

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: February 21, 2019
To: Harbor Commission
From: Scott Riedman, Waterfront Director
Subject: **Municipal Code Amendments**

RECOMMENDATION:

That Harbor Commission receive a report on proposed amendments to Title 17 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. This year, staff focused on several regulations, ranging from liveaboards to slip assignments and waiting-list procedures. Six substantive amendments are discussed in this report.

DISCUSSION:

- 1) 17.18.020 Standards for Permit Issuance (Live-Aboards) Attachment, Page 11

This amendment clarifies that an applicant for a liveaboard permit must be a slip permittee on the vessel for which liveaboard activity is proposed. Current language states that the applicant must be a registered owner of the boat, which allows boat owners a privilege intended for slip permittees only. The recommended amendment does not negatively affect slip permittees, since they must be registered owners of the liveaboard vessel anyway. It also protects their interests, as any cause for slip permit termination initiated by a person other than the slip permittee, is the slip permittee's responsibility. Finally, accommodations for Additional Occupants or guests are addressed elsewhere in Title 17, and are discussed later in this report.

- 2) 17.18.030 D (Live-Aboards—Guests) Attachment, Page 12

This section states that guests are allowed on a liveaboard vessel for up to 60 days per year. What is not stated, and what has been internal Department policy for some time, is that a liveaboard permittee exercising this privilege must live aboard themselves during guest stays. This proposed Code amendment will help stem a trend of liveaboards simply allowing others to live aboard their vessel without the permittee present. This was not the intention of this Section and the proposed amendment will make that clear.

3) 17.18.090 A (Vacation Use Exception)

Attachment, Page 14

This amendment, similar to proposed amendments to MC 17.18.030 D, would require that a slip permittee who does not have a liveaboard permit and who wishes to exercise vacation-use privileges for up to 60 days per year, must live aboard during those periods. This would help stem a problem related to the one noted above—individuals loaning or renting their vessels to others under the auspices of the vacation-use privilege, intended to allow limited liveaboard privileges for non-liveaboard slip permittees.

4) 17.20.005 B 6 (Sub-Rents)

Attachment, Page 15

While sub-renting a Slip Permit is expressly forbidden under Marina Rules and Regulations attached to a Slip Permit and signed by the prospective Slip Permittee, adding clear language to this effect in Title 17 will clarify it for Slip Permittees and staff alike. Having it codified will also assist in the case of slip-permit terminations.

5) 17.20.005 C 1 b ii

Attachment, Page 16

Staff proposes adding language clarifying that in order to complete a Slip Permit assignment, a prospective permittee must place a vessel in his/her assigned slip within 90 days and comply with all other requirements and obligations associated with the slip assignment process. This amendment reflects current Waterfront administrative policy, ensuring slips are used for boating, not investment, and prospective permittees comply with other regulations, such as providing vessel ownership documents in a timely fashion.

6) 17.20.005 C 3 c ii

Attachment, Page 18

This amendment clarifies the Department's intention to offer Lottery List slip assignments to people not already assigned slip permits in Santa Barbara Harbor. It does so by requiring any person offered a slip assignment from the Lottery List who already has an existing slip permit (also applicable to spouses and legally registered domestic partners), to relinquish the latter before being assigned a permit off the Lottery List.

CONCLUSION/TIMELINE

The proposed amendments will provide guidance related to live-aboard and slip permits in Santa Barbara Harbor. Pending Harbor Commission support, staff will work with the City Attorney's office to prepare an Ordinance for review by City Council's Ordinance Committee in March or April, with City Council adoption anticipated in May or June.

Attachments: Proposed amendments to SBMC Title 17 in "track change" format

Prepared by: Mick Kronman, Harbor Operations Manager

Chapter 17.04 DEFINITIONS

17.04.010 Definitions.

The following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

ANCHOR. A heavy metal device, fastened to chain or line, designed to help hold a vessel in position.

ANCHORING EQUIPMENT. An Anchor, line or chain and associated gear that is retrievable, stowable, non-permanent ground tackle designed to engage the seafloor and through its resistance to drag maintain a vessel within a given radius.

BERTH. A water surface area, delineated by either floating or fixed dock structures, intended for the purposes of embarking, disembarking and the wet storage of boats. A Berth is also known as a “Slip.”

