

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: August 16, 2012
To: Harbor Commission
From: Scott Riedman, Waterfront Director
Subject: **Municipal Code Title 17 Amendments**

RECOMMENDATION: That Harbor Commission:

- A. Receive and consider a staff report describing proposed amendments to Title 17 of the Santa Barbara Municipal Code; and
- B. Recommend to City Council adoption of an ordinance incorporating proposed amendments to Title 17

BACKGROUND:

Department staff annually reviews Title 17 (“Harbor”) of the Santa Barbara Municipal Code (MC) 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 has worked with the City Attorney’s Office to identify Sections of Title 17 it believes should be amended. This report identifies amendments proposed for MC 17.12.150, Operation of Vessels in the Harbor, and MC 17.20.010, Permission to Moor, Anchor, Berth or Dock Required.

DISCUSSION

Operation of Vessels in Harbor

One of Harbor Patrol’s primary missions is boating safety. As such, patrol officers monitor the speed of vessels entering, leaving or maneuvering in the harbor, where slow, safe speeds are imperative. MC 17.12.150 addresses excessive speed in the harbor. It mandates that vessels travel at less than five miles per hour and bans the creation of a wake while a vessel is underway. The standard for determining a wake, however, is overly broad, stating that any movement of a dock violates the Ordinance standard for “no wake.” The fact is that any tiny wake will cause a dock to move. Staff believes additional language qualifying effects of a wake—threatening personal safety

or damaging docks—makes the Ordinance more specific and clarifies the types of wakes that should be prohibited.

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 in a manner that either threatens personal safety or causes or could cause damage to structures or vessels.

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.)

Permission to Moor, Anchor, Berth or Dock Required

On occasion, vessel operators will Moor, Anchor, Berth or Dock vessels in the Harbor District in the wrong location or without permission or proper payment to the Waterfront Department. At times, vessel operators undertake this activity even after being notified that they lack required permission to do so.

SBMC Section 17.20.010 is not as clear as it could be when dealing with a situation of a vessel operator whose vessel is towed to a dock, mooring or berthing place without the necessary permission being granted to the vessel's operator. In addition, when there is a quick "sale" of a vessel, made legal by a Bill of Sale, a person in command or control of a vessel can claim he or she doesn't really own it, and is therefore not responsible for its activity, thus nullifying any citation or impound.

By adding the language below, an individual owner (or person in command or control of a vessel) cannot allow the vessel to remain illegally moored, anchored, berthed, or docked regardless of how the vessel got to the mooring or berthing location.

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 or to allow a vessel under their command and control to remain Moored, Berthed, Docked or Anchored 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.)

CONCLUSION:

Staff believes these amendments will clarify safety issues related to boat wakes in the harbor and refine language related to illegal mooring, anchoring, berthing or docking in the Harbor District. In both cases, proposed amendments provide sensible, defensible amendments to the Municipal Code.

Attachment: Exhibit "A"—MC Title 17

Prepared by: Mick Kronman, Harbor Operations Manager