

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: January 23, 2014
To: Harbor Commission
From: Scott Riedman, Waterfront Director
Subject: **Appeal of Termination of Slip 1-N-017, Mr. David Herring**

RECOMMENDATION:

That the Harbor Commission uphold the termination of the slip permit for 1-N-017 for failure to pay slip fees and deny Mr. David Herring's appeal to reinstate the slip permit.

BACKGROUND:

The Waterfront Department rents slips on a month-to-month basis to boaters who own a boat docked in a particular slip and are registered with the Department as a slip permittee. Mr. David Herring has been a slip permittee for slip 1-N-017 since January 1, 1999 and has had a chronic history of late slip payments ever since. Mr. Herring was late with his March, 1999 slip-fee payment, two months after becoming a slip permittee at 1-N-017. Over the past 15 years, the Department has mailed Mr. Herring 92 separate late-slip-fee notices, including numerous 45 and 60-day past-due notices.

DISCUSSION:

Below is a timeline of communication and Departmental actions leading up to and including Mr. Herring's slip-permit termination. It should be noted that although not required, Waterfront Department staff routinely make an extra effort to call slip permittees prior to sending out 30 and 45-day notices. Staff placed several calls to Mr. Herring during this slip-termination process. Phone messages were unreturned.

<u>Date</u>	<u>Action</u>
October 1, 2013	Slip fees due, no payment received.
October 22, 2103	1 st late-slip-fee notice mailed (via Certified Mail & U.S. First Class); 15-day notice of unpaid slip fees (Attachment 1).
November 1, 2013	2 nd late-slip-fee-notice mailed (via Certified Mail & U.S. First Class); 30-day notice of unpaid slip fees (Attachment 2).
November 22, 2013	3 rd late-slip-fee-notice mailed (via Certified Mail & U.S. First Class); 45-day notice of unpaid slip fees. Letter notes

- December 2, 2013 as date of pending slip permit termination (Attachment 3).
- December 6, 2013 Termination Letter mailed (via Certified Mail & U.S. First Class). Termination effective December 6, 2013 and posted on vessel in slip 1-N017 (Attachment 4).
- December 13, 2013 2nd Termination Letter mailed (via Certified Mail & U.S. First Class). Reiterated the termination date of December 6, 2013. (Attachment 5).
- December 30, 2013 Mr. Herring meets with Waterfront staff 24 days after slip has been terminated to discuss slip permit termination.
- December 30, 2013 Mr. Herring formally requests waiver of termination (Attachment 6) from Waterfront Director. Note: Technically, Mr. Herring's request was seven days past the required waiver deadline of December 23, 2013.
- December 31, 2013 Waiver of termination denied. Letter mailed (via Certified Mail & U.S. First Class) to Mr. Herring regarding decision and noted the appeal process and that appeal must be received within 10 days of receipt of letter. (Attachment 7).
- January 14, 2014 Mr. Herring submits official request appealing slip permit termination to the Harbor Commission (Attachment 8). Note: Technically, Mr. Herring's appeal was filed four days past the due-date for receiving such a request.

A slip permit termination for unpaid fees is an action the Department only rarely undertakes. Most late-slip-fee issues are resolved by Department staff and the slip permittee well in advance of a termination letter. The last termination for unpaid slip fees took place in November 2007. That termination was appealed to the Harbor Commission and the Harbor Commission denied the appeal and upheld the termination.

CONCLUSION:

The late payment history for slip 1-N-017 has been an issue for 15 years, during which time Mr. Herring has received 92 late-fee notices, 65 during the past five years. In addition to preparation and distribution of these letters staff has also phoned Mr. Herring many times in an effort to avoid late fees, termination letters, and ultimately, slip termination. Unfortunately, these efforts have been unsuccessful. Staff, therefore, recommends that the Commission deny Mr. Herring's appeal and uphold the termination of slip permit 1-N-017. If the Harbor Commission denies the appeal, the slip permit would be assigned to the next qualified member of the public on the Department's Slip Waiting List.