CITY-APPROVED MOORING INSPECTOR. An individual who, by satisfactorily demonstrating appropriate qualifications, has been included on a City-approved list of inspectors eligible to install, inspect and repair ground tackle for Mooring Permittees in the Santa Barbara Mooring Area.

CITY PIER. The City Pier is located adjacent to the Breakwater at the Southeastern end of Harbor Way in the Santa Barbara Harbor formerly known as the “Navy Pier.”

DINGHY. A small boat used as a tender to a larger vessel. A Dinghy is also known as a “Skiff.”

DISCHARGE. To spill, leak, pump, pour, emit, empty, dump, deposit, or throw.

DOCK. A platform, either floating or fixed, provided in a marina for the wet storage of a boat and pedestrian access to and from the boat.

DOCKAGE. The daily rate assessed a vessel which ties up to any wharf or pier in the Harbor.

FLOAT. A wharf, pier, quay or landing.

GROUND TACKLE. All equipment used for Mooring or anchoring a vessel securely to the seafloor.

HARBOR. The area depicted on Exhibit “A” attached to Chapter 17.20 generally bounded by and including Stearns Wharf on the east, the Breakwater on the south, the seawall abutting Harbor Way and the Harbor commercial area on the west, the concrete walkway and seawall along currently-designated Marinas 2, 3 and 4 and including the area commonly known as West Beach on the north.

HARBOR DISTRICT. The entire Waterfront of the City, including all navigable waters and all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide, bounded by the limits of the City as now fixed or hereafter may be extended.

HARBORMASTER. The person designated by the Waterfront Director as the division manager of the Operations Division of the Waterfront Department.

HARBOR PATROL SUPERVISOR. The person designated by the Waterfront Director as the supervisor of the Harbor Patrol Officers in the Operations Division of the Waterfront Department.

LIVE-ABOARD. The use or occupancy of a vessel for habitation on any four nights during a seven day period. The term does not include the vacation use of a vessel, as defined in Section 17.18.090, by its registered owner and the owner’s guests.

MARINA. A connected system of slips in the Harbor.

MARINE SANITATION DEVICE. Equipment on board a vessel that is designed to receive, retain, treat, process, or discharge sewage.

MINIMUM GROUND TACKLE SPECIFICATIONS. The specifications for Ground Tackle used to moor a vessel, attached as Attachment “A” to the Resolution of the Council of the City of Santa Barbara Establishing Minimum Ground Tackle Specifications and Procedures for Installing, Inspecting and Repairing Moorings in the Santa Barbara Mooring Area, as may be amended from time to time by the Harbor Commission, with which all vessels intending to moor in the City of Santa Barbara Mooring Area must comply.

MOORING. An Anchor, chain, buoy, pendant, snubber, chafing gear and associated equipment, not typically stowed or carried aboard a vessel when underway, used to engage the seafloor and through its resistance to drag maintain a vessel within a given radius.

MOORING INSPECTION REPORT. A City form on which a City-Approved Mooring Inspector provides the results and recommendations of a Mooring Inspection.

MOORING PERMIT. An annual non-transferable Mooring Site rental agreement issued by the Waterfront Director to a Mooring Permittee to place a Mooring and vessel in a Mooring Site in the Santa Barbara Mooring Area.

MOORING SITE. A designated location within the Santa Barbara Mooring Area assigned by the Waterfront Director through a Mooring Permit to a Mooring Permittee for purposes of Mooring a vessel.

OPERABLE. A vessel's ability to maneuver safely under its own power from any place in the Harbor District to the open waters of the Pacific Ocean and back to its point of origin.

RODE. All gear, collectively, that lies between a boat and its Anchor.

SANTA BARBARA MOORING AREA. The area located in the City of Santa Barbara tidal waters east of Stearns Wharf as depicted on the reference map attached as Exhibit "A" to Chapter 17.20.

SEASONAL ANCHORAGE. The area depicted on the reference map attached as Exhibit "A" to Chapter 17.20.

SEWAGE. Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

SLIP. A docking space for a vessel within the Harbor.

SLIP FEE. The monthly license fee paid by a slip permittee for berthing privileges in the Harbor, including the monthly fees paid for live-aboard privileges if applicable.

SLIP PERMIT. A ~~slip rental agreement~~[revocable permit](#) issued by the Waterfront Director ~~to a Slip Permittee~~ to berth a vessel in a slip in the Santa Barbara Harbor.

