

Chapter 17.28

FEB 17 2018  
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**BUSINESS ACTIVITY  
AND ADVERTISING IN HARBOR**

**Sections:**

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

**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.)

FEB 17 2010  
#5

**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).)

FEB 17 2018  
#15

BUSINESS NAME	TYPE OF BUSINESS	FIRST NAME	LAST NAME	PHONE	VESSEL NAME
<b>6 Pack Charters</b>					
Aboutime Charters	6 Pack Sailing Charters	Kirk	Miller	883-1100	Aboutime
Hotel CA Yacht Charters	6 Pack Charter	Bear	Kramer	448-5902	Hotel California
Le Grande Bleu Charters	6 Pack Motor Charters	Paul	Noury	452-7052	Grand Times
Ocean Sports	6 Pack Diving Charters	Ronald	Fairbanks	736-3272	Miss Devin
Sailing Charters of S.B.	6 Pack Sailing Charters	Leslie	James	452-2923	Varuna
Salty Adventures	6 Pack Charter	Richard	Alexander	455-8888	
SB Sea Charters-DL	6 Pack Fishing Charters	Duane	Landis	448-2900	Finaddict
SB Sea Charters-JK	6 pack Fishing Charters	James	Klein	896-0541	Finaddict
Sea-Pro Charters	6 Pack Charter	James	Colomy	705-9699	Destiny
WaveWalker Charters	6 Pack Fishing/Diving	David	Bacon	964-2046	Wave Walker

**Kayak Excursions**

Captain Jack's Tours	Kayak Excursions	Mark	Hicks	564-1819
SB Adventue Company	Kayak Excursions	Michael	Cohen	898-0671

FEB 17 2011  
#5

Charter Permit Wait List

Last Name	First Name	Date on Wait List	Comment
Bagshaw	William	23-Mar-07	No slip; boat in anchorage
Noury	Paul	23-Apr-07	1O019; already has charter permit for M/V Grand Times
Vague	Tiffany	01-Jun-07	Has USCG license; possible 2nd permit on M/V WaveWalker
Vuitaggio	Tony	17-Jul-07	Has boat and slip. Has USCG license.
Longacenger	Gary	08-Apr-08	offered April 2008
Schuyler	Marianne	17-Apr-08	0F028. Cap. Marcus CFVDelliah@aol.com
Becker	Mark	24-Apr-08	Boat Martha Jane, Fish Float 21
Banick	Harvey	12-Jun-08	previous BAP, 1S026-Ms Ely; 1D014-Maloio
Ruiz	Ken	30-Jul-08	crazy horse ken.ruiz@cox.net
Cervantes	Michael	12-Nov-08	slip/license pending santabarbarasurboy@yahoo.com
Vairo	Georgene	08-Dec-08	1-M-025
Scheer	Susan E	01-Apr-09	1S05. old #760/567-7165 (Offered 1-09) prior offer 10/26/05
Seawards	Jeff	08-Jun-09	1N043 (offered 6/1/09) prior offer date 3/27/06
MacDuffee	Bill	12-Mar-10	has slip and USCG license; relinquished permit 3/12/2010 & place back on list
Hersman	Fred	15-Mar-10	verbal to put him on bottom list
Lebec	Marcus	01-Apr-10	0F0023 F/V Kono /has CG license
Bonomo	Rob	30-Apr-10	1F025; no license; prev offers 2004, 2006, 2010
Escola	Jeff	01-Jun-10	1P23; license; offered 5/2010 and possibly other
Edwards	Caren	16-Jul-10	no slip; prior offer 6/2010; cekedwards@gmail.com
Rounds	Kim	24-Aug-10	CG license, offer 8/2010, trailerboat no slip
Robbins	Lea Katherine	2/8/2011	slip 2A201, taking captain's license course in May 2011

ATTACHMENT # 3

# BUSINESS ACTIVITY PERMIT POLICY

FEB 17 2010  
#5

The Harbor Commission is empowered pursuant to Santa Barbara City Municipal Code 17.28.040 to establish regulations applicable to decisions made by the Waterfront Director in granting certain Business Activity Permits within the Santa Barbara Harbor. Section 17.28.040 MC reads as follows:

Activities permitted shall be subject to such further regulation in the public interest, as determined by the Harbor Commission at a regularly noticed meeting.

Based upon this authority and with respect to Business Activity Permits, it is therefore the policy of the Harbor Commission to:

1. Promote business throughout the Harbor area in a safe, orderly and professional manner; and
2. Encourage the offering of essential marine related services through the use of Business Activity Permits; and
3. Increase the opportunities for small businesses that have no fixed place of business or lease in the Harbor by use of the Business Activity Permit.