Attachments:

1. Waterfront Department Letter dated October 22, 2013 - 1st late slip fee notice
2. Waterfront Department Letter dated November 1, 2013 - 2nd late slip fee notice
3. Waterfront Department Letter dated November 22, 2013 - 3rd late slip fee notice
4. Waterfront Department Letter dated December 6, 2013 - Termination Notice
5. Waterfront Department Letter dated December 13, 2014 - 2nd Termination Notice
6. Herring Waiver Request dated December 30, 2013
7. Waterfront Department Letter December 31, 2013 - Denying Herring Waiver Request
8. Herring Appeal Letter dated January 11, 2014 (received via e-mail on January 14, 2014)
9. Waterfront Department Billing Process
10. Municipal Code 17.20.005, Sections I and J

Prepared by: Brian J. Bosse, Waterfront Business Manager



City of Santa Barbara
Waterfront Department

JANUARY 23, 2014
#6

www.ci.santa-barbara.ca.us

Administration
Tel: 805.564.5531
Fax: 805.560.7580

Parking
Tel: 805.897.1965
Fax: 805.560.7580

Stearns Wharf
Tel: 805.564.5518
Fax: 805.963.1970

Harbor Patrol
Tel: 805.564.5530
Fax: 805.897.2586

Harbor Maintenance
Tel: 805.564.5522
Fax: 805.966.1431

PO Box 1990
Santa Barbara, CA
93102-1990

October 22, 2013

David Herring
6208 Avenida Gansa
Goleta, CA 93117

RE: Late Notice / Slip Account #1N017

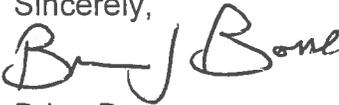
Dear Slipholder:

As a reminder, slip fees are due on the first of the month, whether or not a statement is received. If full payment is not received by the 15th of the month, the account is delinquent and a late fee is assessed.

Waterfront Department records indicate that the account for slip #1N017 is more than 15 days past due. Please carefully check your payment records. If your records indicate timely payment of slip fees, please call our office as soon as possible at 805-564-5531 so we can correct any error that may have occurred.

If, however, the City's records are correct, it is requested that you remit \$328.37 as soon as possible to the Waterfront Department at 132-A Harbor Way, Santa Barbara, CA 93109.

Thank you for your cooperation. If you have any questions, please contact us at the number listed above.

Sincerely,

Brian Bosse
Waterfront Business Manager

ATTACHMENT #1



City of Santa Barbara
Waterfront Department

JANUARY 23, 2014

#6

www.SantaBarbaraCA.gov

Administration
Tel: 805.564.5531
Fax 805.560.7580

David Herring
6208 Avenida Gansa
Goleta, CA 93117

November 1, 2013
Slip #1N017

Parking
Tel: 805.897.1965
Fax 805.560.7580

Balance forward: 293.37
Current billing: 328.37
Additional deposit: _____
Balance due: 621.74

Certificate # 7013 0600 0000 7974 8114

Stearns Wharf
Tel: 805.564.5518
Fax 805.963.1970

Dear Slipholder:

Harbor Patrol
Tel: 805.564.5530
Fax 805.897.2588

Waterfront Department records indicate that the account for Slip # 1N017 is more than 30 days past due.

Please carefully check your payment records. If your records indicate timely payment of slip fees, please call our office as soon as possible at 805-564-5531 so we can correct any error that may have occurred.

Harbor Maintenance
Tel: 805.564.5522
Fax 805.966.1431

If, however, the City's records are correct, we would like you to bring your account up to date to avoid further consequences, especially potential termination of your slip permit. Per the Santa Barbara Municipal Code 17.20.005 I, Waterfront Director Termination of Slip Permits, past due slip fees can trigger a process resulting in slip termination. This letter is notice that such process has begun. If the Waterfront Department does not receive payment in full, (back rent, late fees and possible additional deposit), by 5:00 pm Monday, December 2, 2013, the slip permit for #1N017 will be terminated effective that date.