SPECIAL ACTIVITY MOORING PERMIT. A Mooring Permit issued by the Waterfront Director to individuals, organizations and governmental entities found to be operating research, scientific, clean-up or other functions necessary to the long-term health and operation of the Harbor District and marine environment, or critical to the safety, welfare and protection of persons and assets within the Harbor District.

STEARNS WHARF. The wharf structure and all of its improvements located at the foot of State Street.

TRANSFER FEE. The fee charged to transfer a Slip Permit.

VESSEL. A craft whose physical characteristics indicate that it was designed and constructed for the purpose of carrying people or goods over water.

WATERFRONT. The Harbor, Stearns Wharf, West Beach and all City-owned or -operated parking lots and related structures and facilities along Cabrillo Boulevard or Shoreline Drive within the City of Santa Barbara.

WHARFAGE. The hourly rate assessed any vessel which uses or is tied up to any structure in the Harbor for the loading or unloading of merchandise, excluding the products of commercial fishing.)

YEAR-ROUND ANCHORAGE. The area depicted on the reference map attached as Exhibit "A" to Chapter 17.20. (Ord. 5728, 2015; Ord. 5420, 2007; Ord. 5386, 2006; Ord. 5282, 2003; Ord. 4757, 1992; Ord. 4387, 1986; Ord. 4272, 1984; prior code §24.1)

Chapter 17.06 BOARD OF HARBOR COMMISSIONERS

17.06.010 Harbor Commission - Powers and Duties.

The Board of Harbor Commissioners shall have the same powers and duties regarding the Waterfront as it possesses with respect to the Harbor pursuant to the provisions of Section 811 of Article VIII of the Charter of the City of Santa Barbara. (Ord. 4272, 1984)

Chapter 17.08 WATERFRONT DIRECTOR

17.08.010 Powers and Duties - Harbor.

The Waterfront Director, acting under the orders and jurisdiction of the City Administrator, shall have full authority in the enforcement of all provisions of this code, and all the ordinances and regulations affecting the Waterfront, Stearns Wharf and the Harbor District. The powers and duties of the Waterfront Director shall expressly include, but not be limited to, the following:

- A. DESIGNATION OF MOORING AREAS. To designate and mark, by buoys or otherwise, the areas within which vessels of different sizes and classes shall be moored.
- B. ASSIGNMENT OF SLIPS. To assign vessels to slips within designated areas in the Harbor. To approve, issue and collect fees for Slip Permits.
- C. TERMINATION OF SLIP PERMITS. To terminate Slip Permits pursuant to Section 17.20.005.J herein.
- D. ASSIGNMENT OF MOORINGS. To assign moorings to vessels within designated areas in the Harbor District.
- E. ORDER VESSEL MOVEMENT. To order the owner of any vessel within the Harbor District to move the vessel to any other position the Waterfront Director may designate in the interest of safety, space limitations, traffic and reduction of risk due to fire, sinking, breakaway or collision. To move the vessel, and to collect moving costs from the vessel's owner, in the event the vessel is not moved by its owner.
- F. MOVING VESSELS. To move the vessel, and to collect moving costs from the vessel's owner, in the event the vessel is not moved by its owner.
- G. POLICE POWERS. The Waterfront Director and his or her appointed deputies and assistants are peace officers who make arrests for public offenses.
- H. CLOSURE OF STEARNS WHARF. To order the closure of Stearns Wharf to the general public when necessary to protect the public health, safety, or welfare or to maintain Stearns Wharf.
- I. COMMERCIAL AND INDUSTRIAL USE OF STEARNS WHARF. To restrict and control the commercial and industrial use made of Stearns Wharf, including the authority to impose fees, in amounts determined by the City Council, for specified activities, to insure that such use is consistent with the recreational nature of Stearns Wharf.
- J. REGULATIONS FOR THE USE OF STEARNS WHARF. To adopt and enforce reasonable regulations for the proper use and enjoyment of Stearns Wharf by the public.
- K. COLLECTION OF PARKING FEES ON STEARNS WHARF. To collect fees and charges established by Resolution of the City Council for vehicles entering or parking on Stearns Wharf.
- L. PARKING REGULATIONS. To establish regulations, including, but not limited to, parking time limitations and procedures for the validation of parking by Stearns Wharf merchants, and by Waterfront Merchants, as necessary for the orderly control of traffic and parking on Stearns Wharf, the Waterfront, and the Harbor District in general.

