. CITY-APPROVED MOORING INSPECTOR. An individual who, by satisfactorily demonstrating appropriate qualifications, has been included on a City-approved list of inspectors eligible to install, inspect and repair ground tackle for Mooring Permittees in the Santa Barbara Mooring Area. (Ord. 5386, 2006.)

E. CITY PIER. The City Pier is located adjacent to the Breakwater at the Southeastern end of Harbor Way in the Santa Barbara Harbor formerly known as the "Navy Pier." (Ord. 5386, 2006; Ord. 4757, 1992.)

F. DINGHY. A small boat used as a tender to a larger vessel. A Dinghy is also known as a "Skiff." (Ord. 5386, 2006.)

G. DISCHARGE. To spill, leak, pump, pour, emit, empty, dump, deposit, or throw. (Ord. 5386, 2006; Ord. 5282, 2003.)

H. DOCK. A platform, either floating or fixed, provided in a marina for the wet storage of a boat and pedestrian access to and from the boat. (Ord. 5386, 2006.)

I. DOCKAGE. The daily rate assessed a vessel which ties up to any wharf or pier in the Harbor. (Ord. 5386, 2006; Ord. 4757, 1992.)

J. FLOAT. A wharf, pier, quay or landing. (Ord. 5386, 2006; Prior Code §24.1.)

K. GROUND TACKLE. All equipment used for Mooring or anchoring a vessel securely to the seafloor. (Ord. 5386, 2006.)

L. HARBOR. The area depicted on Exhibit "A" attached to Chapter 17.20 generally bounded by and including Stearns Wharf on the east, the Breakwater on the south, the seawall abutting Harbor Way and the Harbor commercial area on the west, the concrete walkway and seawall along currently-designated Marinas 2, 3 and 4 and including the area commonly known as West Beach on the north. (Ord. 5386, 2006; Ord. 4757, 1992; Prior Code §24.1.)

M. HARBOR DISTRICT. The entire Waterfront of the City, including all navigable waters and all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide, bounded by the limits of the City as now fixed or hereafter may be extended. (Ord. 5386, 2006; Ord. 4757, 1992; Prior Code §24.1.)

- N. HARBORMASTER.** The person designated by the Waterfront Director as the division manager of the Operations Division of the Waterfront Department. (Ord. 5386, 2006; Ord. 4757, 1992.)
- O. HARBOR PATROL SUPERVISOR.** The person designated by the Waterfront Director as the supervisor of the Harbor Patrol Officers in the Operations Division of the Waterfront Department. (Ord. 5386, 2006; Ord. 4757, 1992.)
- P. LIVE-ABOARD.** The use or occupancy of a vessel for habitation on any four (4) nights during a seven (7) day period. The term does not include the vacation use of a vessel, as defined in Section 17.18.090, by its registered owner and the owner's guests. (Ord. 5386, 2006; Ord. 4757, 1992; Ord. 4387, 1986.)
- Q. MARINA.** A connected system of slips in the Harbor. (Ord. 5386, 2006; Ord. 4757, 1992.)
- R. MARINE SANITATION DEVICE.** Equipment on board a vessel that is designed to receive, retain, treat, process, or discharge sewage. (Ord. 5386, 2006; Ord. 5282, 2003.)
- S. MINIMUM GROUND TACKLE SPECIFICATIONS.** The specifications for Ground Tackle used to moor a vessel, attached as Attachment "A" to the Resolution of the Council of the City of Santa Barbara Establishing Minimum Ground Tackle Specifications and Procedures for Installing, Inspecting and Repairing Moorings in the Santa Barbara Mooring Area, as may be amended from time to time by the Harbor Commission, with which all vessels intending to moor in the City of Santa Barbara Mooring Area must comply. (Ord. 5386, 2006.)
- T. MOORING.** An Anchor, chain, buoy, pendant, snubber, chafing gear and associated equipment, not typically stowed or carried aboard a vessel when underway, used to engage the seafloor and through its resistance to drag maintain a vessel within a given radius. (Ord. 5386, 2006; Ord. 4757, 1992; Prior Code §24.1.)
- U. MOORING INSPECTION REPORT.** A City form on which a City-Approved Mooring Inspector provides the results and recommendations of a Mooring Inspection. (Ord. 5386, 2006.)
- V. MOORING PERMIT.** An annual non-transferable Mooring Site rental agreement issued by the Waterfront Director to a Mooring Permittee to place a Mooring and vessel in a Mooring Site in the Santa Barbara Mooring Area. (Ord. 5386, 2006.)
- W. MOORING SITE.** A designated location within the Santa Barbara Mooring Area assigned by the Waterfront Director through a Mooring Permit to a Mooring Permittee for purposes of Mooring a vessel. (Ord. 5386, 2006.)
- X. OPERABLE.** A vessel's ability to maneuver safely under its own power from any place in the Harbor District to the open waters of the Pacific Ocean and back to its point of origin. (Ord. 5386, 2006.)
- Y. RODE.** All gear, collectively, that lies between a boat and its Anchor. (Ord. 5386, 2006.)
- Z. SANTA BARBARA MOORING AREA.** The area located in the City of Santa Barbara tidal waters east of Stearns Wharf as depicted on the reference map attached as Exhibit "A" to Chapter 17.20. (Ord. 5386, 2006.)
- AA. SEASONAL ANCHORAGE.** The area depicted on the reference map attached as Exhibit "A" to Chapter 17.20. (Ord. 5386, 2006.)
- BB. SEWAGE.** Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste. (Ord. 5386, 2006; Ord. 5282, 2003.)
- CC. SLIP.** A docking space for a vessel within the Harbor. (Ord. 5386, 2006; Ord. 4757, 1992.)
- DD. SLIP FEE.** The monthly license fee paid by a slip permittee for berthing privileges in the Harbor, including the monthly fees paid for live-aboard privileges if applicable. (Ord. 5420, 2007.)
- EE. SLIP PERMIT.** A slip rental agreement issued by the Waterfront Director to a Slip Permittee to berth a vessel in a slip in the Santa Barbara Harbor. (Ord. 5386, 2006; Ord. 4757, 1992.)
- FF. SPECIAL ACTIVITY MOORING PERMIT.** A Mooring Permit issued by the Waterfront Director to individuals, organizations and governmental entities found to be operating research, scientific, clean-up or other functions necessary to the long-term health and operation of the Harbor District and marine environment, or critical to the safety, welfare and protection of persons and assets within the Harbor District. (Ord. 5386, 2006.)
- GG. STEARNS WHARF.** The wharf structure and all of its improvements located at the foot of State Street. (Ord. 5386, 2006; Ord. 4757, 1992; Ord. 4272, 1984.)
- HH. TRANSFER FEE.** The fee charged to transfer a Slip Permit. (Ord. 5420, 2007; Ord. 5386, 2006; Ord. 4757, 1992.)
- II. WATERFRONT.** The Harbor, Stearns Wharf, West Beach and all City-owned or -operated parking lots and related structures and facilities along Cabrillo Boulevard or Shoreline Drive within the City of Santa Barbara. (Ord. 5386, 2006; Ord. 4757, 1992; Ord. 4272, 1984.)
- JJ. WHARFAGE.** The hourly rate assessed any vessel which uses or is tied up to any structure in the Harbor for the loading or unloading of merchandise, excluding the products of commercial fishing. (Ord. 5386, 2006; Ord. 4757, 1992.)
- KK. YEAR-ROUND ANCHORAGE.** The area depicted on the reference map attached as Exhibit "A" to Chapter 17.20. (Ord. 5386, 2006.)

Chapter 17.06

BOARD OF HARBOR COMMISSIONERS

Sections:

17.06.010 Harbor Commission - Powers and Duties.

17.06.010 Harbor Commission - Powers and Duties.

The Board of Harbor Commissioners shall have the same powers and duties regarding the Waterfront as it possesses with respect to the Harbor pursuant to the provisions of Section 811 of Article VIII of the Charter of the City of Santa Barbara. (Ord. 4272, 1984.)

Chapter 17.08

WATERFRONT DIRECTOR

Sections:

17.08.010 Powers and Duties - Harbor.

17.08.020 Performance by Deputy or Assistant.

17.08.030 Additional Powers and Duties.

17.08.040 Carrying of Firearms.

17.08.010 Powers and Duties - Harbor.

The Waterfront Director, acting under the orders and jurisdiction of the City Administrator, shall have full authority in the enforcement of all provisions of this Code, and all the ordinances and regulations affecting the Waterfront, Stearns Wharf and the Harbor District. The powers and duties of the Waterfront Director shall expressly include, but not be limited to, the following:

A. DESIGNATION OF MOORING AREAS. To designate and mark, by buoys or otherwise, the areas within which vessels of different sizes and classes shall be moored.

B. ASSIGNMENT OF SLIPS. To assign vessels to slips within designated areas in the Harbor. To approve, issue and collect fees for Slip Permits.

C. TERMINATION OF SLIP PERMITS. To terminate Slip Permits pursuant to Section 17.20.005.J herein.

D. ASSIGNMENT OF MOORINGS. To assign moorings to vessels within designated areas in the Harbor District.

E. ORDER VESSEL MOVEMENT. To order the owner of any vessel within the Harbor District to move the vessel to any other position the Waterfront Director may designate in the interest of safety, space limitations, traffic and reduction of risk due to fire, sinking, breakaway or collision. To move the vessel, and to collect moving costs from the vessel's owner, in the event the vessel is not moved by its owner.

F. MOVING VESSELS. To move the vessel, and to collect moving costs from the vessel's owner, in the event the vessel is not moved by its owner.

G. POLICE POWERS. The Waterfront Director and his appointed deputies and assistants are peace officers who make arrests for public offenses.

H. CLOSURE OF STEARNS WHARF. To order the closure of Stearns Wharf to the general public when necessary to protect the public health, safety, or welfare or to maintain Stearns Wharf.

I. COMMERCIAL AND INDUSTRIAL USE OF STEARNS WHARF. To restrict and control the commercial and industrial use made of Stearns Wharf, including the authority to impose fees, in amounts determined by the City Council, for specified activities, to insure that such use is consistent with the recreational nature of Stearns Wharf.

J. REGULATIONS FOR THE USE OF STEARNS WHARF. To adopt and enforce reasonable regulations for the proper use and enjoyment of Stearns Wharf by the public.

K. COLLECTION OF PARKING FEES ON STEARNS WHARF. To collect fees and charges established by Resolution of the City Council for vehicles entering or parking on Stearns Wharf.

L. PARKING REGULATIONS. To establish regulations, including, but not limited to, parking time limitations and procedures for the validation of parking by Stearns Wharf merchants, and by Waterfront Merchants, as necessary for the orderly control of traffic and parking on Stearns Wharf, the Waterfront, and the Harbor District in general.

M. PARKING POLICY. To promulgate parking policy with respect to Stearns Wharf tenants, Waterfront tenants, and their employees in conformance with existing leases and in order to maximize the availability of public parking.

N. GENERAL. The primary duty of the Waterfront Director and his or her deputies and assistants shall be the enforcement of the law in or about the Santa Barbara Harbor, Harbor District, and Waterfront area, or when performing necessary duties with respect to patrons, employees, and properties of the Santa Barbara Harbor, Harbor District, and Waterfront area. (Ord. 5420, 2007; Ord. 5201, 2001; Ord. 4757, 1992; Ord. 4282, 1984; Ord. 4272, 1984; Ord. 4133, 1982; Ord. 4074, 1980; Prior Code Section 24.2.)

17.08.020 Performance by Deputy or Assistant.

Whenever a power is granted to, or duty is imposed upon, the Waterfront Director, the power may be exercised or the duty may be performed by a deputy, or assistant of the Waterfront Director, or by a person authorized, pursuant to law, by the City Administrator, unless this title expressly provides otherwise. (Ord. 4272, 1984; Ord. 4074, 1980; Prior Code Section 24.3.)

17.08.030 Additional Powers and Duties.

The Waterfront Department shall be under the direction of the Waterfront Director. The Waterfront Director shall be subject to the control and general supervision of the City Administrator. All references in the City Charter, this Code or in any ordinance which refer to the position of Harbor Manager, Harbormaster or Harbor Director as the Department Head of the Waterfront Department, shall be deemed to refer to the Waterfront Director, provided that nothing herein shall be construed to change the salary of the Waterfront Director. (Ord. 4757, 1992; Ord. 4272, 1984; Ord. 4074, 1980; Ord. 3919 Section 7, 1977; Ord. 3336 Section 1, 1968.)

17.08.040 Carrying of Firearms.

Subject to the approval of the Waterfront Director, the Harbormaster, the Harbor Patrol Supervisor, and Harbor Patrol Officers may carry firearms while engaged in the performance of their official duties. Prior to carrying firearms, the Harbormaster, Harbor Patrol Supervisor and Harbor Patrol Officers must satisfactorily complete a training course in the carrying and use of firearms which meets the minimum standards prescribed by the Commission on Peace Officers Standards and Training. Once every ninety (90) days, Harbor Patrol Officers shall demonstrate their competency in handling firearms in a manner satisfactory to the Chief of Police. Upon being determined to be competent, said Officers shall be so certified by the Chief of Police for the succeeding ninety (90) day period. The purpose and intent of the authorization to carry firearms in this section is to provide a means of self-defense only. The use and handling of such weapons shall comply in all respects with all applicable rules and regulations of the Fire and Police Commission. (Ord. 5377, 2005; Ord. 4757, 1992; Ord. 4282, 1984; Ord. 4272, 1984; Ord. 4133, 1982; Ord. 4074, 1980; Ord. 3674 Section 2, 1974.)

Chapter 17.12

REGULATIONS FOR USE OF HARBOR

Sections:

17.12.010	Disposition, Etc., of Sunken Vessels, Derelicts, Flotsam, Etc.	17.12.120	Obstructing Access to and Use of Landings, Piers, Fairways, Etc.
17.12.020	Notice of Departure from Harbor.	17.12.130	Certain Craft Requiring Permit to Cross Main Channel.
17.12.030	Launching and Removing Vessels - Procedure.	17.12.135	Sailboarding Restricted.
17.12.040	Public Launching Ramp Fees.	17.12.150	Operation of Vessels in Harbor.
17.12.060	Damage to Harbor Equipment.	17.12.170	Power Driven Vessels and Sail Vessels in Swim Areas.
17.12.070	Information to be Furnished Waterfront Director.	17.12.180	Places Where Swimming Prohibited.
17.12.090	Assumption of Risk by Vessel Owner.		
17.12.100	Permission to Leave Vessel by Wharf, Pier, Etc.		