PO Box 1990
Santa Barbara, CA
93102-1990

Thank you for your cooperation. If you have any questions, please feel free to contact us at 805-564-5531.

Respectfully,


Brian Bosse, Waterfront Business Manager

132 A Harbor Way
Santa Barbara, CA
93109

cc: Mick Kronman, Harbor Operations Manager, and First Class Mail

ATTACHMENT #2



City of Santa Barbara
Waterfront Department

JANUARY 23, 2014
#6

www.SantaBarbaraCA.gov

Administration

Tel: 805.564.5531
Fax 805.560.7580

Parking

Tel: 805.897.1965
Fax 805.560.7580

Stearns Wharf

Tel: 805.564.5518
Fax 805.963.1970

Harbor Patrol

Tel: 805.564.5530
Fax 805.897.2588

Harbor Maintenance

Tel: 805.564.5522
Fax 805.966.1431

PO Box 1990
Santa Barbara, CA
93102-1990

132 A Harbor Way
Santa Barbara, CA
93109

November 22, 2013

David Herring
6208 Avenida Gansa
Goleta, CA 93117

Certificate # 7013 0600 0000 7974 8176

RE: Slip #1N017

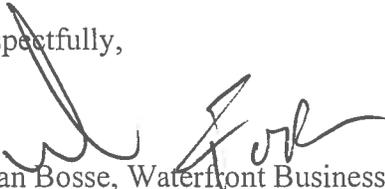
Dear Slipholder:

The attached letter was mailed to you on November 1, 2013, regarding delinquent slip fees due to the City of Santa Barbara.

As of this date no payment or only partial payment has been posted to your account and we have not received a written appeal to the Harbor Commission. The deadline for your action is Monday, December 2, 2013, to prevent you from losing your slip.

Your prompt attention to this matter is appreciated. Please contact the Waterfront Department if you have any questions.

Respectfully,


Brian Bosse, Waterfront Business Manager

CC: First Class Mail

ATTACHMENT #3



City of Santa Barbara
Waterfront Department

JANUARY 23, 2014
#6

www.SantaBarbaraCA.gov

December 6, 2013

Administration
Tel: 805.564.5531
Fax 805.560.7580

David Herring
6208 Avenida Gansa
Goleta, CA 93117

Certified Mail No.7011-2970-0004-3281-9194

Parking
Tel: 805.897.1965
Fax 805.560.7580

Slip Permit 1N017
Balance as of December 6, 2013: \$621.74
Security Deposit Used: \$586.74
Due: \$35.00

Stearns Wharf
Tel: 805.564.5518
Fax 805.963.1970

NOTICE OF TERMINATION OF SLIP PERMIT

Harbor Patrol
Tel: 805.564.5530
Fax 805.897.2588

This is to notify you that the slip permit issued to you for slip 1N017 has been terminated for non-payment of slip fees.

On November 1, 2013, a 30-day Notice of Termination for delinquent fees was mailed to you.

Harbor Maintenance
Tel: 805.564.5522
Fax 805.966.1431

During the 30-day termination period, we did not receive full payment of slip fees, additional security deposit and/or a written appeal of the termination to the Harbor Commission. Your account has been closed, your security deposit used, and the outstanding balance of \$35.00 is due immediately. The slip will be assigned to the next eligible person on the waiting list.

PO Box 1990
Santa Barbara, CA
93102-1990

Effective December 6, 2013, your vessel has been placed on a daily transient rate of \$29.70. If visitor fees are not paid, the vessel is subject to impound. Additional fees may be incurred for storage beyond fourteen (14) cumulative days and again beyond twenty-eight (28) cumulative days. See the enclosed Rate and Fee Schedule for visitor fee rates. Your vessel should be removed from the Harbor as soon as possible to avoid increasing the amount due the City. If payment is not received and the vessel removed from the Harbor by January 2, 2013, the City will begin the lien sale process on your vessel.

