

**CITY OF SANTA BARBARA WATERFRONT DEPARTMENT**

**MEMORANDUM**

**Date:** May 21, 2009  
**To:** Harbor Commission  
**From:** John N. Bridley, Waterfront Director  
**Subject:** **Municipal Code Title 17 Amendments**

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**RECOMMENDATION:** That Harbor Commission:

- A. Receive and consider a staff report describing proposed amendments to Title 17 of the Santa Barbara Municipal Code;
- B. Receive and consider a staff report describing proposed amendments to Resolution 07-040 pertaining to annual inspection dates for moorings in the East Beach Mooring Area;
- C. Recommend to City Council adoption of an ordinance incorporating proposed amendments to Title 17; and
- D. Recommend to City Council adoption of a Resolution incorporating revisions to Resolution No. 07-040.

**BACKGROUND:**

Department staff annually reviews Title 17 of the Santa Barbara Municipal Code to ensure that it accurately and adequately describes policies and procedures utilized to fairly, comprehensively and decisively administer Waterfront affairs and provides the legal framework for doing so.

Staff worked with the City Attorney's Office in recent months to identify Title 17 Sections it believes should be added, deleted or amended. This report identifies three substantive amendments proposed for Title 17, plus an amendment to Resolution 07-040 pertaining to annual inspection dates for moorings in the East Beach Mooring Area. The draft revisions also address other, less substantive, issues, which are not discussed directly in this report, but are included in its attachments. Staff will gladly explain them at the Commission's request.

## DISCUSSION

1. **Vessel Partnerships** (Attachment 1). The Department has long required that slip permits be issued to individuals, though vessels assigned to slips may be owned by entities. In recent years, however, an increasing number of vessels are owned by complex partnerships, trusts and corporations. These types of vessel ownership arrangements previously prompted a Municipal Code change under MC 17.20.005 (B) 2 (b), requiring that if an entity, not an individual, owns a vessel, the entity must prove that named slip permittees have the authority to legally bind that entity. Note: this previously adopted Code language is contained in Attachment 2. It is included in this report for information only.

In conjunction with this notion, the Department proposes to add language to MC 17.20.005 (D) 1 requiring that vessel owners notify the Department when a sale or transfer of interest in a vessel occurs, so that the Department is able to ensure the proper legal connection between vessel owners and slip permittees, and so that it is able, for administrative purposes, to accurately match vessel owners to slip permittees. This new language would change previous language (see deletions in Attachment 1) that said vessel owners need not notify the Department about an ownership change unless that change precipitated a slip transfer. This deletion/change includes complete deletion of 17.20.005 (E)—Partnerships, the intent of which, including the substantive addition noted above, is now addressed in 17.20.005 (D) —Transfer of Slip Permits.

2. **Slip Permit Termination—Discharge of Contaminants** (Attachment 3). The Waterfront Department's Clean Marina Program, adopted by City Council in 2002, includes a provision for slip permit termination if a permittee is convicted of two sewage discharge violations in a 36-month period. Staff proposes codifying this notion, broadening it to include any contaminants defined in MC 17.16.010, but adding the word "may" to allow discretion for minor violations. The proposed ordinance language continues to focus on sewage discharges.
3. **Vessel Impounds** (Attachment 4). Municipal Code Section 17.20.220— Impound and Relocation of Vessels— allows the Waterfront Director to impound and relocate an illegally moored, docked or berthed vessel to any location in the Harbor District (City Waters). However, impounded and stored vessels, especially vessels stored out of the water, impede normal harbor operations by taking up space in vital facilities, like the Waterfront Maintenance Yard. In addition, staff has encountered persistent problems with owners illegally accessing vessels impounded and stored in the Harbor District. Proposed language would allow the Waterfront Director the discretion to store an impounded vessel at a location of his/her choosing. This would alleviate the operational impediments and illegal access problems described above until all legal and financial issues related to the impound and storage are resolved and the vessel is returned to its owner.

4. **Inspection Dates, East Beach Moorings** (Attachment 5). Currently, East Beach Mooring Permittees are required to renew their permits annually and have a City-approved mooring inspector conduct annual maintenance and repair on their moorings. Although staff presses for timely collection of the \$250 annual permit fee, it has experienced difficulty gaining timely compliance with annual mooring inspections, due to tardiness on permittees' behalf, weather and sea-condition challenges throughout the year, and variability in inspectors' busy schedules. In February, staff met with several mooring inspectors and it was jointly agreed that compressing the "window" for annual inspections into the late summer (pre-winter) months of August and September would benefit inspectors, permittees and Waterfront administrative staff alike. Permittees and inspectors could better plan for the inspections during times of generally good weather, instead of completing them at random times throughout the year, and staff could plan to review inspection results during the same time frame.

## **CONCLUSION & TIMELINE**

Staff continues to believe that annual review of Municipal Code Title 17 and Waterfront-related policy Resolutions assists its operation, providing up-to-date administrative tools. With Harbor Commission approval, staff anticipates City Council's Ordinance Committee will review a draft ordinance in early June, with review of the draft ordinance and the draft Mooring Resolution by the full Council in late June or early July.

Attachment 1: MC 17.20.005 (D) —Transfer of Slip Permits

Attachment 2: MC 17. 005 (A) —Slip Assignment Policy

Attachment 3: MC 17.20.005 (J) —Termination of Slip Permits

Attachment 4: MC 17.20.220—Impound and Relocation of Vessels

Attachment 5: Resolution 07-040, Mooring Permit Rules and Regulations

Prepared by: Mick Kronman, Harbor Operations Manager