M. PARKING POLICY. To promulgate parking policy with respect to Stearns Wharf tenants, Waterfront tenants, and their employees in conformance with existing leases and in order to maximize the availability of public parking.

N. GENERAL. The primary duty of the Waterfront Director and his or her deputies and assistants shall be the enforcement of the law in or about the Santa Barbara Harbor, Harbor District, and Waterfront area, or when performing necessary duties with respect to patrons, employees, and properties of the Santa Barbara Harbor, Harbor District, and Waterfront area. (Ord. 5420, 2007; Ord. 5201, 2001; Ord. 4757, 1992; Ord. 4282, 1984; Ord. 4272, 1984; Ord. 4133, 1982; Ord. 4074, 1980; prior code §24.2)

17.08.020 Performance by Deputy or Assistant.

Whenever a power is granted to, or duty is imposed upon, the Waterfront Director, the power may be exercised or the duty may be performed by a deputy, or assistant of the Waterfront Director, or by a person authorized, pursuant to law, by the City Administrator, unless this title expressly provides otherwise. (Ord. 4272, 1984; Ord. 4074, 1980; prior code §24.3)

17.08.030 Additional Powers and Duties.

The Waterfront Department shall be under the direction of the Waterfront Director. The Waterfront Director shall be subject to the control and general supervision of the City Administrator. All references in the City Charter, this code or in any ordinance which refer to the position of Harbor Manager, Harbormaster or Harbor Director as the Department Head of the Waterfront Department, shall be deemed to refer to the Waterfront Director, provided that nothing herein shall be construed to change the salary of the Waterfront Director. (Ord. 4757, 1992; Ord. 4272, 1984; Ord. 4074, 1980; Ord. 3919 §7, 1977; Ord. 3336 §1, 1968)

17.08.040 Carrying of Firearms.

Subject to the approval of the Waterfront Director, the Harbormaster, the Harbor Patrol Supervisor, and Harbor Patrol Officers may carry firearms while engaged in the performance of their official duties. Prior to carrying firearms, the Harbormaster, Harbor Patrol Supervisor and Harbor Patrol Officers must satisfactorily complete a training course in the carrying and use of firearms which meets the minimum standards prescribed by the Commission on Peace Officers Standards and Training. Once every 90 days, Harbor Patrol Officers shall demonstrate their competency in handling firearms in a manner satisfactory to the Chief of Police. Upon being determined to be competent, said Officers shall be so certified by the Chief of Police for the succeeding 90 day period. The purpose and intent of the authorization to carry firearms in this section is to provide a means of self-defense only. The use and handling of such weapons shall comply in all respects with all applicable rules and regulations of the Fire and Police Commission. (Ord. 5377, 2005; Ord. 4757, 1992; Ord. 4282, 1984; Ord. 4272, 1984; Ord. 4133, 1982; Ord. 4074, 1980; Ord. 3674 §2, 1974)

Chapter 17.12 REGULATIONS FOR USE OF HARBOR

17.12.010 Disposition, Etc., of Sunken Vessels, Derelicts, Flotsam, Etc.

The Waterfront Director shall take custody of all property found within the Harbor district not in the lawful possession or control of any person. The lawful owners may claim such property by showing proof of ownership and paying all expenses incurred by the Waterfront Director in connection therewith, including charges for raising, keeping and storing the same. If any property is not claimed, and all charges are not paid, within 60 days after the Waterfront Director has taken custody of it, the Waterfront Director is authorized to sell the same as abandoned property in accordance with the terms of existing law. (Ord. 4757, 1992; prior code §24.4)

17.12.020 Notice of Departure from Harbor.

Prior to departure from the Harbor, all boat owners or operators shall report to the Waterfront Director if a slip is to be released, vacated or unoccupied for five or more days. (Ord. 5386, 2006; Ord. 4757, 1992; prior code §24.6)

17.12.030 Launching and Removing Vessels - Procedure.

Vessel launching or removal from the Harbor is unlawful, except at public or commercial locations designated for such purpose, without first obtaining permission from the Waterfront Director. (Ord. 4757, 1992; Ord. 4200, 1983; Ord. 2973 §1, 1964; Ord. 2915 §1, 1963; Ord. 2882 §1, 1962; prior code §24.7)