17.12.010 Disposition, Etc., of Sunken Vessels, Derelicts, Flotsam, Etc.

The Waterfront Director shall take custody of all property found within the Harbor district not in the lawful possession or control of any person. The lawful owners may claim such property by showing proof of ownership and paying all expenses incurred by the Waterfront Director in connection therewith, including charges for raising, keeping and storing the same. If any property is not claimed, and all charges are not paid, within sixty (60) days after the Waterfront Director has taken custody of it, the Waterfront Director is authorized to sell the same as abandoned property in accordance with the terms of existing law. (Ord. 4757, 1992; Prior Code §24.4.)

17.12.020 Notice of Departure from Harbor.

Prior to departure from the Harbor, all boat owners or operators shall report to the Waterfront Director if a slip is to be released, vacated or unoccupied for five (5) or more days. (Ord. 5386, 2006; Ord. 4757, 1992; Prior Code §24.6.)

17.12.030 Launching and Removing Vessels - Procedure.

Vessel launching or removal from the Harbor is unlawful, except at public or commercial locations designated for such purpose, without first obtaining permission from the Waterfront Director. (Ord. 4757, 1992; Ord. 4200, 1983; Ord. 2973 §1, 1964; Ord. 2915 §1, 1963; Ord. 2882 §1, 1962; prior Code §24.7.)

17.12.040 Public Launching Ramp Fees.

Fees for the privilege to enter and use the public launching ramp for launching a boat shall be established by City Council resolution. (Ord. 4757, 1992; Ord. 3932 §1, 1977; Ord. 3333, 1968; Ord. 2973, 1964; prior Code §24.7(a).)

17.12.060 Damaging, Etc., Harbor Property.

It is unlawful for any person to wilfully or carelessly destroy, damage, disturb, deface or interfere with any buoy, float, life preserver, sign, notice or any other municipal or public property within the Harbor district under the jurisdiction of the City, and such person shall make full restitution for any resulting damages to the City. (Ord. 4757, 1992; Prior Code §24.8.)

17.12.070 Information to be Furnished Waterfront Director.

The master and pursers of all vessels using the Harbor or wharves shall furnish the Waterfront Director with information regarding the size and kind of vessel; the amount, kind and value of waterborne freight handled, and the number of passengers carried and submit their papers, including their manifests for inspection, upon demand. (Ord. 4757, 1992; Prior Code §24.9.)

17.12.090 Assumption of Risk by Vessel Owner.

The owner of any vessel shall assume all risk of damage or loss of any kind to his property while it is within the limits of the Harbor district. The City assumes no risk on account of fire, theft, act of God, conditions of the sea, or damages of any kind to vessels. (Ord. 4757, 1992; Prior Code §24.11.)

17.12.100 Permission to Leave Vessel by Wharf, Pier, Etc.

It is unlawful for any person to leave any vessel unattended or unoccupied at, or alongside any public wharf, pier, float, quay or landing without obtaining permission of the Waterfront Director to do so. (Ord. 4757, 1992; Prior Code §24.12.)

17.12.120 Obstructing Access to and Use of Landings, Piers, Fairways, Walkways and Docks.

It shall be unlawful for any person to obstruct access to or use of any public area including landings, piers, fairways, walkways and docks or to berth any vessel where the length of the vessel exceeds the maximum permissible length for the slip as established by resolution of the City Council. (Ord. 5152, 2000; Ord. 4757, 1992; Prior Code §24.14.)

17.12.130 Certain Craft Requiring Permit to Cross Main Channel.

No person shall operate any surfboard, sailboard, paddleboard, raft, or similar craft or device, in or across the main channel, or in area of launching ramps, marinas, and turning basins; without first having obtained permission from the Waterfront Director. (Ord. 4757, 1992; Ord. 4308, 1984; Ord. 2749 §1, 1959; prior Code §24.141.)

17.12.135 Sailboarding Restricted.

No person shall use or operate any sailboard, windsurfer or similar device in the waters bounded by West Beach, Stearns Wharf, the rock groin at the Harbor entrance and an imaginary line connecting the Santa Barbara Harbor Light 4 (located at the end of Stearns Wharf) to Santa Barbara Harbor Breakwater Light (located at the most southeasterly point of the breakwater) between the hours of 12:00 noon to 6:00 p.m. on Sundays during the months of April, May, June and July. (Ord. 4308, 1984.)

17.12.150 Operation of Vessels in Harbor.

A. No owner, operator or person in command of any vessel shall operate a vessel or permit a vessel to be operated within the limits of the Harbor:

1. in any fashion that is not reasonable or prudent, having due regard for other vessels, property and persons and taking into consideration the visibility and weather conditions occurring at the time; or
2. in excess of five (5) nautical miles per hour; or
3. in a manner that creates a wake that causes docks, floating structures or vessels secured to docks or floating structures to move.

B. Exceptions. This section shall not apply to public officers in the performance of their official duties or persons issued a special permit by the Waterfront Director. (Ord. 5124, 1999; Ord. 4757, 1992; Ord. 2666 §1, 1958; prior Code §24.16.)

17.12.170 Power Driven Vessels and Sail Vessels in Swim Areas.

It shall be unlawful to operate a power driven vessel, or a sail vessel, within any designated swim area in the Harbor District unless authorized by the Waterfront Director. Swim areas shall be designated by the placement of regulatory buoys. (Ord. 5458, 2008; Ord. 4757, 1992; Ord. 2666 §2, 1958; prior Code §24.17(a).)

17.12.180 Places Where Swimming Prohibited.

No person shall enter the Harbor waters except slip permittees, lessees, licensees and those persons with valid Business Activity Permits, who, in the course of doing boat maintenance are required to be in the water. Swimming is permitted from that portion of West Beach bordered by Stearns Wharf, the rock groin and the navigation channel, and the seaward portion of the sandspit. (Ord. 4757, 1992; Ord. 2749 §2, 1959; prior Code §24.18.)

Chapter 17.13

STEARNS WHARF

Sections:

17.13.010 Vessels Tied Up to Stearns Wharf.

17.13.040 Diving From Stearns Wharf.

17.13.030 Commercial Photography.

17.13.050 Closure of Stearns Wharf.

17.13.010 Vessels Tied Up to Stearns Wharf.

A. It is unlawful for any person to leave or permit any vessel to be unattended or unoccupied at, or alongside of, Stearns Wharf without first obtaining the permission of the Waterfront Director.

B. The Waterfront Director may order any vessel to leave Stearns Wharf or to change its location alongside Stearns Wharf, if necessary for the health, safety or welfare of persons on or near the Wharf or for the operational efficiency of Stearns Wharf.

C. Fees, charges, and regulations may be established by City Council Resolution for tie up of vessels at the passenger loading ramp on Stearns Wharf for the primary purpose of embarking or debarking commercial passengers. (Ord. 4757, 1992; Ord. 4272, 1984.)

17.13.030 Commercial Photography.

Commercial, still, motion or sound photography is permitted on Stearns Wharf after doing the following:

A. Obtaining permission of the Waterfront Director; and,

B. Obtaining the appropriate permits from the City of Santa Barbara; and,

C. Paying appropriate fees as established by City Council resolution. (Ord. 4757, 1992.)

17.13.040 Diving From Stearns Wharf.

It is unlawful to dive or jump from Stearns Wharf without the express permission of the Waterfront Director. (Ord. 4757, 1992.)

17.13.050 Closure of Stearns Wharf.

The Waterfront Director may order the closure of Stearns Wharf to the general public when necessary to protect the public health, safety, or welfare or to maintain Stearns Wharf. When closure of Stearns Wharf is directed on a regular basis or at certain prescribed times during the day, notice of said closure shall be posted in a prominent manner at both the pedestrian and vehicle access entrances to Stearns Wharf. (Ord. 5420, 2007.)

Chapter 17.16

SANITATION AND CONTAMINATION OF HARBOR WATERS

Sections:

17.16.010	Discharge of Contaminants into Harbor District Waters Unlawful.	17.16.040	Exception to Section 17.16.010.
17.16.020	Allowing Contaminants to be Washed into Harbor Water Unlawful.	17.16.050	Throwing or Casting Adrift Navigation Hazards.
17.16.030	Violation of Section 17.16.010.	17.16.060	Leaving Garbage or Refuse on Shore.
		17.16.070	Violation - Penalty.

17.16.010 Discharge of Contaminants into Harbor District Waters Unlawful.

It is unlawful for any person to discharge, either directly or indirectly, any pollutant or contaminating substance or material, including rubbish, trash, litter, sewage, or refuse of any kind into the waters of the Santa Barbara Harbor District. The terms "pollutant" or "contaminating substance" also include ballast water, bilge water or waste water containing or contaminated with any paint, varnish or other insoluble products in a liquid state. The terms "pollutant" or "contaminating substance" shall not include "wash down water", engine discharge or exhaust gas or substances normally contained in such discharges or exhausts, or galley sink, shower or hand basin water. (Ord. 5458, 2008; Ord. 5282, 2003; Ord. 4757, 1992; Ord. 3482 §1, 1971; prior Code §24.20.)

17.16.020 Allowing Contaminants to be Washed into Harbor Water Unlawful.

It is unlawful for any person to deposit, leave or discharge any pollutants or contaminating substances or materials mentioned in Section 17.16.010 of this Chapter upon any street, walkway, breakwater, beach, parking lot or other place, where the same may be washed into the waters of Santa Barbara Harbor, either by tides, storm floods or other drainage. (Ord. 4757, 1992; Ord. 3482 §2, 1971.)

17.16.030 Violation of Section 17.16.010.

Within ten (10) days of a final judicial determination that Section 17.16.010 has been violated by the registered owner or operator of a vessel, the Waterfront Director shall advise the appropriate regional water quality control board, the State Water Quality Control Board, and any other appropriate governmental regulatory body of the facts and circumstances surrounding that finding. (Ord. 5282, 2003; Ord. 4757, 1992; Ord. 3482 §4, 1971.)

17.16.040 Exception to Section 17.16.010.

In an emergency which jeopardizes the safety of any vessel or its occupants, the provisions of Section 17.16.010 are inapplicable if the discharge of any pollutant or contaminating substance mentioned in Section 17.16.010 into the waters of the Harbor district is reasonably necessary to an attempt to avert the emergency. (Ord. 4757, 1992; Ord. 3482 §5, 1971.)

17.16.050 Throwing or Casting Adrift Navigation Hazards.

It is unlawful to dump, throw or set adrift material of any sort into the waters of the Harbor district that is, or might become, obstructive or dangerous to navigation. (Ord. 4757, 1992; Prior Code §24.21.)

17.16.060 Leaving Garbage or Refuse on Shore.

It is unlawful for any person to leave, or allow to remain, garbage of any description upon the shores, lands, floats, slips, or other structures in the Waterfront area. The Waterfront Director may remove the same with or without notice. Any person violating this provision shall be responsible for paying the costs of removal and shall be subject to the penalty provided for violations of this Code. (Ord. 4757, 1992; Prior Code §24.23.)

17.16.070 Violation - Penalty.

In addition to any other remedy or penalty provided by law, the City may, upon repetition of a violation of any of the provisions of this chapter, revoke the right to use or moor any vessel owned, operated, or used by the violator in the Harbor District. (Ord. 4757, 1992; Ord. 3471 §5, 1971.)

CHAPTER 17.18

LIVE-ABOARDS

Sections:

17.18.010	Permit Required.	17.18.060	Fees.
17.18.020	Standards for Permit Issuance.	17.18.070	Limitation on Number of Permits.
17.18.030	Regulations.	17.18.080	Penalty for Violation.
17.18.040	Live-Aboard Permit Expiration, Renewal, and Transfer.	17.18.090	Vacation Use Exception.
17.18.050	Termination of Live-Aboard Permit.		

17.18.010 Permit Required.

It is unlawful for any person to live-aboard in the Santa Barbara Harbor without having been issued a valid live-aboard permit by the Waterfront Director. (Ord. 4757, 1992; Ord. 4387, 1986)

17.18.020 Standards for Permit Issuance.

A. REQUIREMENTS FOR ISSUANCE OF LIVE-ABOARD PERMITS. A live-aboard permit may be issued only if all of the following standards are met:

1. Principal Residence. All applicant(s) for live-aboard permits shall be the registered owner of the vessel to be occupied, and the vessel shall be that person's principal residence, as well as the principal residence, as that term is defined in the U.S. Internal Revenue Code, of any named "Other Occupants" on the applicant's permit.

2. Sanitation. The vessel shall be equipped with a fully operational type I, II, or III Coast Guard-approved marine sanitation device suitable in the opinion of the Waterfront Director to prevent direct discharge of human waste into the Harbor.

3. Slip Permit. The vessel shall occupy a Slip pursuant to a valid Slip Permit but not a yacht brokerage slip as defined in section 17.20.005.F.

4. Live-Aboard Slip Permittee. All applicants for live-aboard permits shall be current slip permittees for the Slip in which the live-aboard vessel is berthed.

5. Number of Applicants. No more than one (1) person may apply for a single live-aboard permit, provided he/she meets the requirements of this Chapter.

B. OTHER OCCUPANTS. For the purpose of this Chapter, "Other Occupants" are defined as persons, other than the live-aboard permittee, living aboard a vessel for which a valid live-aboard permit has been issued and who are listed on that live-aboard permit.

C. MAXIMUM NUMBER OF OTHER OCCUPANTS. No more than four (4) Other Occupants may be added to a live-aboard permit, unless authorized in writing by the Waterfront Director. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 5023, 1997; Ord. 4757, 1992; Ord. 4387, 1986.)

17.18.030 Regulations.

A. REGISTRATION. All persons living aboard a vessel pursuant to a permit must be registered as a live-aboard with the Waterfront Director and shall be listed as a live-aboard or "Other Occupant" on the live-aboard permit for that vessel.

B. RULES AND REGULATIONS. All persons living aboard a vessel pursuant to a permit shall comply with all regulations, laws, and rules of the Harbor.

C. MONTHLY FEE. The live-aboard permittee shall pay a monthly live-aboard fee in an amount established by resolution of the City Council. The monthly live-aboard fee shall be due and payable to the Waterfront Department as part of and in addition to the monthly Slip Fee.

D. GUESTS. The live-aboard permittee shall notify the Waterfront Department regarding live-aboard guests if their anticipated stay is 7 days or longer. The permittee is limited to 60 live-aboard guest days per year, unless authorized in writing by the Waterfront Director. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4757, 1992; Ord. 4387, 1986.)

17.18.040 Live-Aboard Permit Expiration, Renewal, and Transfer.

Unless suspended, revoked or terminated pursuant to this Chapter, a live-aboard permit may be renewed annually effective May 1 upon application and compliance with all terms of this Chapter. A live-aboard permit may not be transferred to another person but may be transferred by the live-aboard permittee to a new vessel or to a new Slip Permit of the original live-aboard permittee with prior written approval of the Waterfront Director. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4757, 1992; Ord. 4387, 1986.)