In addition to those rules, regulations and laws that currently govern Business Activity Permits, the following regulations shall apply:

## I. CHARTER OPERATIONS

1. Business Activity Permits shall be issued for six-passenger charter operations in the Harbor in limited numbers.
2. A total of twelve (12) such Business Activity Permits shall be allowed at any one time, however, such total is subject to change by the Harbor Commission.
3. Six-passenger charters will pay an annual \$250.00 permit fee, at the time of application and renewal. Annual permits will be valid from August 1<sup>st</sup> to July 31<sup>st</sup>.
4. Permits shall be issued to individuals for a specific location (slip) within a marina.
5. The applicant for a Charter Business Activity Permit must possess and show proof of a current United States Coast Guard license to carry passengers.
6. The applicant for a Business Activity Permit for a six-passenger charter operation must be either the owner/operator or operator of a specific vessel in a specific slip in the Harbor. It is not the intent of this policy to prohibit a Coast Guard qualified substitute operator in the event of a family or medical emergency. The Waterfront Director shall be notified of the emergency and substitution before the substitution occurs. The substitution shall not exceed three (3) days.
7. Business Activity Permits will not be issued for multiple vessels of one operator, however, if a Business Activity Permit holder for charter operations obtains a replacement vessel, and that vessel becomes the registered vessel at the specific location (slip) for which a Business Activity Permit has been issued, the new vessel may be substituted for the vessel originally identified in the Business Activity Permit.
8. Prior to the issuance of a Business Activity Permit for charter operations, that area of a marina possibly affected by the proposed charter activity shall be posted for a period of 30 days indicating the activity and location proposed, so as to allow for input from slip holders of the proposed activity. The written input shall be sent to the Waterfront Department. Prior to the issuance of the Business Activity Permit adjustments or compromise by the applicant may be required to satisfy any concerns that have been raised.
9. Charter Boat Activity Logs shall be kept by each charter operation and submitted to the Waterfront Department at the end of each permit year. The information required will be the date of each charter, type of use, number of passengers and gross income. The permittee will present, at the time of permit renewal, the most recent IRS form Schedule C, or equivalent form, submitted to the Internal Revenue Service by the operator for his business. The data will be analyzed to determine the types of levels of service being provided by charter boat operations, impacts on lease operations and possible appropriate percentage rents or fees. Failure to provide the Boat Activity Logs in a timely manner shall be grounds for suspension, revocation or non-renewal of a Business Activity Permit.
10. Signs: In addition to all requirements set forth in Municipal Code Chapter 22.70, Sign Regulations, the following criteria shall apply to the interim sign program for vessels for hire:
  - a. A total of ten cumulative square feet per sign, per business is allowed.
  - b. The sign shall be mounted only on the vessel for hire and shall be rigid or within a bordered area on a ship's sail.
  - c. The sign shall avoid a carnival atmosphere in appearance.
  - d. Since vessels have no identified street numbers or addresses, exceptions to the two-inch size for telephone numbers may be considered.

## II. KAYAK EXCURSION OPERATORS

1. Business Activity Permits shall be issued for kayak excursion operators in the Harbor in limited numbers.
2. A total of three (3) such Business Activity Permits shall be allowed at any one time, however, such total is subject to change by the Harbor Commission.
3. Kayak excursion operators will pay an annual \$250.00 permit fee, at the time of application and renewal. Annual permits will be valid from August 1<sup>st</sup> to July 31<sup>st</sup>.

ATTACHMENT #4

BUSINESS ACTIVITY PERMIT POLICY

The Harbor Commission is empowered pursuant to Santa Barbara City Municipal Code 17.28.040 to establish regulations applicable to decisions made by the Waterfront Director in granting certain Business Activity Permits within the Santa Barbara Harbor. Section 17.28.040 MC reads as follows:

Activities permitted shall be subject to such further regulation in the public interest, as determined by the Harbor Commission at a regularly noticed meeting.

Based upon this authority and with respect to Business Activity Permits, it is therefore the policy of the Harbor Commission to:

- 1. Promote business throughout the Harbor area in a safe, orderly and professional manner; and
- 2. Encourage the offering of essential marine related services through the use of Business Activity Permits; and
- 3. Increase the opportunities for small businesses that have no fixed place of business or lease in the Harbor by use of the Business Activity Permit.