17.12.040 Public Launching Ramp Fees.

Fees for the privilege to enter and use the public launching ramp for launching a boat shall be established by City Council resolution. (Ord. 4757, 1992; Ord. 3932 §1, 1977; Ord. 3333, 1968; Ord. 2973, 1964; prior code §24.7(a))

17.12.050 Vessels Berthed, Moored or Anchored in the Harbor District.

After December 1, 2015, only vessels as defined in Section 17.04.010 shall be berthed, moored or anchored in the Harbor District. Man-made floating objects that are existing and berthed, moored or anchored in the Harbor District as of December 1, 2015, and do not meet the definition of “vessel,” as set forth in Section 17.04.010, shall be allowed to continue to berth, moor or anchor in the Harbor District and shall not be required to meet the definition of vessel. All other requirements of Title 17 shall apply to these man-made floating objects, with the following exceptions:

- A. Waiver of operability requirements described in Section 17.20.005.K.1.
- B. No length or beam variations after December 1, 2015. (Ord. 5728, 2015)

17.12.060 Damaging, Etc., Harbor Property.

It is unlawful for any person to ~~wilfully~~willfully or carelessly destroy, damage, disturb, deface or interfere with any buoy, float, life preserver, sign, notice or any other municipal or public property within the Harbor district under the jurisdiction of the City, and such person shall make full restitution for any resulting damages to the City. (Ord. 4757, 1992; prior code §24.8)

17.12.070 Information to be Furnished Waterfront Director.

The master and pursers of all vessels using the Harbor or wharves shall furnish the Waterfront Director with information regarding the size and kind of vessel; the amount, kind and value of waterborne freight handled, and the number of passengers carried and submit their papers, including their manifests for inspection, upon demand. (Ord. 4757, 1992; prior code §24.9)

17.12.090 Assumption of Risk by Vessel Owner.

The owner of any vessel shall assume all risk of damage or loss of any kind to his or her property while it is within the limits of the Harbor district. The City assumes no risk on account of fire, theft, act of God, conditions of the sea, or damages of any kind to vessels. (Ord. 4757, 1992; prior code §24.11)

17.12.100 Permission to Leave Vessel by Wharf, Pier, Etc.

It is unlawful for any person to leave any vessel unattended or unoccupied at, or alongside any public wharf, pier, float, quay or landing without obtaining permission of the Waterfront Director to do so. (Ord. 4757, 1992; prior code §24.12)

17.12.120 Obstructing Access to and Use of Landings, Piers, Fairways, Walkways and Docks.

It is unlawful for any person to obstruct access to or use of any public area including landings, piers, fairways, walkways and docks or to berth any vessel where the length of the vessel exceeds the maximum permissible length for the slip as established by resolution of the City Council. (Ord. 5152, 2000; Ord. 4757, 1992; prior code §24.14)

17.12.130 Certain Craft Requiring Permit to Cross Main Channel.

No person shall operate any surfboard, sailboard, paddleboard, raft, or similar craft or device, in or across the main channel, or in area of launching ramps, marinas, and turning basins; without first having obtained permission from the Waterfront Director. (Ord. 4757, 1992; Ord. 4308, 1984; Ord. 2749 §1, 1959; prior code §24.141)

17.12.135 Sailboarding Restricted.

No person shall use or operate any sailboard, windsurfer or similar device in the waters bounded by West Beach, Stearns Wharf, the rock groin at the Harbor entrance and an imaginary line connecting the Santa Barbara Harbor Light 4 (located at the end of Stearns Wharf) to Santa Barbara Harbor Breakwater Light (located at the most southeasterly point of the breakwater) between the hours of 12:00 noon to 6:00 p.m. on Sundays during the months of April, May, June and July. (Ord. 4308, 1984)