17.18.050 Termination of Live-Aboard Permit.

A. TERMINATION. A live-aboard permittee may terminate his or her Live-Aboard permit upon thirty (30) days prior written notice of termination to the Waterfront Department.

B. TERMINATION BY WATERFRONT DIRECTOR. The Waterfront Director may terminate a Live-Aboard permit upon thirty (30) days prior written notice of termination to the Live-Aboard permittee for any of the following reasons:

1. Failure to Maintain Berthed Vessel in Operable Condition. The failure of a Live-Aboard permittee to continuously maintain a vessel berthed in a Slip in an Operable condition as required by Section 17.20.005.L herein.

2. Failure of Live-Aboard Permittee to Comply with Waterfront Department Rules and Regulations. The failure of a Live-Aboard permittee or Live-Aboard permittee's "other occupant," guest or visitor to comply with all applicable local, state and federal laws and all Waterfront Department Rules and Regulations.

C. ISSUANCE OF LIVE-ABOARD PERMIT AFTER TERMINATION. A Live-Aboard permittee whose Live-Aboard permit is terminated as provided herein may not apply for another Live-Aboard permit until six months after the date upon which the Live-Aboard permit is terminated. The Waterfront Director shall have the sole discretion to decide whether to issue another Live-Aboard permit or not. The Waterfront Director's decision shall be final.

D. APPEAL. If the Waterfront Director terminates a Live-Aboard permit, the Live-Aboard permittee may request a waiver of the termination from the Waterfront Director. To request a waiver of the termination, the Live-Aboard permittee shall file a written waiver request setting forth the grounds upon which the waiver is requested with the Waterfront Director within ten (10) days of the date that the Live-Aboard permit is terminated. If the Waterfront Director denies the waiver, the Live-Aboard permittee may appeal the Waterfront Director's decision to the Harbor Commission. The appeal shall be filed in writing with the City Clerk within ten (10) days of the date of the Waterfront Director's decision. The Harbor Commission's decision on the appeal shall be final. If no waiver request is filed, the Live-Aboard permittee may appeal the Waterfront Director's decision to terminate the Live-Aboard permit to the Harbor Commission. The Live-Aboard permittee shall file a written appeal setting forth the grounds upon which the appeal is based with the City Clerk within ten (10) days of the date of the Live-Aboard permit termination. (Ord. 5528, 2010; Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4757, 1992; Ord. 4387, 1986.)

17.18.060 Fees.

Fees for the issuance, renewal, or reinstatement of live-aboard permits shall be in an amount established by resolution of the City Council. (Ord. 5420, 2007; Ord. 4387, 1986.)

17.18.070 Limitation on Number of Permits.

A. GENERAL RULE. No more than one hundred thirteen (113) live-aboard permits shall be outstanding at any time.

B. WAITING LIST.

1. Procedure. A waiting list for live-aboard permits may be maintained and available for public inspection. Live-aboard permits shall be issued according to application date and availability of live-aboard permits. When a live-aboard permit becomes available, it shall be offered to the first person on the waiting list. Notification will be mailed to the most current address on file in the Harbormaster's office. It is the sole responsibility of the applicant to keep the address on file with the Harbormaster current. Acceptance must be made in writing to the Waterfront Department within thirty (30) days of the mailing date of notification. If a live-aboard permit is offered and not accepted within thirty (30) days, the applicant's name will be removed from the list. Fees paid to be included on the live-aboard waiting list are non-refundable.

2. Fees. A live-aboard permit waiting list fee in an amount established by resolution of the City Council shall be paid to the Waterfront Department at the time of the request to be placed on the waiting list. A renewal fee in an amount established by resolution of the City Council shall be paid each year an applicant remains on the live-aboard waiting list. Should the City cancel the live-aboard waiting list before offering the applicant a permit, the City will refund the renewal fee paid by the applicant for the current year. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 5149, 2000; Ord. 4757, 1992; Ord. 4387, 1986)

17.18.080 Penalty for Violation.

A Slip Permit may be terminated if three or more administrative citations are issued to any Person, as defined in Section 1.25.030.F, illegally living aboard a vessel in an individual Slip during any twelve-month period, in violation of Section 17.18.010. An administrative citation shall be considered “issued” when either of the following occurs: the period in which an administrative citation may be appealed has expired or when the Hearing Administrator upholds an administrative citation pursuant to an appeal hearing. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4387, 1986)

17.18.090 Vacation Use Exception.

The vacation use of a vessel by a slip permittee and the slip permittee's guests does not require a live-aboard permit, provided:

1. Such vacation use does not exceed a total of sixty (60) days in any calendar year;
2. A minimum of fifty percent (50%) of vacation use is utilized in increments of seven (7) days or more;
3. The names of the vacation users and the dates of vacation use are registered with the Waterfront Director by the slip permittee; and
4. The vessel is equipped with a fully operational marine sanitation device suitable for preventing direct discharge of human waste into the Harbor. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4757, 1992; Ord. 4387, 1986.)

Chapter 17.20

SLIP AND MOORING REGULATIONS AND CHARGES

Sections:

17.20.005	Slip Assignment Policy.	17.20.240	Visiting Vessels.
17.20.010	Permission to Moor, Anchor, Berth or Dock Required.	17.20.250	Permits for Vessel Placement on Leadbetter Beach and Vessel and Storage Rack Placement on West Beach.
17.20.020	Unseaworthy Vessels Not to be Moored.	17.20.255	Santa Barbara Mooring Area.
17.20.030	Fees to be Paid - Exception.	17.20.260	Anchoring Vessels Within the Santa Barbara Year-Round and Seasonal Anchorages.
17.20.040	Specifications for Mooring.	17.20.265	Anchoring Vessels Within Waters of Harbor District Not Designated as Seasonal or Year-Round Anchorage.
17.20.140	Slip and Mooring Fees.		
17.20.150	Payment of Slip and Mooring Fees.		
17.20.160	Gate Lock Key Charges.		
17.20.165	Unauthorized Entry to Marinas, Restrooms and Related Facilities; Prohibition, Penalty.		
17.20.220	Impound and Relocation of Vessels.		

17.20.005 Slip Assignment Policy.

A. PURPOSE.

1. Generally. The purpose of the Slip Assignment Policy is to provide regulations for the primary purpose of the Harbor, which is to provide in-water storage for commercial and recreational vessels actively used for their intended purpose.

2. Limited Secondary Use. As a limited secondary use, a slip permittee may be permitted to reside aboard a vessel by obtaining a permit from the Waterfront Department pursuant to the Santa Barbara Municipal Code.

B. SLIP RENTAL AGREEMENT.

1. **Slip Permit.** Before any vessel is allowed in a Slip in the Santa Barbara Harbor, a permit must be issued pursuant to the Santa Barbara Municipal Code for that vessel by the Waterfront Department. Slip Permits, as approved by the Waterfront Director, shall be for month-to-month terms. Slip permittees shall comply with applicable ordinances and resolutions, including fee provisions, adopted by the Santa Barbara City Council. No such Slip Permit shall be transferable after death of the slip permittee or by inheritance. A Slip Permit may, however, be assigned to a deceased slip permittee’s surviving spouse or domestic partner registered with the City Clerk in accordance with Chapter 9.135 of the Santa Barbara Municipal Code pursuant to Section 17.20.005.D.2 b herein.

2. Ownership of Vessel Required. A slip permittee must at all times have an equity ownership interest in the vessel assigned to the Slip Permit.

a. Proof of Ownership Required. An equity ownership interest in a vessel must be demonstrated at the time a Slip Permit is issued to a slip permittee or transferred in accordance with Section 17.20.005.D herein by submitting any of the following documents to the Waterfront Department: (i) State vessel registration listing the prospective slip permittee as an owner, (ii) federal documentation listing the prospective slip permittee as an owner or, (iii) a notarized bill of sale in the name of the prospective slip permittee. If proof of vessel ownership is a notarized bill of sale, a fully completed state registration or federal documentation with all slip permittees listed as vessel owners must be provided to the Waterfront Department within ninety (90) days of the submittal of the Slip Permit application. The Slip Permit shall be subject to termination if proof of ownership is not provided to the Waterfront Department within ninety (90) days.

b. Permitted Types of Ownership. Corporations, limited liability corporations, partnerships, non-profit organizations, trusts, governmental agencies or individuals may own vessels. If a vessel is owned by an entity other than an individual, non-profit organization or governmental agency, the Slip Permit applicant(s) or slip permittee(s) must submit to the Waterfront Department either a partnership agreement or articles of incorporation which establishes that each slip permittee is either a general partner or an officer of the entity with the authority to legally bind the ownership entity. If the vessel is owned by a governmental agency or non-profit organization, the agency or organization must designate in writing a representative from the agency or organization who will be responsible for all aspects of the Slip Permit. Changing the name of the person so designated shall require payment of a slip transfer fee pursuant to Section 17.20.005.D herein, unless waived by the Waterfront Director.

3. Replacement Vessel. If the vessel assigned to the Slip Permit is sold, donated, stolen, destroyed or otherwise permanently removed from its Slip, its owner must notify the Waterfront Department within 15 days of such event. The slip permittee must place a replacement vessel in the Slip assigned to the slip permittee within 120 days after the occurrence of the event causing the removal of the vessel assigned to the Slip Permit, unless granted a written exemption from the Waterfront Director. Failure of timely reporting of a sold, donated, stolen, destroyed or otherwise permanently removed vessel, or timely assignment of a replacement vessel, shall be grounds for termination of the Slip Permit.

4. Slip Fees. The slip permittee shall pay one month's Slip Fee, in advance, plus applicable fees and deposits when the Slip Permit application is submitted to the Waterfront Department. Slip Fees shall be established by resolution of the City Council.

5. Commercial Fishing and Aquaculture. The City Council may by resolution establish exclusive or preferential uses within all, or within certain areas of, the Harbor for use by vessels employed in commercial fishing and/or aquaculture. For purposes of this Section, a commercial fishing vessel or vessel employed in aquaculture is a vessel in use pursuant to a valid and current commercial fishing or aquaculture permit issued by the California Department of Fish and Game. Such a vessel shall be a continuing source of income pursuant to the appropriate California permits, in accord with regulations adopted from time to time by resolution of the City Council.

C. SLIP WAITING LISTS.

1. Master Waiting List. The waiting list for the assignment of Harbor marina slips, as created by City Council Ordinance, is renamed the "Master Waiting List." The Master Waiting List is divided into categories according to slip length. Applicants on the Master Waiting List have designated a category of slip length from which they seek a slip assignment. Applicants may not change their designated category of slip length and no new applicants shall be added to the Master Waiting List.

a. Procedure for Slip Assignment to Master Waiting List Applicants. When a slip becomes available, it shall be offered for assignment according to whether the slip is a designated commercial fishing slip or whether it can be utilized for either commercial or recreational purposes. For purposes of this Section, commercial fishing slip means a slip that is specially designated by the Waterfront Director as a slip reserved for qualified commercial fishermen ("Commercial Fishing Slip"). If the slip is designated as a Commercial Fishing Slip, it shall be assigned according to Section C.5 herein to a qualified commercial fisherman. If it is not so designated, it shall be offered for assignment to the applicant in the slip-length category of the available slip with the earliest chronological application date on the Master Waiting List. The available slip shall be offered to each applicant in turn on the Master Waiting List within the slip-length category of the available slip until the slip is either accepted by an applicant or declined by all applicants for that slip-length category.

b. Procedure for Accepting or Declining a Slip Assignment Offer.

(1) Acceptance of Slip Assignment Offer. Notification of slip availability shall be mailed by the Waterfront Department to the applicant at the applicant's most recent address on file in the Waterfront Department. Acceptance of the slip assignment offer must be submitted by the applicant in writing to the Waterfront Department within thirty (30) days of the date of mailing the notice of slip availability.

(2) Declined Slip Offer. Failure of an applicant to accept a slip assignment offer within thirty (30) days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a slip offer will result in removal of the applicant's name from the List and in the loss of all fees paid by the applicant.

c. Unassigned Slips from the Master Waiting List. If an available slip is offered and declined by all applicants on the Master Waiting List registered for the slip-length category of the available slip, or if a slip-length category on the Master Waiting List is depleted of applicants, the slip shall be referred for assignment to a Sub-Master Waiting List in accordance with Section C.2 herein.

2. Sub-Master Waiting List. All applicants in all slip-length categories on the Master Waiting List shall also be applicants on the Sub-Master Waiting List. The Sub-Master Waiting List shall be ordered chronologically, according to application date, and not divided into slip-length categories. The applicant on the Master Waiting List with the earliest chronological application date, regardless of designated slip-length category, shall be the first applicant on the Sub-Master List. The applicant on the Master Waiting List with the second earliest chronological application date shall be the second applicant on the Sub-Master List, and so on.

a. Procedure for Slip Assignment to Sub-Master Waiting List Applicants. A slip that becomes available for assignment to the Sub-Master Waiting List shall be offered to the first applicant on the Sub-Master Waiting List. If the slip offer is declined, it shall be offered to the second applicant on the List, and so on, until the slip is either accepted by an applicant or declined by all applicants on the Sub-Master List.

b. Procedure for Accepting or Declining a Slip Assignment Offer.

(1) Acceptance of Slip Assignment Offer. Notification of slip availability shall be mailed by the Waterfront Department to the applicant at the applicant's most recent address on file in the Waterfront Department. Acceptance of the slip assignment offer must be submitted by the applicant in writing to the Waterfront Department within fourteen (14) days of the date of mailing the notice of slip availability.

(2) Declined Slip Offer. Failure of an applicant to accept a slip assignment offer in writing within fourteen (14) days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a slip offer from the Sub-Master List will not result in removal of the applicant's name from the Master or Sub-Master Waiting lists, loss of any fees paid, or change in the applicant's position on either List.

c. Unassigned Slips from the Sub-Master Waiting List. If a slip assignment offer is declined by all applicants on the Sub-Master Waiting List, or if there are no applicants on the Sub-Master Waiting List, the slip shall be referred for assignment to a Lottery List in accordance with Section C.3 herein.

3. Lottery List. Any slip that remains unassigned after being offered for assignment to the Master Waiting List and Sub-Master Waiting List, or if the Sub-Master Waiting List is depleted of applicants, shall be offered for assignment to a Lottery List. The Lottery List shall be comprised of applicants selected by lot by the Harbor Commission Chair at a public meeting. Procedures for formation of the Lottery List shall be established by the Waterfront Department Slip Waiting Lists regulation adopted by resolution of the City Council.

a. Procedure for Placement on the Lottery List.

(1) Qualification for Placement on the Lottery List. To qualify for placement on the Lottery List, all applicants must timely submit a Lottery List Participation Request in accordance with the Slip Waiting Lists regulation containing the applicant's name, telephone number and address. An individual may submit only one Lottery List Participation Request.