In addition to those rules, regulations and laws that currently govern Business Activity Permits, the following regulations shall apply:

I. CHARTER OPERATORS

- 1. Business Activity Permits shall be issued for six-passenger charter operations in the Harbor in limited numbers.
- 2. A total of twelve such Business Activity Permits shall be allowed at any one time, however, such total is subject to change by the Harbor Commission. In cases where two permits are issued to one slip and vessel, an additional permit may be issued. No more than two permits shall be issued to any one vessel and slip. In the event that two permittees of one vessel should obtain separate vessels, no additional permits shall be issued until the total number of vessels in the program drops back to twelve through attrition.
- 3. Six-passenger charters will pay an annual \$250.00 permit fee, at the time of application and each August 1<sup>st</sup> thereafter renewal.
- 4. Permits shall be issued to slip permittees ~~individuals~~ for a specific location ~~-(slip)~~ within a marina.
- 5. The applicant for a Charter Business Activity Permit must possess and show proof of a current United States Coast Guard license to carry passengers.
- 6. The applicant for a Business Activity Permit for a six-passenger charter operation must be the registered slip permittee ~~either the owner/operator or operator~~ of a specific vessel in a specific slip in the Harbor. It is not the intent of this policy to prohibit a Coast Guard qualified substitute operator in the event of a family or medical emergency. The Waterfront Director shall be notified of the emergency and substitution before the substitution occurs. The substitution shall not exceed three (3) days.

FEB 11 2011  
#5

7. Business Activity Permits will not be issued for multiple vessels of one operator, however, if a Business Activity Permit holder for charter operations obtains a replacement vessel, and that vessel becomes the registered vessel at the specific location (slip) for which a Business Activity Permit has been issued, the new vessel may be substituted for the vessel originally identified in the Business Activity Permit.
8. Prior to the issuance of a Business Activity Permit for charter operations, that area of a marina possibly affected by the proposed charter activity shall be posted for a period of 30 days indicating the activity and location proposed, so as to allow for input from slip holders of the proposed activity. The written input shall be sent to the Waterfront Department. Prior to the issuance of the Business Activity Permit adjustments or compromise by the applicant may be required to satisfy any concerns that have been raised.
9. Charter Boat Activity Logs shall be kept by each charter operation and submitted to the Waterfront Department at the end of each permit year. The information required will be the date of each charter, type of use, number of passengers and gross income. The permittee will present, at the time of permit renewal, the most recent IRS form Schedule C submitted to the Internal Revenue Service by the operator for his business. The data will be analyzed to determine the types of levels of service being provided by charter boat operations, impacts on lease operations and possible appropriate percentage rents or fees. Failure to provide the Boat Activity Logs in a timely manner shall be grounds for suspension, revocation or nonrenewal of a Business Activity Permit.
10. Signs: In addition to all requirements set forth in Municipal Code Chapter 22.70, Sign Regulations, the following criteria shall apply to the interim sign program for vessels for hire:
  - a. A total of ten cumulative square feet per sign, per business is allowed.
  - b. The sign shall be mounted only on the vessel for hire and shall be rigid or within a bordered area on a ship's sail.
  - c. The sign shall avoid a carnival atmosphere in appearance.
  - d. Since vessels have no identified street numbers or addresses, exceptions to the two-inch size for telephone numbers may be considered.
11. The Charter Permit wait list shall be limited to current slip permittees with a current United States Coast Guard license to carry passengers.
  - a. An administrative fee of twenty-five dollars (\$25) shall be initially charged upon inclusion on the Charter Permit wait list.
  - b. An annual nonrefundable renewal fee of twenty-five dollars (\$25) shall be paid by each applicant on the Charter Permit wait list prior to the first day of March of each year. Payment of said fee is required to remain on the Charter Permit wait list. Failure to timely pay the annual Charter Permit renewal fee shall cause removal of the applicant's name from the Charter Permit wait list.
  - c. The twenty-one individuals listed on the Charter Permit wait list as of February 11, 2011 must be a slip permittee with a current United States Coast Guard license to carry passengers prior to March 1, 2012. Failure to timely obtain a slip permit and United States Coast Guard license to carry passengers shall cause removal of the applicant's name from the Charter Permit wait list.