17.12.150 Operation of Vessels in Harbor.

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

1. At a speed greater than five 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.

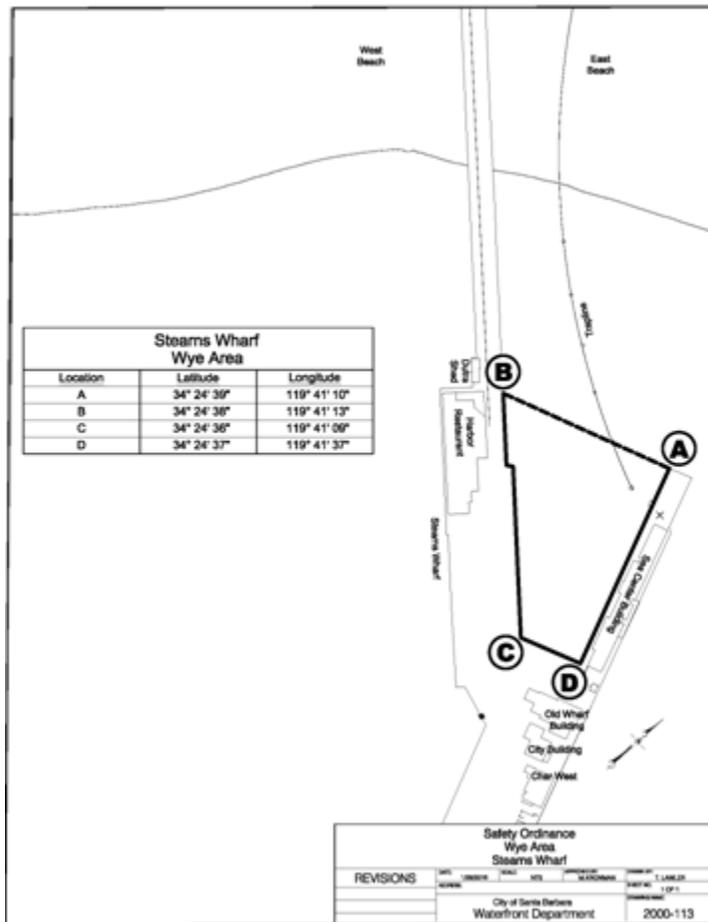
B. This section shall not apply to public officers in the performance of their official duties or persons issued a special permit by the Waterfront Director. (Ord. 5602, 2012; Ord. 5124, 1999; Ord. 4757, 1992; Ord. 2666 §1, 1958; prior code §24.16)

17.12.160 Operation of Vessels in Stearns Wharf Wye.

A. UNLAWFUL OPERATION OF VESSELS IN STEARNS WHARF WYE. It is unlawful for any person to operate a vessel within the Stearns Wharf Wye at a speed greater than five nautical miles per hour. This section shall not apply to public officers in the performance of their official duties.

B. DEFINITION OF STEARNS WHARF WYE. The Stearns Wharf Wye shall be defined as the area depicted on Exhibit A.

Exhibit A



(Ord. 5841, 2018)

17.12.170 Power Driven Vessels and Sail Vessels in Swim Areas.

It is unlawful to operate a power driven vessel, or a sail vessel, within any designated swim area in the Harbor District unless authorized by the Waterfront Director. Swim areas shall be designated by the

placement of regulatory buoys. (Ord. 5458, 2008; Ord. 4757, 1992; Ord. 2666 §2, 1958; prior code §24.17(a))

17.12.180 Places Where Swimming Prohibited.

No person shall enter the Harbor waters except slip permittees, lessees, licensees and those persons with valid Business Activity Permits, who, in the course of doing boat maintenance are required to be in the water. Swimming is permitted from that portion of West Beach bordered by Stearns Wharf, the rock groin and the navigation channel, and the seaward portion of the sandspit. (Ord. 4757, 1992; Ord. 2749 §2, 1959; prior code §24.18)

Chapter 17.13 STEARNS WHARF

17.13.010 Vessels Tied Up to Stearns Wharf.

A. It is unlawful for any person to leave or permit any vessel to be unattended or unoccupied at, or alongside of, Stearns Wharf without first obtaining the permission of the Waterfront Director.

B. The Waterfront Director may order any vessel to leave Stearns Wharf or to change its location alongside Stearns Wharf, if necessary for the health, safety or welfare of persons on or near the Wharf or for the operational efficiency of Stearns Wharf.