(2) Notification of Ranking and Potential Placement on Lottery List. Within five (5) business days after the Harbor Commission Lottery List drawing, the Waterfront Department shall mail notification to each applicant whose Lottery Participation Request was selected by the Harbor Commission of their ranking and potential placement on the Lottery List. Notification shall be provided by certified mail, return receipt requested, to the applicant at the address shown on the Lottery List Participation Request form. A Lottery List Acceptance Form shall accompany the notification. Applicants not selected for ranking in the Lottery List drawing shall be notified in writing that their Lottery List Participation Request was not selected. The Waterfront Department shall discard the Lottery List Participation Requests not selected.

(3) Procedure to Accept Placement on the Lottery List.

(a) Within thirty (30) days of the date of mailing notification of Lottery List rankings, selected applicants ranked numbers one (1) through fifty (50) shall return the completed Lottery List Acceptance Form and the Lottery List Placement Fee in an amount established by resolution of the City Council to the Waterfront Department. Any such applicant failing to return the Acceptance Form and Lottery List Placement Fee to the Waterfront Department within the required thirty (30) day period shall not have a position on the Lottery List, and their Lottery Participation Request shall be discarded by the Waterfront Department.

(b) Should any applicant ranked numbers one (1) through fifty (50) fail timely return of the Lottery List Acceptance Form and the Lottery List Placement Fee, notification will be sent to the next-ranked applicant for potential placement on the Lottery List as provided by resolution of City Council. Any such applicant ranked numbers fifty-one (51) through seventy (70) offered potential placement on the Lottery List shall, within fourteen (14) days of the date of such mailing, return the completed Lottery List Acceptance Form and the Lottery List Placement Fee in an amount established by resolution of the City Council to the Waterfront Department. Any such applicant failing to return the Acceptance Form and Lottery List Placement Fee to the Waterfront Department within the required fourteen (14) day period shall not have a position on the Lottery List, and their Lottery Participation Request shall be discarded by the Waterfront Department.

b. Procedure for Slip Assignment to Lottery List Applicants. A slip that becomes available for assignment to the Lottery List shall be offered for assignment to applicants on the Lottery List according to their rank on the Lottery List. With the exception of assignments for twenty-foot slips, if a slip assignment offer is declined by all applicants on the Lottery List, the slip shall be held in the Waterfront Department's visitor slip inventory for a period of six (6) months. After six (6) months, the slip assignment shall be re-offered individually to applicants on the Lottery List in the same order as the slip assignment was initially offered. If the slip remains unassigned after the re-offer, the procedure shall be repeated every six (6) months until the slip assignment offer is accepted. If all applicants on the Lottery List decline a slip assignment offer for a twenty-foot slip, the slip assignment for the twenty-foot slip shall be offered for assignment through a separate twenty-foot lottery pursuant to City Council Resolution.

c. Procedure for Accepting or Declining a Slip Assignment Offer from the Lottery List.

(1) Acceptance of Slip Assignment Offer.

(a) Notification of slip availability shall be mailed by the Waterfront Department to the applicant at the applicant's most recent address on file in the Waterfront Department. Acceptance of the slip assignment offer must be submitted by the applicant in writing to the Waterfront Department within fourteen (14) days of the date of mailing the notice of slip availability. Acceptance must be submitted to the Waterfront Department in writing along with payment of a non-refundable Lottery List Assignment Fee as provided in Section C.4.b.(3) herein.

(b) An existing marina slip permittee who is offered a Lottery List slip assignment shall relinquish an existing slip permit to the Waterfront Department prior to, and in exchange for, a slip assignment from the Lottery List.

(2) Declined Lottery List Assignment Offer. Failure of an applicant to accept a slip assignment offer in writing within fourteen (14) days of the date of mailing of such offer by the Waterfront Department and payment of the Lottery List Assignment Fee as provided in Section C.4.b.(3) herein shall be considered a declined offer. Declining a slip assignment offer will not result in removal of the applicant's name from the Lottery List, loss of the applicant's Lottery List Placement Fee, Lottery List Renewal Fee, or change in the applicant's position on the Lottery List.

d. Lottery List Eligibility. An applicant whose name is on the Master Slip Waiting List is not eligible for inclusion on the Lottery List.

4. Slip Waiting Lists Fees.

a. Master Waiting List Renewal Fee. An annual non-refundable Master Waiting List renewal fee in an amount established by resolution of the City Council shall be paid by each applicant on the Master Waiting List prior to the first day of November each year. Failure to timely pay the annual renewal fee shall cause removal of the applicant's name from the List.

b. Lottery List Placement Fee, Renewal Fee and Assignment Fee.

(1) Lottery List Placement Fee. Each applicant selected for placement on the Lottery List shall return the Lottery List Acceptance Form along with a non-refundable Lottery List Placement Fee in an amount established by resolution of the City Council. Failure to timely pay the Lottery List Placement Fee shall cause the applicant's name to not be placed on the Lottery List.

(2) Lottery List Renewal Fee. An annual non-refundable Lottery List Renewal Fee in an amount established by resolution of the City Council shall be paid prior to the first day of November each year. Failure to timely pay the annual Lottery List Renewal Fee shall cause removal of the applicant's name from the Lottery List.

(3) Lottery List Assignment Fee. A Lottery List Assignment Fee shall be paid by the applicant at the time a Lottery List slip assignment is made in an amount established by resolution of the City Council. Failure to timely pay the Lottery List Assignment Fee shall be deemed a declined offer.

c. Slip Waiting Lists Transfer Fee.

(1) Slip Waiting Lists Transfer Fee. Any slip permittee assigned a slip from either the Master Waiting List, Sub-Master Waiting List or Lottery List shall pay a Slip Waiting List Transfer Fee in an amount established by resolution of the City Council to transfer the slip within five (5) years of the date of the slip assignment. After five (5) years, a standard Slip Transfer Fee shall be paid in an amount established by resolution of the City Council. A slip transfer shall be accomplished in accordance with Section D herein.

(2) Exemptions from Slip Waiting Lists Transfer Fee. Mooring Licensee Priority Assignment. Payment of the Slip Waiting Lists Transfer Fee shall not be required for the transfer of a slip permit by a slip permittee who obtained a permit to occupy a slip pursuant to a mooring licensee priority assignment as provided in the Marina One and Four Expansion Slip Assignment Policy and Procedures Document. A standard Slip Transfer Fee is required.

(3) Hardship Waiver/Appeal. The Waterfront Department, Waterfront Director, Harbor Commission or City Council shall not accept or consider any slip permittee's appeal or request for a waiver from payment of the Slip Waiting Lists Transfer Fee.

5. Commercial Fishing/Aquaculture Slip Assignment. Commercial Fishing Slips shall be offered for assignment only to qualified commercial fishermen. Prior to assignment of a Commercial Fishing Slip from either the Master Waiting List, Sub-Master Waiting List, or the Commercial Fishing Slip Lottery, a commercial fisherman must demonstrate to the satisfaction of the Waterfront Department that the commercial fisherman possesses the following minimum qualifications: (i) a commercial fishing or aquaculture permit issued by the California Department of Fish and Game; (ii) a Fish and Game permit for the vessel that is to be moored in the Commercial Fishing Slip as a commercial fishing vessel; and (iii) satisfaction of the terms and criteria to qualify as a qualified commercial fisherman, as established by City Council resolution, including the requirement for earnings from commercial fishing in years prior to the pending Commercial Fishing Slip assignment ("Qualified Commercial Fisherman").

a. Master Waiting List. Commercial Fishing Slips that become available for assignment to commercial fishermen on the Master Waiting List shall be offered for assignment to the commercial fisherman registered in the slip-length category of the available slip with the earliest chronological application date. If there are no commercial fishermen registered on the Master Waiting List in the slip-length category available, the slip shall be referred to the Sub-Master List.

(1) Acceptance of Commercial Fishing Slip Assignment Offer. A Commercial Fishing Slip offered for assignment to a commercial fisherman from the Master Waiting List shall be accepted in accordance with the procedures for acceptance of a slip from the Master Waiting List set forth in Section C.1.b.(1). Prior to assignment of the Commercial Fishing Slip, the commercial fisherman must demonstrate to the satisfaction of the Waterfront Department that he or she is a Qualified Commercial Fisherman.

(2) Declined Slip Offers. Failure of an applicant to accept a slip assignment offer in writing within thirty (30) days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a Commercial Fishing Slip offer shall result in removal of the commercial fisherman's name from the Master Waiting List and loss of all fees paid by the commercial fisherman.

b. Sub-Master Waiting List. Commercial fishermen registered for commercial slips on the Master Waiting List shall also be applicants on the Sub-Master Waiting List. The commercial fisherman registered for a commercial slip on the Master Waiting List with the earliest chronological application date shall be the first-ranked commercial fisherman on the Sub-Master List. If a commercial slip offer is declined by all commercial fishermen registered for commercial slips on the Sub-Master List, it shall be referred to the Commercial Fishing Slip Lottery process for assignment.

(1) Acceptance of Commercial Fishing Slip. A Commercial Fishing Slip offered for assignment to the Sub-Master Waiting List shall be accepted according to the procedures for acceptance of a slip from the Sub-Master Waiting List set forth in Section C.2.b(1). Prior to assignment of the Commercial Fishing Slip, the commercial fisherman must demonstrate to the satisfaction of the Waterfront Department that he or she is a Qualified Commercial Fisherman.

(2) Declined Commercial Fishing Slip Offers. Failure of the applicant to accept the slip in writing within fourteen (14) days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a slip offer will not result in the commercial fisherman's name being removed from the List, loss of the applicant's fees, or change in the applicant's position on the List.

c. Commercial Fishing Slip Lottery. A Commercial Fishing Slip that remains unaccepted after being offered to all commercial fishermen registered for commercial slips on the Sub-Master List shall be offered for assignment according to a single lottery process called the Commercial Fishing Slip Lottery. Procedures for formation of the Commercial Fishing Slip Lottery shall be established by the Waterfront Department Slip Waiting Lists regulation adopted by resolution of the City Council. To qualify for participation in the Commercial Fishing Slip Lottery, all applicants must timely submit a Lottery Participation Request in accordance with the Slip Waiting Lists regulation containing the applicant's name, telephone number and address. An individual may submit only one Commercial Fishing Slip Lottery Participation Request.

(1) Procedure for Assignment from Commercial Fishing Slip Lottery.

(a) Offer of Commercial Fishing Slip Assignment. A Commercial Fishing Slip that becomes available for assignment in accordance with the Slip Waiting Lists regulation shall be offered for assignment to an applicant according to his or her rank in the Commercial Fishing Slip Lottery. The applicant ranked in the first position shall be offered the available Commercial Fishing Slip. If the first-ranked applicant declines the offer or fails to meet the requirements for a Qualified Commercial Fisherman, the second-ranked applicant shall be offered the Commercial Fishing Slip assignment, and so on.

(b) Acceptance of Commercial Fishing Slip. Acceptance of the slip assignment offer must be made in writing and submitted to the Waterfront Department within thirty (30) days of the date of mailing notice of slip availability. The acceptance form shall include the necessary information to verify qualification for a Commercial Fishing Slip. Any applicant failing to submit the required information to verify eligibility, or any applicant failing to meet the eligibility requirements set forth in Section C. 5 for a Qualified Commercial Fisherman, shall be removed from consideration for slip assignment during that Lottery.

(c) Declined Commercial Fishing Slip Offer. Failure of an applicant to accept the Commercial Fishing Slip assignment offer in writing within thirty (30) days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a slip offer, or failing to meet the requirements for a Qualified Commercial Fisherman shall result in removal of the applicant's name for slip assignment in that Lottery.

(d) An existing marina slip permittee who is offered a Commercial Fishing Slip assignment shall relinquish an existing slip permit to the Waterfront Department prior to, and in exchange for, a Commercial Fishing Slip assignment from the Commercial Fishing Slip Lottery.

(2) Unassigned Commercial Fishing Slips. If a Commercial Fishing Slip assignment offer is declined by all applicants selected in the Commercial Fishing Slip Lottery, or if no selected applicants meet the requirements of a Qualified Commercial Fisherman, the Commercial Fishing Slip shall be held in the Waterfront Department's visitor-slip inventory for a period of six (6) months. After six (6) months, the Commercial Fishing Slip assignment shall be offered to applicants in a new Commercial Fishing Slip Lottery. If the Commercial Fishing Slip remains unassigned, this procedure shall be repeated every six (6) months until the Commercial Fishing Slip is assigned.

D. TRANSFER OF SLIP PERMITS.

1. Procedure. The permittee of a Slip may transfer the Slip Permit to a new or changed vessel owner upon the sale or transfer of an equity ownership interest in a vessel if all the following conditions are met:

a. A written application for the transfer of a Slip Permit is filed within fifteen (15) days after the sale or transfer of the equity ownership interest in the vessel.

b. The slip permittee shall notify the Waterfront Department in writing within fifteen days of the sale or transfer of an equity ownership interest, whether in whole or in part, of a vessel to an individual, entity, non-profit or governmental agency and specify if the Slip Permit is to be transferred or retained by the permittee.

c. Every permittee must supply proof of ownership of a permitted vessel pursuant to the requirements of Section 17.20.005.B.2 within fifteen (15) days of any change, in whole or in part, in the equity ownership of the vessel.

d. The Transfer Fee or waiting list Transfer Fee and all other fees and deposits are paid in full within fifteen (15) days after the sale or transfer of interest, in whole or in part, of the vessel.

e. The owner must bring an Operable vessel to the Administration Dock for verification of length. If the vessel is not operable, the Waterfront Director may waive these requirements for not more than ninety (90) days for the purpose of repair.

f. A slip permittee must be in good standing with the Waterfront Department at the time that the Slip Permit transfer application is submitted to the Waterfront Department. A slip permittee is in good standing with the Waterfront Department if, at the time of submittal of the Slip Permit transfer application, both of the following are true and correct: (i) all fees or charges owed to the Waterfront Department by the slip permittee have been paid in full and, (ii) the Waterfront Department has not issued a written notice to terminate the Slip Permit, whether such notice of termination has been received by the slip permittee or not.

2. Death of Slip Permittee.

a. Death of Sole Slip Permittee.

(1) No Transfer of Slip Permit After Death. No Slip Permit may be transferred after the death of a sole slip permittee.

(2) Notification of Death. Not later than thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, the administrator or executor of the estate of the slip permittee shall notify the Waterfront Department in writing of the death. If such notification is not received by the Waterfront Department within thirty (30) days of the date shown on the death certificate as the date of death, the Slip Permit shall be deemed to be terminated sixty (60) days after such date. Upon termination of the Slip Permit, permission to berth shall be denied by the Waterfront Director, and the administrator or executor of the estate of the deceased slip permittee shall remove the vessel from the Harbor District immediately. Failure to immediately remove the vessel from the Harbor may, at the option of the Waterfront Director, result in the assessment of visitor fees at the visitor fee rate then in effect.

