

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: February 15, 2018
To: Harbor Commission
From: Scott Riedman, Waterfront Director
Subject: **Municipal Code Amendments**

RECOMMENDATION:

That Harbor Commission receive a report on conceptual amendments to Section 17.12 of the Santa Barbara Municipal Code and recommend adoption of those amendments to City Council.

BACKGROUND:

Waterfront Department staff annually reviews Title 17 of the Santa Barbara Municipal Code to identify Sections requiring amendments that will help provide a clear legal framework for administering and implementing Department policies and programs. In the interest of boating safety in and around Stearns Wharf, staff proposes a speed limit of five nautical miles per hour in the Stearns Wharf Wye.

DISCUSSION:

Section 660 (a) of the California Harbors and Navigation Code stipulates that, “Any ordinance, law, regulation, or rule relating to vessels, which is adopted pursuant to provisions of law other than this chapter by any entity other than the department, including, but not limited to, any county, city, port authority, district, or any state agency other than the department, shall, notwithstanding any other provision of law, pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control, and the measure shall not conflict with this chapter or the regulations adopted by the department” (Attachment 1).

In keeping with this statute, the City established mooring and anchoring areas east of Stearns Wharf (Attachment 2), time-of-day restrictions for anchoring outside those designated anchorages, and Municipal Code language establishing a speed limit of five nautical miles per hour (and no wake) within the Harbor (Attachment 3).

Speed limits in the Stearns Wharf Wye, however, are not currently addressed in the Municipal Code because, per SBMC Section 17.04.010, the Wye does not technically lie within the harbor (Attachment 4). Instead, speed limits (“safe speed”) in the Wye is treated like any other open-ocean situation and covered under U.S. Coast Guard Navigation Rule 6 (a) (Attachment 5). Because Harbor Patrol doesn’t typically enforce federal regulations

(and judges often find them confusing when citations are contested), and because the California Harbors and Navigation Code permits municipal ordinances to cover speed zones, staff prefers to use state law to implement these types of laws.

The Stearns Wharf Wye is an area frequented by various small vessels, typically skiffs motoring to and from East Beach moorings and anchorages, plus kayaks, SUPs, and sailboats. It's also used by Santa Barbara City College dive classes, Waterfront maintenance divers, and participants in Semana Nautica ocean events. In addition, a "trap line" deployed to catch drifting boats before they hit Stearns Wharf during winter storms, crosses the Wye and could prove hazardous to high-speed travel.

In summary, and in light of a high-speed accident that occurred in the Wye in July 2017, staff proposes establishing a speed limit of five miles per hour within the Wye, mirroring the speed limit enforced in the harbor proper. A drawing of the area covered by the proposed speed limit is included as Attachment 6. Proposed track-change Ordinance language establishing a speed limit in the Wye is included as Attachment 7.

Attachments: 1. California Harbors and Navigation Code §660 (a)
2. Designated Special Use Areas
3. SBMC 17.12.150 Operation of Vessels in the Harbor (speed)
4. SBMC 17.04 Definitions (Harbor)
5. USCG Navigation Rules—Rule 6 Safe Speed
6. Proposed speed-limit area, Stearns Wharf Wye
7. Proposed Ordinance Language, Speed Limit in Stearns Wharf Wye

Prepared by: Mick Kronman, Harbor Operations Manager

**Santa Barbara Municipal Code
Chapter 17.12**

REGULATIONS FOR USE OF HARBOR

17.12.150 Operation of Vessels in Harbor.

It is unlawful for any person to operate a vessel within the Harbor:

1. at a speed greater than five (5) nautical miles per hour;
2. in a manner that creates a wake that causes docks, floating structures or vessels secured to docks or floating structures to move in a way that threatens safety, or damages floating structures or vessels; or
3. in a manner that fails to account for visibility, weather conditions, other vessels, property or for the safety of all persons.

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. 5602, 2012; Ord. 5124, 1999; Ord. 4757, 1992; Ord. 2666 §1, 1958; prior Code §24.16.)