C. Fees, charges, and regulations may be established by City Council Resolution for tie up of vessels at the passenger loading ramp on Stearns Wharf for the primary purpose of embarking or debarking commercial passengers. (Ord. 4757, 1992; Ord. 4272, 1984)

17.13.030 Commercial Photography.

Commercial, still, motion or sound photography is permitted on Stearns Wharf 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)

17.13.040 Diving From Stearns Wharf.

It is unlawful to dive or jump from Stearns Wharf without the express permission of the Waterfront Director. (Ord. 4757, 1992)

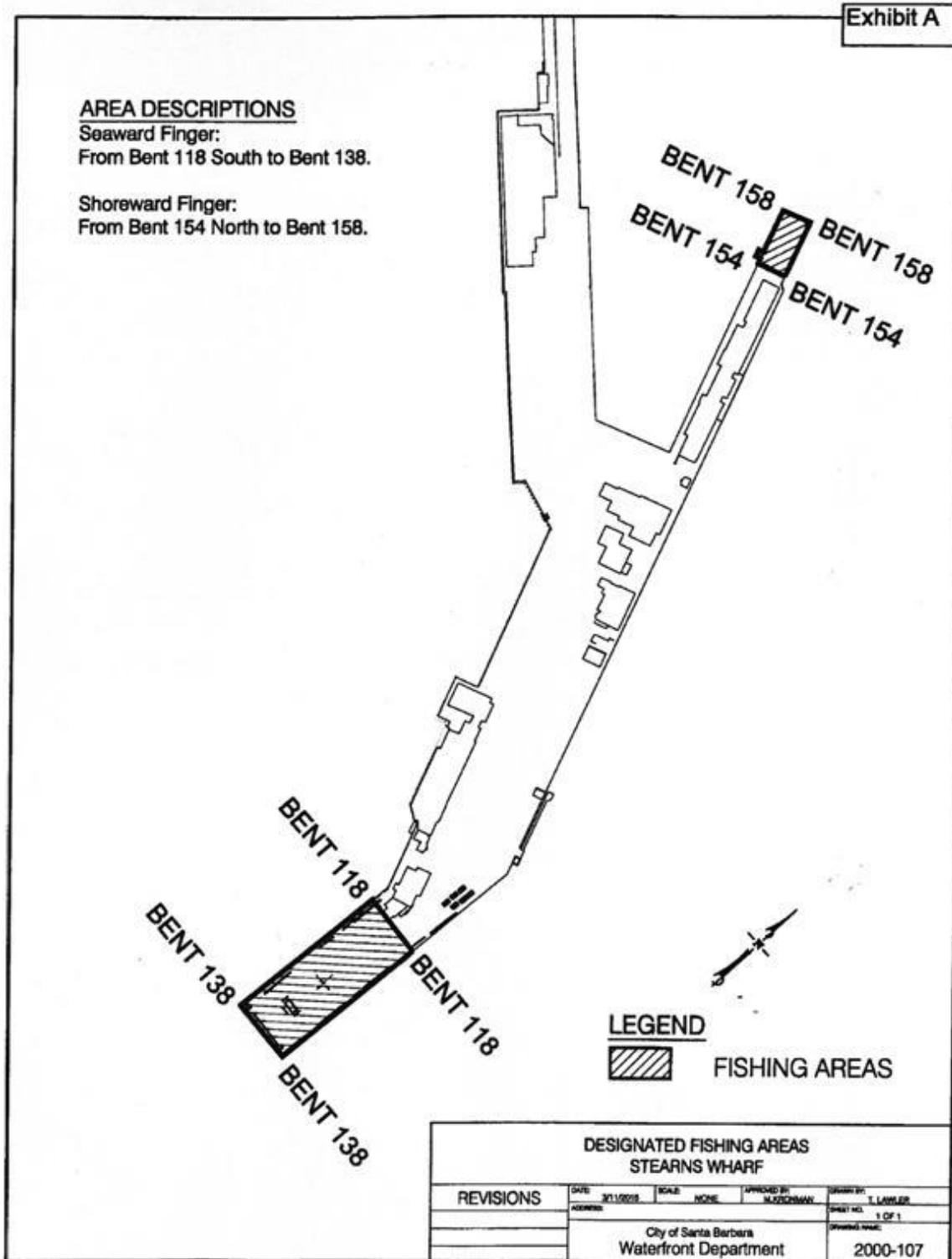
17.13.050 Closure of Stearns Wharf.