(3) Removal of Vessel. If notification of death as required in Section 17.20.005.D.2 herein is received by the Waterfront Department, the estate of the deceased slip permittee may have a period of time not exceeding one hundred and twenty (120) days after the date established on the death certificate as the date of death of the slip permittee to remove the vessel from the Slip. All regular Slip Fees are due and payable by the estate during this period.

b. Death of Slip Permittee with Spouse or Registered Domestic Partner at Time of Death.

(1) Assignment of Slip Permit After Death. Subject to compliance with the requirements below, a Slip Permit may be assigned to the surviving spouse or domestic partner (registered with the City Clerk in accordance with Chapter 9.135 of the Santa Barbara Municipal Code) of a slip permittee after the death of the slip permittee.

(2) Notification of Death. Not later than thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, the administrator or executor of the estate of the slip permittee or the slip permittee's surviving spouse or registered domestic partner shall notify the Waterfront Department in writing of the death of the slip permittee. The notification to the Waterfront Department shall also state whether the spouse or legally registered domestic partner seeks assignment of the Slip Permit. Assignment of the Slip Permit to the surviving spouse or registered domestic partner will be approved by the Waterfront Director only if (i) the surviving spouse or registered domestic partner can satisfactorily demonstrate an equity ownership interest in the vessel as provided in Section 17.20.005.B herein, and (ii) either proof of marriage to the slip permittee at the time of the slip permittee's death is provided to the Waterfront Department or proof of registration on the domestic partnership list as the slip permittee's domestic partner at the time of the slip permittee's death is provided to the Waterfront Department. If notification is not received by the Waterfront Department within thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, or the surviving spouse or legally registered domestic partner does not qualify for assignment of the Slip Permit, the Slip Permit shall be deemed to be terminated sixty (60) days after the date established on the death certificate as the date of death of the slip permittee. Upon termination of the Slip Permit, permission to berth shall be denied by the Waterfront Director and the surviving spouse, registered domestic partner or estate of the deceased slip permittee shall remove the vessel from the Harbor District immediately. Failure to immediately remove the vessel from the Harbor may, at the option of the Waterfront Director, result in the assessment of visitor fees at the visitor fee rate then in effect.

(3) Removal of Vessel. If notification of death as required in Section 17.20.005.D.2 herein is received by the Waterfront Department and the slip permittee's surviving spouse or registered domestic partner does not seek assignment of the Slip Permit, or does not qualify for assignment as provided herein, the estate of the deceased slip permittee, surviving spouse or registered domestic partner shall have a period of time not exceeding one hundred and twenty (120) days after the date established on the death certificate as the date of death of the slip permittee to remove the vessel from the Slip. All regular Slip Fees are due and payable by the surviving spouse, registered domestic partner or estate of the deceased slip permittee during this period.

c. Death of Slip Permittee with Multiple Slip Permit Partners.

(1) Slip Permit Remains Valid. Upon the death of one of the slip permittee partners, subject to compliance with the requirements herein, a Slip Permit held by multiple Slip Permit partners remains valid in the names of the remaining Slip Permit partners.

(2) Notification of Death. Not later than thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, either the administrator or executor of the estate of the deceased slip permittee or the deceased slip permittee's surviving spouse or registered domestic partner or one of the remaining Slip Permit partners shall notify the Waterfront Department in writing of the death of the slip permittee. Such notification shall also state whether the spouse or registered domestic partner seeks assignment of the Slip Permit in the deceased slip permittee's partnership position or not. To become a Slip Permit partner, the surviving spouse or registered domestic partner must satisfy the requirements set forth in Section 17.20.005.D.2 b(2).

E. YACHT BROKERAGES.

1. Definitions. For the purpose of this section, "yacht brokerage" means a business entity that deals in the sale of vessels in compliance with applicable State, Federal and Local laws and regulations, and conducts the brokerage upon real property in the Harbor Area in accordance with a current and valid lease agreement with the City. For the purpose of this section, "yacht brokerage slip" means any slip assigned to a yacht brokerage.

2. Number of Slips. No yacht brokerage may validly hold permits to more than fifteen (15) slips at any given time in the Santa Barbara Harbor. No more than thirty (30) yacht brokerage slips shall be assigned at any time. Any assignments exceeding these limits are void.

3. Slip Assignments. Yacht brokerage slip assignments will be registered with the Waterfront Department and the appropriate fee paid. Yacht brokerage slip assignments shall not extend beyond one (1) year. The Waterfront Director retains the discretion to assign vacated slips, temporarily cancelled slips, visitor slips, end ties and side ties as yacht brokerage slips.

4. No Overnight Stays. Use of any yacht brokerage slip for overnight stays is illegal at all times and under all circumstances, unless expressly authorized during emergencies by the Waterfront Director.

5. Payment. Yacht brokerages will pay full monthly rental rates when due to the City on all slips and will not charge slip rates in excess of that charged by the City in the current Resolution of the City Council Establishing Mooring and Slip Fees in the Santa Barbara Harbor.

F. TEMPORARY CANCELLATION.

1. Temporary Cancellation. A slip permittee may request temporary cancellation of the slip permit. The Waterfront Department may grant the request for temporary cancellation of a slip permit to a slip permittee desiring to take an extended cruise for a period of not less than ninety (90) days. During the period of temporary cancellation, the permittee shall pay a reduced slip fee equivalent to twenty-five percent (25%) of the normal slip fee. In the event the permittee's vessel returns before expiration of the ninety (90) days, the full monthly slip rate will be reinstated and shall be charged for the entire period of time that the permittee's vessel was absent from the Harbor.

2. Ownership of Vessel on Temporary Cancellation. A slip permittee must be and remain at all times an owner of the vessel registered to the slip permit that is issued temporary cancellation status by the Waterfront Department. Relinquishing ownership of the vessel for any reason shall be cause for termination of temporary status and reinstatement of the full monthly slip fees beginning on the date ownership of the vessel is relinquished. In the event that the vessel is destroyed by fire or other natural causes, reinstatement of monthly slip fees shall be determined by the Waterfront Director in his or her sole discretion.

3. Removal of Personal Belongings Prior to Temporary Cancellation. Prior to beginning temporary cancellation status, all skiffs, kayaks, boat lines, fenders, dock steps and all other appurtenances or equipment must be removed from the slip berthing the vessel whose owner requests temporary cancellation and from the dock adjacent to the slip berthing the vessel whose owner requests temporary cancellation.

4. Temporary Cancellation Exceeding One Year. Slip permittees with vessels absent for more than one (1) year on extended cruise shall advise the Waterfront Department if the slip permittee intends to continue on extended cruise status on or before the end of the one-year period and shall provide the Waterfront Director with proof of ownership of the vessel. Lack of annual notification or verification of vessel ownership is grounds for revoking temporary cancellation status.

G. VISITOR SLIP ASSIGNMENTS.

The Waterfront Department retains the right to utilize vacant slips and slips with temporarily canceled slip permits for transient slip assignments. No more than thirty (30) visitor slips, exclusive of temporary cancellations and endties and sideties, shall be maintained for transient vessels.

H. EXCHANGE OF PERMITS.

Slip permittees utilizing comparably sized slips may exchange (trade) slips with one another upon approval of the Waterfront Director. A processing fee or the slip transfer fee shall be charged upon the exchange of permits as provided by City Council resolution. A permittee subject to the Waiting List Transfer Fee (see Section 17.20.005(C)) who exchanges a permit pursuant to this section shall remain subject to the Waiting List Transfer Fee. If the Waiting List Transfer Fee is charged following the exchange, it will be charged according to the fee applicable to the slip originally assigned. For purposes of the Waiting List Transfer Fee, the time the permittee holds the exchanged permit shall be added to the time the original permit was held. No exchanges will be permitted unless all rents, fees and deposits due are paid.

I. WATERFRONT DIRECTOR TERMINATION OF SLIP PERMITS.

The Waterfront Director may terminate a Slip Permit upon thirty days prior written notice of termination (except for the longer notice period provided in subsection 2 herein) to the slip permittee for any of the following reasons:

1. Late Payment of Monthly Slip Fees. Monthly Slip Fees are due and payable on the first day of the month with or without receipt of billing, and monthly Slip Fees are delinquent after the fifteenth day of the month. After the fifteenth day of the month, a late charge, in an amount established by resolution of the City Council, will be assessed and added to the Slip Fees which are delinquent. Failure to pay monthly Slip Fees, together with all accumulated late charges, may result in termination of the Slip Permit. Termination of a Slip Permit due to late payment of Slip Fees may also result in termination of a live-aboard permit that may have been issued to a slip permittee of the terminated Slip Permit.

2. Death of a Sole Slip Permittee. A Slip Permit shall terminate sixty (60) days after the date of death of a slip permittee under circumstances where the slip permittee has no surviving spouse, registered domestic partner or Slip Permit partners at the time of death.

3. Failure to Meet Requirements for Commercial Fishing Earnings. Failure of a person with a specially designated Commercial Fishing Slip Permit issued in accordance with Section 17.20.005.B herein to meet the requirements for commercial fishing earnings, as such earnings requirement is established by resolution of the City Council, may result in termination of the Commercial Fishing Slip Permit.

4. Failure to Maintain Berthed Vessel in Operable Condition. Failure of a slip permittee to continuously maintain a vessel berthed in a Slip in an Operable condition as required by Section 17.20.005.L herein may result in termination of the Slip Permit.

5. Failure of Slip Permittee to Comply With Waterfront Department Rules and Regulations. A slip permittee's or slip permittee's guest, visitor or invitee's failure to comply with all applicable local, state and federal laws and all Waterfront Department Rules and Regulations may result in termination of the Slip Permit.

J. APPEAL.

If the Waterfront Director terminates a Slip Permit, the slip permittee may request a waiver of the termination from the Waterfront Director. To request a waiver, the slip permittee must file a written waiver request setting forth the grounds upon which the waiver is requested with the Waterfront Director within ten (10) days of the date that the Slip Permit is terminated. If the Waterfront Director denies the waiver, the slip permittee may appeal the Waterfront Director's decision to the Harbor Commission. The appeal shall be filed in writing with the City Clerk within ten (10) days of the date of the Waterfront Director's decision. The Harbor Commission's decision on the appeal shall be final. If no waiver request is filed, the slip permittee may appeal the Waterfront Director's decision to terminate the Slip Permit to the Harbor Commission. The slip permittee must file a written appeal setting forth the grounds upon which the appeal is based with the City Clerk within ten (10) days of the date that the Slip Permit is terminated. The Harbor Commission's decision on the appeal shall be final.

K. VESSELS IN THE HARBOR MUST BE OPERABLE.

1. Vessels Assigned to a Slip Permit Must be Maintained as Operable Vessels. Vessels assigned to a Slip Permit must be continuously maintained in an Operable condition. If, at any time, based upon the appearance of the vessel, inspection by the Waterfront Director, or other facts, the Waterfront Director determines that a vessel is not Operable, the Waterfront Director shall give notice to the slip permittee requiring the slip permittee to demonstrate that the vessel is Operable within fifteen (15) days of the date of the notice. If the slip permittee does not demonstrate Operability of the vessel within the fifteen (15) day period, the Slip Permit may be terminated and the vessel shall be removed from the Harbor.

a. Exception - Vessels Not Operable. Vessels that had assigned slips in the Santa Barbara Harbor on September 9, 1980, and which, on that date, were not Operable, shall be exempt from the operation of this section until transfer of the Slip Permit, after which time the Operability is required.

2. Vessels in the Harbor Must be Operable. Vessels in the Harbor must be continuously maintained as Operable Vessels. It shall be unlawful to berth a vessel in the Harbor that is not Operable.

L. ISSUANCE OF SLIP PERMIT AFTER TERMINATION. A slip permittee whose Slip Permit is terminated as provided herein may not apply for another Slip Permit until one year after the date upon which the Slip Permit is terminated. The Waterfront Director shall have the sole discretion to decide whether to issue another Slip Permit or not. The Waterfront Director's decision shall be final. (Ord. 5528, 2010; Ord. 5500, 2009; Ord. 5458, 2008; Ord. 5453, 2008; Ord. 5420, 2007; Ord. 5386, 2006; Ord. 5377, 2005; Ord. 5347, 2005; Ord. 5273, 2003; Ord. 5206, 2001; Ord. 5140, 2000; Ord. 5109, 1999; Ord. 5023, 1997; Ord. 4757, 1992.)

17.20.010 Permission to Moor, Anchor, Berth or Dock Required.

It is unlawful for any person to Moor, Berth, Dock or Anchor any vessel in any part of the Harbor district, except anchoring in the Seasonal and Year-Round Anchorage areas depicted in Exhibit "A" attached hereto, without first obtaining permission to do so from the Waterfront Director. The Waterfront Director may refuse permission to Moor, Berth, Dock, or Anchor a vessel in the Harbor District when the Waterfront Director determines it is in the interest of public health, safety or the protection of the environment, assets or resources of the City to do so. (Ord. 5386, 2006; Ord. 4757, 1992; Prior Code §24.24.)

17.20.020 Unseaworthy Vessels Not to be Moored.

The Waterfront Director has the authority to determine if a sunken, submerged, or badly deteriorated vessel, or property of any kind is unseaworthy or is a menace to navigation. Any vessel or property in such condition will be declared to be a public nuisance and shall be considered abandoned property and subject to sale in the manner prescribed in Chapter 9.88. (Ord. 4757, 1992; Prior Code §24.5.)

17.20.030 Fees to be Paid - Exception.

It is unlawful for any person to moor any vessel in any part of the Harbor, without first submitting a written application to the Waterfront Director, paying all fees to the City as required by this Chapter and obtaining a permit from the Waterfront Director. (Ord. 4757, 1992; Prior Code §24.25)

17.20.040 Specifications for Mooring.

The City may grant a license to occupy and use a specific water area in the Santa Barbara Harbor for the mooring of a specifically named vessel. The location of the specific mooring shall be within the sole discretion of the Waterfront Director. Licensee shall be responsible for the provision, installation and maintenance of all mooring equipment. Such equipment shall remain the property of the Licensee. The type, quality, maintenance and location of mooring equipment shall be as specified by the Waterfront Director. The City or Licensee may terminate the license agreement for a mooring after giving reasonable notice as provided in the license agreement. Upon termination of a License to occupy a mooring, Licensee shall remove the mooring equipment within ten days. If not removed within ten days, title to the mooring equipment shall pass to the City and the City may remove and dispose of such equipment as it deems appropriate. (Ord. 4757, 1992; Prior Code §24.26)

17.20.140 Slip and Mooring Fees.

Slip fees and mooring fees shall be established by City Council resolution. (Ord. 4757, 1992; Ord. 3791, 1975; Ord. 3435 §1, 1970; Ord. 3178 §1(part), 1966; Ord. 2942 §1(part), 1963; Ord. 2845 §2(part), 1961; prior Code §24.36(part).)