132 A Harbor Way
Santa Barbara, CA
93109

Please contact Kathy Sangster at 805-564-5531 to arrange for payment and to let us know your plans for removing your vessel from the Harbor.

Yours truly,

Brian Bosse
Waterfront Business Manager

Cc: First Class Mail

ATTACHMENT #4



City of Santa Barbara
Waterfront Department

JANUARY 23, 2014
#6

December 13, 2013

Administration
Tel 805 564 5531
Fax 805 560 7580

David Herring
6208 Avenida Gansa
Goleta, CA 93117

Certified Mail Receipt #7011-2970-0004-3281-9200

Parking
Tel 805 897 1955
Fax 805 560 7580

RE: Slip Permit 1N017 Termination

Stearns Wharf
Tel 805 564 5518
Fax 805 963 1970

Dear Mr. Herring,

Harbor Patrol
Tel 805 564 5530
Fax 805 897 2588

This letter is to reaffirm that your Slip Permit in Santa Barbara Harbor has been terminated by the City for non-payment of slip fees. A Notice of Termination was mailed to you December 6, 2013 both by Certified/Return Receipt Mail No. 7011-2970-0004-3281-9194 and by first class mail. Also, as described in that letter, your vessel was placed on visitor status and is accruing daily fees.

Harbor Maintenance
Tel 805 564 5522
Fax 805 966 1431

The Department has not heard from you regarding the Notice of Termination and your intentions for removing the vessel from the Harbor. I am enclosing the section of Santa Barbara Municipal Code pertaining to the termination of slip permits and the process to appeal such termination.

PO Box 1990
Santa Barbara CA
93102 1990

Any appeal of the termination for Slip Permit 1N017 must be directed to and received by the Waterfront Director, Scott Riedman, at 132 A Harbor Way, Santa Barbara, CA 93109, no later than December 23, 2013. Should you have questions about this process and notification, please call the Waterfront Department Office at 805-564-5531.

Yours truly,

Brian Bosse
Waterfront Business Manager

Enc.: Notice of Termination dated December 6, 2013
Santa Barbara Municipal Code Section 17.20.005.I, 17.20.005.J

Cc: Scott Riedman, Waterfront Director
Mick Kronman, Harbor Operations Manager
Steve McCullough, Harbor Patrol Supervisor
First Class Mail

ATTACHMENT #5

JANUARY 23, 2014

#6

30 December 2013

David Joseph Herring
6208 Avenida Ganso
Goleta, CA 93117

Scott Riedman
Waterfront Director
City of Santa Barbara
132-A Harbor Way
Santa Barbara, CA 93109

**RECEIVED
RECEIVED**

DEC 30 2013

**WATERFRONT DEPARTMENT
WATERFRONT DEPARTMENT**

Dear Mr. Riedman:

As per our conversation today, I am writing to you requesting a waiver of slip permit termination.

Delinquency of slip permit fees was due to reduced income, family difficulties, and failure to manage my personal finances. These problems I am addressing so they do not be a problem in the future.

I have been a long time member of the harbor community and a life long resident. I have served in a volunteer capacity with the Coast Guard Auxiliary, from which I have recently retired. During my tenure with the Coast Guard Auxiliary, I have participated in a number of public safety operations for the community. My plan is to be an active member of the harbor community with my growing family in the very new future.

I am willing to pay all back fees and penalties to bring my account current. I am also willing to come to a mutually agreeable contract to avoid future issues.

It is my hope that you will take this request into consideration to reinstate my slip ownership.