FEB 12 2015  
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## II KAYAK EXCURSION OPERATORS

1. Business Activity Permits shall be issued for kayak excursion operators in the Harbor in limited numbers.
2. A total of ~~three~~two such Business Activity Permits shall be allowed at any one time, however, such total is subject to change by the Harbor Commission.
3. Kayak excursion operators will pay an annual \$250.00 permit fee, at the time of application and each August 1<sup>st</sup> thereafter renewal.
4. Permits shall be issued to individuals for guided kayak excursion operations only. Business Activity Permits will not be issued for rentals of kayaks or other water sports equipment.
5. The applicant for a kayak excursion Business Activity Permit must possess and show proof of a current first aid/ CPR certificate.
6. Activity Logs shall be kept by each kayak excursion operator and submitted to the Waterfront Department at the end of each permit year. The information required will be the date of each excursion, type of use, number of passengers and gross income. The permittee will present, at the time of permit renewal, the most recent IRS form Schedule C submitted to the Internal Revenue Service by the operator for his business. The data will be analyzed to determine the types of levels of service being provided by kayak excursion operators, impacts on lease operations and possible appropriate percentage rents or fees. Failure to provide the Activity Logs in a timely manner shall be grounds for suspension, revocation or nonrenewal of a Business Activity Permit.
7. The two existing kayak excursion permits will be eliminated when the current operators Michael Cohen and Mark Hicks discontinue kayak excursions, fail to renew the permits, or sell their respective businesses to another operator.

## III. SERVICES

1. Business Activity Permits shall be issued for marine maintenance services in unlimited numbers.
2. Service Business Activity Permit holders and their employees will be issued individual identification cards to wear in plain view while providing services in the Harbor. The individual identification cards will allow enforcement of Business Activity Permit regulations.
3. Service Business Activity Permit holders will pay an annual \$20.00 permit fee, at the time of application and each August 1<sup>st</sup> thereafter will \$20.00 fee for the permit. This includes the cost of individual identification card(s) which are required for all employees. A \$5.00 fee will be charged to replace any card that is lost, stolen or destroyed.
4. Service Business Activity Permit holders are required to use only EPA-approved, biodegradable soaps, and disinfectants in areas where wash-water discharges directly into the receiving water. Failure to do so may result in termination of the Business Activity Permit.



5. In addition to other requirements of a Business Activity Permit, beginning January 1, 2006, Underwater Hull Cleaning businesses shall possess, maintain and show proof of, to the satisfaction of the Waterfront Director or his/her designee, a certificate of completion of a class or training curriculum in Best Management Practices (BMPs) for Underwater Hull Cleaning. Underwater Hull Cleaning business is defined as a business that includes among its services the cleaning of vessel hulls while the vessel is in the water. A certificate or proof of Underwater Hull Cleaning BMP training completed within the previous five years must be presented with an application for a Business Activity Permit or a renewal of a Business Activity Permit. The Permit holder is solely responsible for the cost of acquiring training in Divers Hull Cleaning BMPs. More than one conviction per calendar year for violating MC 17.16.010 (Discharge of Contaminants into Harbor Waters Unlawful) while in possession of a Business Activity Permit for Underwater Hull Cleaning may result in termination of the Business Activity Permit.

IV. GENERAL

1. The Harbor Commission understands that the public may propose from time to time new marine-related activities that were not anticipated at the time this policy was adopted. The Commission also understands that public input regarding proposed charter operations may cause an adverse decision by the Waterfront Director in the issuance of a Business Activity Permit for Charter Operations. Having considered the above:
  - a. It shall be within the discretion of the Waterfront Director to grant or withhold the issuance of a Business Activity Permit for any reason (or if deemed in the best interest of the Harbor).
  - b. Any applicant, or member of the public, retains the right under this policy to appeal the decision of the Waterfront Director to the Harbor Commission at the next regularly scheduled meeting pursuant to Municipal Code Section 17.28.070.
2. An applicant for a Business Activity Permit shall maintain liability insurance at their sole cost during the term of the permit. Insurance coverage for Charter Business Activity Permit applicants and Kayak Excursion Operators shall be in the amount of \$1,000,000. Service Business Activity Permit applicants are required to have coverage in the amount of \$300,000.00 to 500,000, depending on the type of business activity. Coverage shall include protection and indemnity against bodily injury and property damage. The City, its officers, employees, and agents shall be named as additional insured. Evidence of said insurance shall be provided in advance of the issuance of a Business Activity Permit.
3. Failure to comply with the policies and regulations of the Waterfront may result in termination of a Business Activity Permit by the Waterfront Director.
4. In the event that a Business Activity Permit is terminated, the holder retains the right under this policy to appeal the decision of the Waterfront Director to the Harbor Commission at the next regularly scheduled meeting pursuant to Municipal Code Section 17.28.070.
5. A charge in the amount of \$25.00 shall be added to the cost of a Business Activity Permit that is not renewed within thirty (30) days of its due date.