17.20.150 Payment of Slip and Mooring Fees.

A. DEPOSIT FOR SLIP PERMITS.

1. Amount of Deposit Required. A deposit equal to two (2) months' slip permit fees shall be paid with the first monthly slip permit fee payment.

2. Deposit Increase. At the discretion of the Waterfront Director, Slip Permittees may be required, upon thirty (30) days written notice, to increase the deposit set out above in 17.20.150.A.1, if the slip permit fees have been increased and the existing deposit does not equal two (2) months' slip fees.

B. PAYMENT PROCEDURE FOR SLIP PERMIT FEES.

Slip permit fees in an amount established by resolution of the City Council shall be due and payable monthly, in advance.

C. PAYMENT FOR MOORING PERMITS.

Mooring Permit fees in an amount established by resolution of the City Council shall be due and payable on the date of Mooring Permit issuance and annually thereafter on the date of renewal. (Ord. 5386, 2006; Ord. 5377, 2005; Ord. 4757, 1992; Ord. 3840, 1976; prior Code §24.37.)

17.20.160 Gate Lock Key Charges.

The charges, fees and policies for the issuance of key cards to open gates to the marinas, doors to the restrooms and related facilities shall be established by the Waterfront Director and shall be approved by City Council resolution. (Ord. 4757, 1992; Ord. 4133, 1982; Ord. 3466 §1, 1971; Ord. 3178 §1 (part), 1966; Ord. 2942 §1 (part), 1963; Ord. 2845 §2 (part), 1961; prior Code §24.36 (part).)

17.20.165 Unauthorized Entry to Marinas, Restrooms and Related Facilities; Prohibition, Penalty.

The unauthorized transfer or use of a key card is prohibited. The entry into a locked or controlled marina, restroom or related facility without a key card and without the authorization of the Waterfront Director is prohibited. A violation of this section of the Code is an infraction. (Ord. 4757, 1992; Ord. 4133, 1982.)

17.20.220 Impound and Relocation of Vessels.

A. IMPOUND AND RELOCATION OF VESSELS BERTHED, DOCKED, MOORED OR ANCHORED IN THE HARBOR DISTRICT IN VIOLATION OF THE SANTA BARBARA MUNICIPAL CODE. A vessel berthed, docked, moored or anchored in the Harbor District in violation of the Santa Barbara Municipal Code may be impounded in its location, including a dock, pier, slip, wharf or open ocean of the Harbor District, or may be impounded, relocated and stored in another location designated by the Waterfront Director.

B. IMPOUND AND RELOCATION OF VESSELS FOR DELINQUENT FEES. A vessel whose owner is delinquent on the payment of Slip or other fees to the Waterfront Department may be impounded in its location, including a dock, pier, slip, wharf or open ocean of the Harbor District, or may be impounded, relocated and stored in another location designated by the Waterfront Director.

C. PAYMENT OF IMPOUND FEE. The owner of any vessel impounded under either section A or B of this section, whether relocated and stored or not, shall pay an impound fee established by Resolution of the City Council, in addition to any storage or delinquent fees, to the Waterfront Director prior to release of the vessel.

D. NOTICE OF STORAGE AND HEARING. Whenever the Waterfront Department impounds and stores a vessel as permitted by this Section, the Waterfront Department shall provide the vessel's registered owner(s) of record, with the opportunity for a post-storage hearing to determine the validity of the storage.

1. Notice of Storage. Notice of the storage shall be mailed or personally delivered to the registered owner(s) within 48 hours, excluding weekends and holidays, and shall include the following information:

- a. The name, address, and telephone number of the Waterfront Department.
- b. The location of the place of storage and description of the vessel.
- c. The authority and purpose for the impound and storage of the vessel.
- d. A statement that, in order to receive the post-storage hearing, the owner(s) shall request the hearing

in person or in writing within ten (10) days of the date appearing on the notice.

2. Post-Storage Hearing. The post-storage hearing shall be conducted within 48 hours of the receipt of the request for the hearing by the Waterfront Department, excluding weekends and holidays. The City may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vessel.

3. Failure to Request or Attend Hearing. The failure of the registered owner(s) to request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement.

4. Finality of Hearing and Return of Fees. The Waterfront Department shall return to the registered owner(s) of the vessel all impound and storage fees paid by the owner if it is determined by the hearing officer that reasonable grounds for the storage of the vessel are not established. The decision of the hearing officer after the post-storage hearing shall be final. (Ord. 5500, 2009; Ord. 5458, 2008; Ord. 4757, 1992; Prior Code §24.42.)

17.20.240 Visiting Vessels.

A. Visitors to the Santa Barbara Harbor shall pay, in advance, daily fees per foot of vessel length, to the City, as established by City Council resolution.

B. If any visitor leaves a visitor berth or mooring, unless forced to do so by weather or fire, without first paying accrued visitor fees, both the vessel and the person representing the vessel shall be placed upon a delinquent list, and will not be permitted to use any slip or mooring without first paying double the fees incurred and an additional charge of ten dollars (\$10.00), except by the express permission of the Waterfront Director.

C. It is unlawful for any person using a vessel to overstay the "maximum allowable stay," as established by City Council Resolution, without the express permission of the Waterfront Director. Any person violating this subsection shall pay a monetary penalty over and above the required visitor fees as such penalty amounts may be established by resolution of the City Council. The payment of such monetary penalties shall not limit the City's ability to exercise any other remedy, civil or criminal, or other administrative procedures, as may be set forth in this Code, against the person in violation of this subsection. (Ord. 5315, 2004; Ord. 4757, 1992.)

17.20.250 Permits for Vessel Placement on Leadbetter Beach and Vessel and Storage Rack Placement on West Beach.

A. An annual non-transferable permit fee as established by City Council Resolution will be charged for the seasonal placement of vessels on a portion of Leadbetter Beach, also designated and referred to as Catamaran Beach, and year-round placement of vessels and storage racks on West Beach in locations and upon terms and conditions designated by the Waterfront Director.

B. It is unlawful to place or store a vessel on Leadbetter Beach or a vessel or storage rack on West Beach without a permit issued by the City for such purposes, unless expressly allowed to do so by the Waterfront Director in writing.

C. It is unlawful to place or store containers, boxes, or any other vessel equipment or appurtenances on Leadbetter Beach or West Beach unless expressly allowed to do so by the Waterfront Director in writing.

D. In addition to prosecution under this Code, when any person places or stores a vessel or storage rack without a permit, or one of the items described in subsection C above, on Leadbetter Beach or West Beach, said vessel or item may be padlocked on the beach and it may be removed from its location and stored in another area inside or outside the Harbor as designated by the Waterfront Director. A storage fee as established by City Council shall be charged for the storage of unpermitted vessels or items as described in subsection C above on Leadbetter Beach or West Beach. (Ord. 5315, 2004; Ord. 4757, 1992.)

17.20.255 Santa Barbara Mooring Area.

A. MOORING OF VESSELS IN THE HARBOR DISTRICT.

1. Unlawful Mooring in Harbor District. It is unlawful to place, erect, construct or maintain a Mooring in any area of the Harbor District without a current and valid Mooring Permit issued by the Waterfront Director or without the express permission of the Waterfront Director.

2. Unlawful Anchoring in Santa Barbara Mooring Area. It is unlawful for any person having charge of a vessel to Anchor a vessel in the Santa Barbara Mooring Area without express permission of the Waterfront Director.

B. MOORED VESSELS MUST BE OPERABLE.

1. Unlawful to Moor Inoperable Vessels. It shall be unlawful to Moor a vessel in the Santa Barbara Mooring Area that is not Operable.

2. Moored Vessels Must be Maintained as Operable Vessels. Vessels assigned to a Mooring Site in the Santa Barbara Mooring Area must be continuously maintained in an Operable condition. If, at any time, based upon the appearance of the vessel, inspection by the Waterfront Director, or other facts, the Waterfront Director determines that a vessel is not Operable, the Waterfront Director shall give notice to the Mooring Permittee requiring the Mooring Permittee to demonstrate that the vessel is Operable within fifteen (15) days of the date of the notice. If the Mooring Permittee does not demonstrate Operability of the vessel within the fifteen (15) day period, the Mooring Permit shall be terminated and the Mooring and vessel shall be removed from the Santa Barbara Mooring Area as required in the Mooring Permit Rules and Regulations. Vessels issued Special Activity Mooring Permits may be exempt from this provision, based on a determination of exemption by the Waterfront Director.

C. SANTA BARBARA MOORING AREA USE AND REGULATIONS.

1. Use of Mooring Sites. The Santa Barbara Mooring Area is divided into separate designated Mooring Sites. Mooring Sites shall be used only for the Mooring of Operable vessels and Dinghies by vessel owners who have been issued a Mooring Permit by the Waterfront Director. Mooring Sites shall not be used for commercial purposes without the express permission of the Waterfront Director. Mooring Permittees shall at all times use the Mooring Site in compliance with the Mooring Permit, Minimum Ground Tackle Specifications, this Chapter, and all local, state and federal rules. Failure to comply with all rules and regulations shall be cause for termination of a Mooring Permit.

2. Mooring Permit Administration.

a. Mooring Permits may be issued by the Waterfront Director in accordance with the Procedures for Conducting Lotteries for the Assignment and Issuance of Mooring Permits and the Mooring Permit Rules and Regulations adopted by Resolution of the City Council of the City of Santa Barbara.

b. Special Activity Mooring Permits may be issued by the Waterfront Director.

c. Mooring Permit, Term. A Mooring Permit shall be issued for a period of one year and may be renewed annually thereafter by the Waterfront Director.

d. A Mooring Permittee shall hold no more than one permit. No person shall at any time be issued or hold more than one Mooring Permit.

e. Slip Permittees Not Eligible for Mooring Permits. Slip Permittees in Santa Barbara Harbor are not eligible for assignment of Mooring Permits in the Santa Barbara Mooring Area, and Mooring Permittees in Santa Barbara Mooring Area are not eligible for Slip Permits in Santa Barbara Harbor either through assignment or transfer, unless one of the permits is relinquished prior to issuance of the other permit.

f. Transfer of Permit. Mooring Permits are not transferable or inheritable.

g. Rental of Mooring Sites Prohibited. It shall be unlawful for any person issued a Mooring Permit to rent or lease (whether or not for compensation paid or other value), sublease or loan a Mooring Site to any other person or entity.

3. Termination of Mooring Permit. Mooring Permits may be terminated either by the Waterfront Director or the Mooring Permittee as provided in the Mooring Permit Rules and Regulations. Upon termination of the Mooring Permit, the vessel and Mooring shall be removed from the Santa Barbara Mooring Area in accordance with the Mooring Permit Rules and Regulations.

4. Failure to Timely Remove a Vessel or Mooring from the Santa Barbara Mooring Area. If the Mooring is not removed within the time provided for such removal in the Mooring Permit Rules and Regulations, title to the Mooring shall vest in the City. The City may, thereafter, remove and sell or dispose of the Mooring and recover the removal, storage or disposal costs from the Mooring Permittee. If the Mooring Permittee fails to pay such cost, the Waterfront Director may collect such costs in any court of competent jurisdiction or may recover any costs from the proceeds of sale of the Mooring. Vessels not removed from the Mooring Site within the time provided in the Mooring Permit Rules and Regulations shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.

5. Appeal of Mooring Permit Termination. If the Waterfront Director terminates a Mooring Permit, the mooring permittee may request a waiver of the termination from the Waterfront Director. To request a waiver, the mooring permittee must file a written request setting forth the grounds upon which the waiver is requested with the Waterfront Director within ten (10) days of the date of termination under Section D 1 or D 2 of the Rules and Regulations of Mooring Permits. If the Waterfront Director denies the waiver, the Mooring permittee may appeal the Waterfront Director's decision to the Harbor Commission. The appeal shall be filed in writing with the City Clerk within ten (10) days of the date of the Waterfront Director's decision on the waiver. The Harbor Commission's decision on the appeal shall be final. If no waiver request is filed, the mooring permittee may appeal the termination to the Harbor Commission. The mooring permittee shall file a written appeal setting forth the grounds upon which the appeal is based with the City Clerk within ten (10) days of the date of termination under Section D 1 or D 2 of the Rules and Regulations of Mooring Permits.

D. MOORING INSTALLATION REQUIREMENTS AND ANNUAL INSPECTION.

1. Mooring Installation. If offered a Mooring Permit, an individual shall place a Mooring and vessel in the Mooring Site designated in the Mooring Permit within ninety (90) days of acceptance of the Mooring Permit offer. The Mooring placement shall be made in accordance with the Minimum Ground Tackle Specifications by a City-Approved Mooring Inspector. If the Mooring and vessel are not timely placed in the Mooring Site, or if the Mooring is not approved as required by the Mooring Permit Rules and Regulations, no Mooring Permit shall be issued.

2. Mooring Position. Any vessel moored in a Mooring Site within the City of Santa Barbara Mooring Area shall be firmly secured to a Mooring in such a manner as to prevent the vessel from drifting, dragging or otherwise moving off the Mooring Site. If the Waterfront Director determines that the migration of a vessel off the Mooring Site may cause an immediate threat or danger to life, property or the environment, the Waterfront Director may take action deemed necessary to abate such hazard. Any costs incurred by such abatement shall be borne by the Mooring Permittee.

3. Mooring Inspections. Moorings shall be inspected by a City-Approved Mooring Inspector upon installation at the Mooring Site and annually thereafter on each anniversary date of the issuance of the Mooring Permit (or more frequently at the Permittee's option or as deemed necessary by the Waterfront Director) to determine compliance with Minimum Ground Tackle Specifications. The installation and inspection shall be performed in accordance with the Mooring Permit Rules and Regulations by a City-Approved Mooring Inspector at the Mooring Permittee's sole cost and expense. (Ord. 5528, 2010; Ord. 5386, 2006.)

17.20.260 Anchoring Vessels Within the Santa Barbara Year-Round and Seasonal Anchorages.

A. ANCHORING IN YEAR-ROUND ANCHORAGE AREAS. Subject to compliance with the rules and regulations of the Waterfront Department, this Chapter, and all applicable state and Federal laws, vessels may Anchor at any time in the Year-Round Anchorage.

B. ANCHORING IN SEASONAL ANCHORAGE AREAS. Subject to compliance with the rules and regulations of the Waterfront Department, this Chapter, and all applicable state and Federal laws, vessels may Anchor in the Seasonal Anchorage during the months of April through October. It is unlawful to Anchor in the Seasonal Anchorage during the months of November through March.