Sincerely



David Joseph Herring
805-886-9442
mjherring1@cox.net

ATTACHMENT #6



City of Santa Barbara
Waterfront Department

JANUARY 23, 2014

#6



www.SantaBarbaraCA.gov

December 31, 2013

7009 1410 0002 1900 5865

Mr. David Herring
6208 Avenida Ganso
Goleta, CA 93117

Administration

Tel: 805 564 5531

Fax: 805 560 7580

Parking

Tel: 805 897 1965

Fax: 805 560 7580

Stearns Wharf

Tel: 805 564 5518

Fax: 805 963 1970

Harbor Patrol

Tel: 805 564 5530

Fax: 805 897 2588

Harbor Maintenance

Tel: 805 564 5522

Fax: 805 966 1431

PO Box 1990

Santa Barbara CA

93102-1990

132 A Harbor Way

Santa Barbara CA

93109

RE: Slip 1N017 - Slip Permit Termination

Dear Mr. Herring:

The Waterfront Department is in receipt of your letter of December 30, 2013, requesting that the above-referenced slip termination be waived. Based on the lack of substantial or compelling reasons described in your letter, and a review of your account history, staff cannot waive the slip termination.

Your vessel should be removed from the Harbor as soon as possible. Effective December 6, 2013, your account was closed and your vessel was placed on visitor status. As of noon December 31, 2013, the vessel has accumulated approximately \$1,253.60 in delinquent slip fees and visitor fees. You may refer to the enclosed Rate and Fee Schedule for visitor fee rates.

Per Section 17.20.005(J) of the Santa Barbara Municipal Code (attached), you may appeal the slip termination by addressing the Harbor Commission at the January 23, 2014 meeting. The meeting will take place at 6:30pm in the City Council Chambers at City Hall, 735 Anacapa Street. To appeal the slip termination before the Harbor Commission, you must file your appeal with the City Clerk within 10 days of receipt of this letter.

I can be reached at 564-5519 if you have any questions.

Sincerely,

Scott Riedman
Waterfront Director

Enclosures: Fee Resolution /Visiting Vessel Fees
S.B.M.C. 17.20.005.I & 17.20.005.J

ATTACHMENT #7

VISITING OR TRANSIENT VESSEL FEES

Visiting berths, slips and moorings are intended to accommodate boats en route to and from their home port. There shall be a charge for visiting boats not having a regularly assigned slip, end tie, or designated mooring space subject to monthly charges as provided in this resolution. Except as specially designated in Section 5 below, or expressly allowed by the Waterfront Director, visitor berths are assigned on a first-come, first-served basis upon the vessel's arrival at the harbor.

1. The base visiting rate for vessels other than those actively and solely engaged in commercial fishing will be \$.90 per linear overall foot per day for the first 14 cumulative days in the Harbor.
2. Vessels described in C.1 that remain in the Harbor for a period of more than 14 cumulative days will be required to pay two times the base rate. A new 14 day cumulative period at the base rate shall start to run if the vessel returns after being absent from the harbor for 5 or more consecutive days. The Harbormaster may, however, waive such increase in the rate for a period in excess of the 14 cumulative day period in the event of prolonged storms, natural disaster, or on satisfactory proof of a need for additional time to effect emergency repairs.
3. The base visiting rate for commercial fishing vessels actively and solely engaged in commercial fishing shall be \$.70 per day. No days out will be required to remain at the base rate when proof in advance of slip assignment in the form of two California Department of Fish and Game Wildlife commercial fish landing receipts every two weeks is shown. If such proof is not provided, the vessel will be considered not actively fishing and will be subject to fees described in C.1 and C.2.
4. The maximum allowable stay for visiting boats other than actively fishing commercial vessels is 28 cumulative days. A vessel must vacate the Harbor for 5 or more consecutive days before again being eligible for visitor boat status. Any person violating this provision, without express permission of the Waterfront Director or his designee, shall pay a penalty of:
 - a. \$75 per day for days exceeding the maximum allowable stay, for a vessel whose overall length is 35 feet or less.
 - b. \$125 per day for days exceeding the maximum allowable stay, for a vessel whose overall length is greater than 35 feet and up to 50 feet.
 - c. \$175 per day for days exceeding the maximum allowable stay, for a vessel whose overall length exceeds 50 feet.

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.