C. ANCHORED VESSELS MUST BE OPERABLE. Vessels Anchoring in the Year-Round or Seasonal Anchorages must be continuously maintained as Operable vessels. It shall be unlawful to Anchor a vessel in the Year-Round or Seasonal Anchorage that is not Operable.

D. UNLAWFUL MOORING AND ANCHORING. It shall be unlawful to (i) Moor a vessel at any time, (ii) Moor or Anchor a vessel within 100 feet of any swim area designated by the placement of regulatory buoys, or (iii) leave Anchoring Equipment unattended without an attached vessel in the Seasonal or Year-Round Anchorages.

E. CITY REMOVAL OF MOORING OR ANCHORING EQUIPMENT. Any unlawfully placed Mooring or abandoned Anchoring Equipment may be removed by the City and sold or otherwise disposed of by the City as abandoned property. In addition to any fees incurred pursuant to Section 17.20.260.D, the City may recover the costs of removal, storage, or disposal of the Mooring or Anchoring Equipment from the vessel's owner. (Ord. 5458, 2008; Ord. 5420, 2007; Ord. 5386, 2006.)

17.20.265 Anchoring Vessels Within Waters of Harbor District Not Designated as Seasonal or Year-Round Anchorage.

A. UNLAWFUL ANCHORING.

1. Consent of Waterfront Director Required to Anchor Vessels in Harbor. It shall be unlawful to Anchor a vessel in the waters of the Harbor at any time without the consent of the Waterfront Director.

2. No Anchoring in Harbor District Except as Provided Herein. It shall be unlawful to Anchor a vessel in waters of the Harbor District between the sunset and the sunrise, except the Seasonal and Year-Round Anchorages as delineated on the reference map attached as Exhibit "A" to Chapter 17.20, without prior permission of the Waterfront Director.

3. No Anchoring in Harbor District at Any Time. It shall be unlawful to Anchor a vessel in the waters of the Harbor District at any time of the day or night in the area located between the eastern edge of Stearns Wharf and a line connecting Boundary A and Boundary B on the western edge of the Seasonal Anchorage as depicted on the reference map attached as Exhibit "A" to Chapter 17.20 without the prior permission of the Waterfront Director.

B. ANCHORED VESSELS MUST BE OPERABLE. Vessels Anchoring in any area of the Harbor District must be continuously maintained as Operable vessels. It shall be unlawful to Anchor a vessel in any area of the Harbor District that is not Operable.

C. UNLAWFUL MOORING AND ANCHORING. It shall be unlawful to Moor a vessel at any time or to leave Anchoring Equipment unattended without an attached vessel in the waters of the Harbor District not designated as Seasonal, Year-round or the Santa Barbara Mooring Area.

D. CITY REMOVAL OF MOORING OR ANCHORING EQUIPMENT. Any unlawfully placed Mooring or abandoned Anchoring Equipment may be removed by the city and sold or otherwise disposed of by the City as abandoned property. In addition to any fees incurred pursuant to Section 17.20.265 C, the City may recover the costs of removal, storage, or disposal of the Mooring or Anchoring Equipment from the vessel's owner. (Ord. 5500, 2009; Ord. 5420, 2007; Ord. 5386, 2006.)

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CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

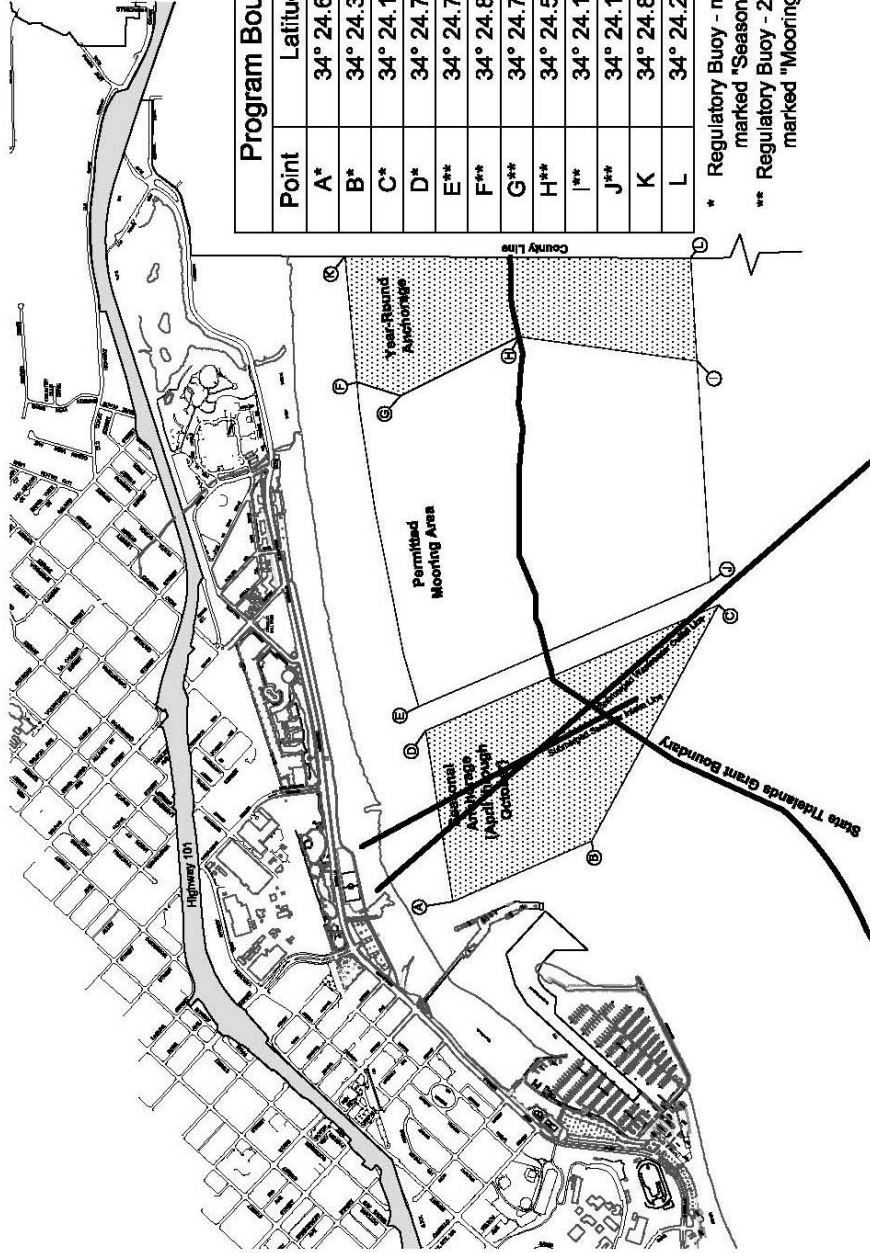
EAST BEACH MOORING/ANCHORING PROGRAM



Project Statistics
 A.P.N. 017-191-0WF
 Zone PR-SD-3
 Latitude 34° 24.69
 Longitude 119° 40.13

Project Owner
 City of Santa Barbara
 Waterfront Department
 PO Box 1980
 Santa Barbara, CA 93102
 (805) 564-5531

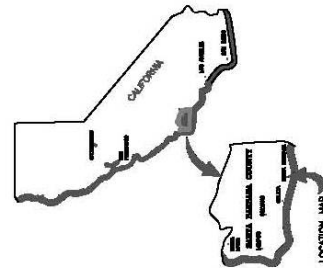
Project Description
 The East Beach Mooring/Anchoring Program is designed to provide 48 mooring spaces for individually permitted vessels, plus seasonal anchoring opportunities for non-permitted vessels. By formalizing the mooring area and enforcing ground-tackle specifications for moored vessels, the Waterfront Department hopes to decrease pollution, vessel groundings on East Beach and financial impacts to the City.



Program Boundaries and Buoys		
Point	Latitude	Longitude
A*	34° 24.6608'	119° 41.0896'
B*	34° 24.3870'	119° 40.9384'
C*	34° 24.1428'	119° 40.3669'
D*	34° 24.7207'	119° 40.6802'
E**	34° 24.7354'	119° 40.6227'
F**	34° 24.8687'	119° 39.8462'
G**	34° 24.7819'	119° 39.8769'
H**	34° 24.5485'	119° 39.7307'
I**	34° 24.1937'	119° 39.7819'
J**	34° 24.1593'	119° 40.3102'
K	34° 24.8968'	119° 39.5443'
L	34° 24.2098'	119° 39.5346'

* Regulatory Buoy - no light marked "Seasonal Anchoring Area"
 ** Regulatory Buoy - 2 mile Amber Light, 15 FPM marked "Mooring Area - Permit Required"

Project Location
 Scale 1" = 700'



Location Map
 NTS

AND OUTFALL & UTILITY LINES SCALE: AS SHOWN DATE: 11/15/04 DRAWN BY: J. L. COOPER CHECKED BY: M. J. COOPER PROJECT NO.: 017-191-0WF SHEET NO.: 1 OF 2	LA: [] JK: [] MK: [] APPROVED: [] DATE: []	LAYOUT: J, J DATE: 11/15/04 DRAWN BY: J. L. COOPER CHECKED BY: M. J. COOPER PROJECT NO.: 017-191-0WF SHEET NO.: 1 OF 2	SCALE: AS SHOWN FACTOR: N/A VEGETATION: N/A ERROR: N/A
CITY OF SANTA BARBARA WATERFRONT DEPARTMENT - FACILITIES DIVISION		CITY OF SANTA BARBARA WATERFRONT DEPARTMENT - FACILITIES DIVISION	
East Beach Mooring/Anchoring Program City of Santa Barbara Waterfront Department		CITY OF SANTA BARBARA WATERFRONT DEPARTMENT - FACILITIES DIVISION	

Chapter 17.24

WHARFAGE AND DOCKAGE RATES

Sections:

17.24.030	Vessels Accorded Free Dockage.	17.24.200	Right of Inspection by Waterfront Director.
17.24.060	Assessment According to Length - Types of Boats - Exceptions.	17.24.230	Rates for Delivery of Fresh Water to Vessels.
17.24.070	Credit Dockage List.	17.24.240	Unlawful to Attach Water Outlet or Hydrant Without Permission - Exception.
17.24.080	Duration of Dockage.	17.24.270	City Pier Designated.
17.24.090	Payment of Bills.		
17.24.100	Leaving Slip Prior to Payment.		
17.24.110	Wharfage Charges.		

17.24.030 Vessels Accorded Free Dockage.

Free dockage will be accorded vessels:

A. When, in the discretion of Waterfront Director conditions warrant the temporary suspension of regular dockage charges against vessels of the United States Government or any other nation, or otherwise in the interest of public welfare;

B. While actively engaged as a tug boat when made fast to another vessel which is being charged dockage. (Ord. 4757, 1992; Ord. 2832 §4(part), 1961; prior Code §24.45(b).)

17.24.060 Assessment According to Length - Types of Boats - Exceptions.

A. **USE OF CITY PIER.** Dockage shall be assessed based upon the overall length of the vessel. No dockage shall be charged for any fishing boat permitted under the provisions of this chapter to unload or load fish or fishing supplies at the City Pier, unless the owner or operator of the fishing boat fails or neglects to begin unloading within thirty (30) minutes following the docking of the boat, or unless the boat remains docked at the City Pier for more than fifteen (15) minutes after loading or unloading is completed.

B. **DOCKAGE RATES.** Dockage shall be computed, assessed and paid on a per tie-up basis for each twenty-four (24) hours, at a rate established by City Council resolution.

1. **EXCEPTION 1:** Tie-ups not to exceed thirty (30) minutes shall be permitted without charge at the discretion of the Waterfront Director, as follows:

- a. For transacting official business with the Harbormaster; or
- b. For the convenience and safety of the Harbor.

2. **EXCEPTION 2:** There shall be no charge for tie-ups at the launching ramp service float for trailered boats launched at the City-owned launching ramp provided the tie-up time is not in excess of thirty (30) minutes.

3. **EXCEPTION 3:** There shall be no charge for tying up at the Accommodations Dock for up to fifteen (15) minutes. Permission for the tie-up may be denied at the discretion of the Waterfront Director if an emergency exists or if a dangerous congestion or threat to navigation would result from the tie-up. (Ord. 4757, 1992; Ord. 3460 §1, 1970; Ord. 3435 §4, 1970; Ord. 3320 §2, 1968; Ord. 2832 §4(part), 1961; prior Code §24.45(e).)

17.24.070 Credit Dockage List.

The Waterfront Director may, at his discretion, approve payment of dockage charges by the week or month or other regular intervals and may require a deposit to be made in advance equal to one (1) month's dockage charges for the privilege of being on the credit dockage list. (Ord. 4757, 1992; Ord. 2832 §4(part), 1961; prior Code §24.45(f).)

17.24.080 Duration of Dockage.

Dockage shall commence when a vessel enters the Harbor for the purpose of tying-up to any wharf or pier in the Harbor and ends when the vessel vacates the wharf or pier. No deduction shall be made for Saturdays, Sundays or holidays. (Ord. 5386, 2006; Ord. 4757, 1992; Ord. 2832 §4(part), 1961; prior Code §24.45(g).)

17.24.090 Payment of Bills.

All bills for dockage must be paid when due. If dockage is not paid when due, the vessel will be placed on the delinquent list and will be subject to the penalties provided by law. (Ord. 4757, 1992; Ord. 2832 §4(part), 1961; prior Code §24.45(h).)

17.24.100 Leaving Slip Prior to Payment.

If any person leaves a slip, unless forced to do so by weather or fire, without first paying all fees due (unless such vessel is upon the credit dockage list), such vessel shall be placed upon the delinquent list, in which case it will not be permitted to use any slip without first paying all fees and late charges as established by resolution of City Council, except by permission of the Waterfront Director. (Ord. 5386, 2006; Ord. 4757, 1992; Ord. 2832 §4(part), 1961; prior Code §24.45(i).)

17.24.110 Wharfage Charges.

The rates for wharfage shall be established by the City Council by resolution, except as otherwise specifically provided in this chapter. (Ord. 4757, 1992; Ord. 3940 §1, 1978; Ord. 3846, 1976; Ord. 3320, 1968; Ord. 3131, 1966; Ord. 2832, 1961; prior Code §24.46(a) & (c).)

17.24.200 Right of Inspection by Waterfront Director.

The Waterfront Director is hereby authorized to enter upon and inspect any vessel which is loading or unloading merchandise to ascertain the kind and quantity of merchandise thereon, and it shall be unlawful to refuse permission to or prevent the Waterfront Director, his representatives, or such other persons, from entering upon any vessel for the purpose specified in this rule. (Ord. 4757, 1992; Ord. 3131 §1(part), 1966; Ord. 2832 §5(part), 1961; prior Code §24.46(j).)

17.24.230 Rates for Delivery of Fresh Water to Vessels.

Rates for fresh water delivered to vessels in the Harbor shall be as established by resolution of City Council. (Ord. 4757, 1992; Ord. 2727 §1(part), 1959; prior Code §24.47(part).)

17.24.240 Unlawful to Attach Water Outlet or Hydrant Without Permission - Exception.

A. It is unlawful for any person to attach a hose to any water outlet or hydrant, or to use any water hose or meter, or to take or attempt to take any water, without permission of the Waterfront Director.

B. Nothing herein contained shall prevent any person from attaching a hose, or otherwise using the water from any outlet, for the prevention of fire only. (Ord. 4757, 1992; Ord. 2727 §1(part), 1959; prior Code §24.47(part).)

17.24.270 City Pier Designated.

The Waterfront Director, subject to the approval of the Harbor Commission, shall designate a portion of the wharf in Santa Barbara Harbor, commonly and herein referred to as "City Pier", for the unloading of fresh fish, mollusks, crustaceans and sea water mammals. The portion of the City Pier so designated shall be clearly sign-posted by the Waterfront Director, in a manner visible from the surface of the City Pier and from its seaward approaches. (Ord. 4757, 1992; Ord. 2911 §1(part), 1964; Ord. 2832 §1(part), 1961; prior Code §24.49(a).)

Chapter 17.28

BUSINESS ACTIVITY AND ADVERTISING IN HARBOR

Sections:

17.28.010	Permit Required - Business Activity.	17.28.060	Permits Non-Transferable.
17.28.020	Permission Required - Advertising.	17.28.070	Appeal.
17.28.030	Permit Fee and Duration.	17.28.090	Business Tax Not Permit.
17.28.040	Regulation.	17.28.100	Commercial Photography in Harbor.
17.28.050	Revocation of Permit.		

17.28.010 Permit Required - Business Activity.

Except as expressly authorized in writing by the Waterfront Director or his or her designee, no person shall engage in any business or commercial activity of any kind whatsoever in the Harbor District without first having applied for and obtained the appropriate license, lease or permit. (Ord. 5528, 2010; Ord. 4757, 1992; Ord. 3517 §2(part), 1972.)

17.28.020 Permission Required - Advertising.

It shall be unlawful to erect, repair, alter, relocate or maintain any post, distribute or display signs, commercial advertisements or circulars within the Harbor District, or to direct or authorize another person to do so, except pursuant to a sign permit obtained in accordance with Chapter 22.70 of the Santa Barbara Municipal Code, unless the sign is specifically exempted from the permit requirements as provided in Chapter 22.70. The requirements of this Chapter shall not apply to a "For Sale" sign displayed on a vessel occupying a slip by the owner of the vessel, or a sign, an announcement, or a flyer posted on a bulletin board provided on a Marina gate. (Ord. 5528, 2010; Ord. 4757, 1992; Ord. 3517 §2(part), 1972.)

17.28.030 Permit Fee and Duration.

A fee, established by resolution of City Council, shall be charged by the Waterfront Director for each Business Activity Permit issued pursuant to this chapter. The permit extends for a period of one (1) year, beginning on August 1 of each year and expiring on July 31 of each year. (Ord. 5458, 2008; Ord. 4757, 1992; Ord. 3517 §2(part), 1972.)

17.28.040 Regulation.

Activities permitted shall be subject to such further regulation, in the public interest, as determined by the Harbor Commission at a regularly noticed meeting. (Ord. 4757, 1992; Ord. 3517 §2(part), 1972.)

17.28.050 Revocation of Permit.

The following activities by the permittee shall be grounds for revocation of the Business Activity Permit by the Waterfront Director without refund of fee:

A. Any of the following activities or any other activities which violate Waterfront policy, City ordinances or any State or Federal Law,:

1. Any activity which causes a risk of injury or property damage to any person.
2. Any activity which poses a navigation hazard with the Harbor.
3. Any activity which impedes the free circulation of vessels, vehicles or persons within the Harbor District, or adversely affects traffic.
4. Any activity which pollutes the Harbor waters or litters the marinas, walkways or land areas of the Harbor District.

B. Any misrepresentation in the application for a Business Activity Permit. (Ord. 4757, 1992; Ord. 3517 §2(part), 1972.)

17.28.060 Permits Non-Transferable.

Business Activity Permits are not transferable. (Ord. 4757, 1992; Ord. 3517 §2(part), 1972.)

17.28.070 Appeal.

If the Waterfront Director denies or revokes a Business Activity Permit, the permittee may request a waiver of the denial or revocation from the Waterfront Director. To request a waiver, the permittee must file a written waiver request setting forth the grounds upon which the waiver is requested with the Waterfront Director within ten (10) days of the date that the permit is denied or revoked. If the Waterfront Director denies the waiver, the permittee may appeal the Waterfront Director's decision to the Harbor Commission. The appeal shall be filed in writing with the City Clerk within ten (10) days of the date of the Waterfront Director's decision. The Harbor Commission's decision on the appeal shall be final. If no waiver request is filed, the permittee may appeal the Waterfront Director's decision to deny or revoke the permit to the Harbor Commission. The permittee shall file a written appeal setting forth the grounds upon which the appeal is based with the City Clerk within ten (10) days of the date that the permit is denied or revoked. The Harbor Commission's decision on the appeal shall be final. (Ord. 5528, 2010; Ord. 4757, 1992; Ord. 3517 §2(part), 1972.)

17.28.090 Business Tax Not Permit.

The payment of a business tax, or a building or sign permit fee by the City does not constitute a permit under this chapter, nor shall the granting of a permit under this chapter excuse the payment of a business tax or the obtaining of any other permit, or non-compliance with any applicable law. (Ord. 4757, 1992; Ord. 3517 §2(part), 1972.)

17.28.100 Commercial Photography in Harbor.

Still, motion or sound photography is permitted in the Harbor after doing the following:

- A. Obtaining permission of the Waterfront Director; and,
- B. Obtaining the appropriate permits from the City of Santa Barbara; and,
- C. Paying appropriate fees as established by City Council resolution. (Ord. 4757, 1992.)

Chapter 17.32

PETROLEUM PRODUCTS IN HARBOR DISTRICT

Sections:

17.32.020 Sale or Delivery of Petroleum Products in Harbor District Limited to Franchise Holders.

17.32.020 Sale or Delivery of Petroleum Products in Harbor District Limited to Franchise Holders.

No oil, gasoline, petroleum or other hydrocarbon substance or product shall be sold, exchanged, delivered to or accepted by any person whatsoever in any commercial deal or transaction from, upon or off of any barge, boat, float, wharf, tank, tanker within the Harbor district except by agents of the fuel dock tenant of the City. (Ord. 4757, 1992; Prior Code §33.23(part).)

Chapter 17.36

WATERFRONT PARKING

Sections:

17.36.010	Parking Fees in Waterfront Parking Lots.	17.36.060	Oversized Vehicles in Harbor Parking Lot.
17.36.020	Parking for Certain Purposes Prohibited.	17.36.070	Oversized Vehicles in Waterfront Parking Lots.
17.36.030	Trailer Parking in Harbor Parking Lot.	17.36.080	Oversized Vehicles in Designated Waterfront Parking Lots.
17.36.040	72-Hour Parking Limit in Harbor Parking Lot.	17.36.090	No Personal Property in Parking Stalls.
17.36.050	Penalties for Vehicle Parking Over 72 Hours in Harbor Parking Lot.		

17.36.010 Parking Fees in Waterfront Parking Lots.

Parking fees and permit system for Waterfront Parking Lots shall be established by resolution of the City Council. (Ord. 4757, 1992.)

17.36.020 Parking for Certain Purposes Prohibited.

A. IMPROPER USE OF WATERFRONT LOT. No person shall park a vehicle in any Waterfront parking lot for the principal purpose of displaying such vehicle for sale, repairing such vehicle (except repairs necessitated by an emergency), or washing such vehicle.

B. INOPERABLE VEHICLES. No person shall park or permit to remain, any motor vehicle which is wrecked or inoperable for a period longer than two (2) hours in any Waterfront parking lot.

C. NO VEHICLES TO REMAIN IN PARKING LOT PAST TIME OF PARKING LOT CLOSING. No person shall leave a vehicle in a Waterfront parking lot past the posted closing time. (Ord. 5564, 2011; Ord. 4757, 1992.)

17.36.030 Trailer Parking in Harbor Parking Lot.

A. BOAT TRAILER PARKING PERMITTED. Persons who own or have possession of boat trailers shall be allowed to park boat trailers in the Harbor parking lot in designated boat-trailer parking stalls located adjacent to the small-vessel launch ramp for a period of time not to exceed three (3) consecutive nights. For the purpose of this section, one night's parking is defined as parking a boat trailer in a designated trailer parking stall any time between the hours of midnight to 4:00 a.m. No trailer, other than a boat trailer, shall be allowed to park in a parking stall in the Harbor lot without the prior written permission of the Waterfront Director or his or her designee.

B. BOAT TRAILER PARKING PROHIBITED. No person who owns or has possession of a boat trailer shall park such trailer in any area of the Harbor parking lot other than as provided in Section 17.36.030A herein without the prior written permission of the Waterfront Director or his or her designee.

C. BOAT TRAILER PARKING IN VIOLATION OF THIS SECTION; REMOVAL OF TRAILER AND PENALTIES. Any boat trailer parked in violation of this section may be removed by the City of Santa Barbara Police Department in accordance with the requirements of the California Vehicle Code and the owner or person in possession of the boat trailer parked in violation of this Section may be prosecuted in accordance with Santa Barbara Municipal Code Chapter 1.28. (Ord. 5564, 2011.)

17.36.040 72-Hour Vehicle Parking Limit in Harbor Parking Lot.

No person who owns, or has possession, custody or control of any vehicle shall park, stop or leave the vehicle in the same parking space in the Harbor parking lot in excess of a period of seventy-two (72) consecutive hours, except persons with valid permits or prepaid permits as established by City Council Resolution, under the following circumstances:

A. Vehicles owned by harbor slip holders who have also been issued a valid Waterfront slip-holder's parking permit will be allowed unlimited parking in the Harbor parking lot, providing that such vehicles are currently registered with the California Department of Motor Vehicles and are fully operational.

B. Any person wishing to park a vehicle in the Harbor parking lot over the seventy-two (72) hour limit may be allowed to do so, providing:

1. The vehicle owner registers with the Waterfront Parking office prior to leaving the vehicle in the Harbor lot.

2. The vehicle owner pays, in advance, the appropriate daily parking fee for each twenty-four (24) hour period the vehicle will remain in the Harbor parking lot, provided that any vehicle bearing a Waterfront parking permit will be allowed to park for the first seventy-two (72) hours at no charge. (Ord. 4757, 1992.)

17.36.050 Penalties for Vehicle Parking Over 72 Hours in Harbor Parking Lot.

In the event a vehicle is parked, stopped or left standing in the Harbor parking lot in excess of a period of seventy-two (72) consecutive hours, does not have a valid slip holder parking permit, and has not been registered with the Waterfront parking office in advance, the vehicle may be cited and any member of the Police Department authorized by the Chief of Police may remove the vehicle from the Harbor parking lot in the manner and consistent with the requirements of the California Vehicle Code. (Ord. 4757, 1992.)

17.36.060 Oversized Vehicles in Harbor Parking Lot.

All vehicles over twenty feet (20') in length are prohibited from parking in the Harbor Parking Lot, excepting those vehicles exempted by resolution of City Council. (Ord. 5458, 2008; Ord. 4757, 1992.)

17.36.070 Oversized Vehicles in Waterfront Parking Lots.

All vehicles over thirty three (33) feet in length are prohibited from entering or using any Waterfront Parking Lot, excepting those vehicles exempted by resolution of City Council. (Ord. 5262, 2002.)

17.36.080 Oversized Vehicles in Designated Waterfront Parking Lots.

The Waterfront Director shall designate parking spaces in Waterfront Parking Lots, including a limited number of oversize parking spaces, by signs, pavement stripes or other means of designation.

A. PARKING IN DESIGNATED PARKING STALLS ONLY. No vehicle shall be stopped, left standing or parked in any Waterfront Parking Lot, other than within a single marked stall designated for that size of vehicle.

B. PARKING IN MARKED STALLS ONLY. No vehicle shall be stopped, left standing or parked in any Waterfront Parking Lot, at angles, horizontally, diagonally or otherwise across the lines marking a parking stall designated for parking a vehicle.

C. NO PARKING IN OVERSIZED STALLS. No vehicle that is less than twenty (20) feet in length shall be stopped, left standing or parked in any Waterfront Parking Lot within a parking stall designated for an oversize vehicle.

D. NO PARKING OF OVERSIZED VEHICLES IN PASSENGER VEHICLE STALLS. No vehicle that is over twenty (20) feet in length shall be stopped, left standing or parked in any Waterfront Parking Lot, within a parking stall designated for passenger vehicles of ordinary length (less than twenty (20) feet). (Ord. 5564, 2011; Ord. 5262, 2002.)

17.36.090 No Personal Property in Parking Stalls.

No person shall occupy, fill or obstruct a space designated for parking in any Waterfront Parking Lot with any personal property other than a vehicle appropriate for the size of the parking stall, except by special permit of the Waterfront Director. (Ord. 5564, 2011; Ord. 5262, 2002.)

Chapter 17.40

RESERVE FOR HARBOR PRESERVATION

Sections:

17.40.010 Purpose.

17.40.020 Reserve for Harbor Preservation.

17.40.030 Accumulation of Funds.

17.40.010 Purpose.

The City Council has identified certain funds that shall be reserved for the purpose of accumulating funds for the preservation and enhancement of the Harbor, State Tidelands Trust, and Waterfront Department properties under the management of the City of Santa Barbara. Sources of funds to be committed for this purpose include but are not limited to surplus Waterfront Fund funds, interest earnings, and other sources as may be directed by the City Council. (Ord. 5110, 1999.)

17.40.020 Reserve for Harbor Preservation.

The City Finance Director shall establish and maintain a Reserve for Harbor Preservation in the Waterfront Tidelands Trust Fund for monies accumulated for preservation, enhancement, and management of Harbor, State Tideland Trust, and Waterfront Department properties. (Ord. 5110, 1999.)

17.40.030 Accumulation of Funds.

The City Finance Director shall deposit any funds received for the preservation and enhancement of the Harbor, State Tidelands Trust, and Waterfront Department properties and all interest earned from the investment of such funds in the Reserve for Harbor Preservation until a total of \$5 million has been accumulated. If at any time the account balance for the Reserve for Harbor Preservation exceeds \$5 million, the City Finance Director shall deposit all or a portion of the interest earned from the investment of those funds into the Operating Fund of the Waterfront Department as directed by a Resolution of the City Council. (Ord. 5110, 1999.)