From: mjherring1@cox.net [mailto:mjherring1@cox.net]
Sent: Tuesday, January 14, 2014 8:57 AM
To: Prusinski, Jeanette F
Subject: Fwd: Request for hearing regarding harbor slip termination

JANUARY 23, 2014

#6

Sent from my iPad

Begin forwarded message:

From: mjherring1@cox.net
Date: January 14, 2014 at 12:11:26 AM PST
To: "jprusinsky@santabarbaraca.gov" <jprusinsky@santabarbaraca.gov>
Subject: Request for hearing regarding harbor slip termination

11 January 2014

David Joseph Herring
6208 Avenida Ganso
Goleta, Ca, 93117

Santa Barbara Harbor Commission
Santa Barbara City Hall
735 Anacapa Street
Santa Barbara, Ca

To all of those concerned,

I am humbly requesting a waiver from the termination of slip ownership. Due to a confluence issues on my part, I became delinquent in paying the fees on slip 1N17. With fluctuations in my income and some unexpected family expenses I was simply unable to meet my obligations to the Harbor Department. Getting behind in my payments created a cycle of late payment which was difficult to break out of. While I deeply regret that I have allowed this to happen, I have since controlled the causes of these issues.

My family have been fifty year residents of Santa Barbara county. I been actively working in the healthcare field for last thirty years, including nineteen years at Cottage Hospital. I have worked both in the laboratory and in clinical medicine as a registered nurse. For the past five years I have been working per diem as a home care registered nurse. I am currently raising my three children with my wife of twelve years in the home in which I grew up.

For the past fifteen years I have owned a boat in this harbor. I have also been a member of the United States Coast Guard Auxiliary. In that time I served as commander four times. I have served as boat crew on a number of patrols that aided in making community events safer. I have also participated in teaching boating safety classes with Auxiliary. I recently retired from this organization. I still have boating safety at heart every time I am on boats or in the harbor area.

With a favorable ruling on the part of this commission, my family and I will be able continue to be members of this harbor community. I am willing to come to a mutually agreeable action plan or community service to demonstrate my dedication to honor and my word.

Sincerely,

David J. Herring

ATTACHMENT #8

Waterfront Department Slip Fee Billing Process

The slip fee billing process is as follows:

- Slip fees are due on the first of the month.
- 1st Late Slip Fee Notice: If slip fees have not been paid in full by the 15th of the month, the Department mails a reminder (via First Class U.S. Mail) to the slip permittee and a late fee of \$35.00 is assessed.
- 2nd Late Slip Fee Notice: If slip fees have not been paid in full by the end of that month (30 days past due) the Department mails a "30-Day letter" (via Certified Mail & U.S. First Class) to the slip permittee on the first day of the following month. This letter notifies the slip permittee that if payment is not received in full by the first of the following month (60 days past due) the slip permit will be terminated. The potential termination date is stated in this letter.
- 3rd Late Slip Fee Notice: If slip fees has not been paid 45 days after they were initially due, the Department mails a 45-day letter (via Certified Mail & U.S. First Class) reminding the slip permittee that payment is due by the first of the upcoming month and if full payment is not received the slip permit will be terminated.
- Notice of Termination: If all due slip fees are not received by the first of the following month (now 60 days past due), the slip is officially terminated and a letter is sent (via Certified Mail & U.S. First Class) to the slip permittee, informing them of the decision. The slip permittee is provided 10 calendar days from the date of the decision to request a waiver of termination from the Waterfront Director, per 17.20.005 (J) of the Santa Barbara Municipal Code.
- Decision on Waiver Request Notice: If a waiver is requested, the Waterfront Director sends a letter (via Certified Mail & U.S. First Class) to the applicant explaining the Director's decision regarding that waiver request. If the Director waives the termination the slip permittee must pay all outstanding fees in full. If the Director does not waive the termination the slip permittee has 10 calendar days to appeal the decision to the Harbor Commission. The Harbor Commission can uphold the appeal or deny the slip permittee's appeal. The Harbor Commission's decision is final.

Municipal Code Title 17
Section 17.20.005 I. and J.

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.