The Waterfront Director may order the closure of Stearns Wharf to the general public when necessary to protect the public health, safety, or welfare or to maintain Stearns Wharf. When closure of Stearns Wharf is directed on a regular basis or at certain prescribed times during the day, notice of said closure shall be posted in a prominent manner at both the pedestrian and vehicle access entrances to Stearns Wharf. (Ord. 5420, 2007)

17.13.060 Stearns Wharf Designated Fishing Areas.

It is unlawful to fish from Stearns Wharf except in the areas depicted as “Designated Fishing Areas” on the map attached as Exhibit “A” to Chapter 17.13. The Waterfront Director, or his or her designee, may make

temporary changes to the boundaries of the “Designated Fishing Areas” as shown on Exhibit “A” to accommodate special events. Exhibit “A” attached to Chapter 17.13 shall not be revised to reflect such temporary changes, but notice of such temporary changes will be posted at visible locations on Stearns Wharf.



STEARNS WHARF DESIGNATED FISHING AREAS

(Ord. 5712, 2015)

Chapter 17.16 SANITATION AND CONTAMINATION OF HARBOR WATERS

17.16.010 Discharge of Contaminants into Harbor District Waters Unlawful.

It is unlawful for any person to discharge, either directly or indirectly, any pollutant or contaminating substance or material, including rubbish, trash, litter, sewage, or refuse of any kind into the waters of the Santa Barbara Harbor District. The terms “pollutant” or “contaminating substance” also include ballast water, bilge water or waste water containing or contaminated with any paint, varnish, [petroleum products](#), or other insoluble products in a liquid state. The terms “pollutant” or “contaminating substance” shall not include “wash down water,” engine discharge or exhaust gas or substances normally contained in such discharges or exhausts, or galley sink, shower or hand basin water. (Ord. 5458, 2008; Ord. 5282, 2003; Ord. 4757, 1992; Ord. 3482 §1, 1971; prior code §24.20)

17.16.020 Allowing Contaminants to be Washed into Harbor Water Unlawful.

It is unlawful for any person to deposit, leave or discharge any pollutants or contaminating substances or materials mentioned in Section [17.16.010](#) of this chapter upon any street, walkway, breakwater, beach, parking lot or other place, where the same may be washed into the waters of Santa Barbara Harbor, either by tides, storm floods or other drainage. (Ord. 4757, 1992; Ord. 3482 §2, 1971)

17.16.030 Violation of Section 17.16.010.

Within 10 days of a final judicial determination that Section [17.16.010](#) has been violated by the registered owner or operator of a vessel, the Waterfront Director shall advise the appropriate regional water quality control board, the State Water Quality Control Board, and any other appropriate governmental regulatory body of the facts and circumstances surrounding that finding. (Ord. 5282, 2003; Ord. 4757, 1992; Ord. 3482 §4, 1971)

17.16.040 Exception to Section 17.16.010.

In an emergency which jeopardizes the safety of any vessel or its occupants, the provisions of Section [17.16.010](#) are inapplicable if the discharge of any pollutant or contaminating substance mentioned in Section [17.16.010](#) into the waters of the Harbor district is reasonably necessary to an attempt to avert the emergency. (Ord. 4757, 1992; Ord. 3482 §5, 1971)

17.16.050 Throwing or Casting Adrift Navigation Hazards.

It is unlawful to dump, throw or set adrift material of any sort into the waters of the Harbor district that is, or might become, obstructive or dangerous to navigation. (Ord. 4757, 1992; prior code §24.21)

17.16.060 Leaving Garbage or Refuse on Shore.

It is unlawful for any person to leave, or allow to remain, garbage of any description upon the shores, lands, floats, slips, or other structures in the Waterfront area. The Waterfront Director may remove the same with or without notice. Any person violating this provision shall be responsible for paying the costs of removal and shall be subject to the penalty provided for violations of this code. (Ord. 4757, 1992; prior code §24.23)

17.16.070 Violation - Penalty.

In addition to any other remedy or penalty provided by law, the City may, upon repetition of a violation of any of the provisions of this chapter, revoke the right to use or moor, any vessel owned, operated, or used by the violator in the Harbor District. (Ord. 4757, 1992; Ord. 3471 §5, 1971)

Chapter 17.18 LIVE-ABOARDS

17.18.010 Permit Required.

It is unlawful for any person to live-aboard in the Santa Barbara Harbor without having been issued a valid live-aboard permit by the Waterfront Director. (Ord. 4757, 1992; Ord. 4387, 1986)

17.18.020 Standards for Permit Issuance.

A. REQUIREMENTS FOR ISSUANCE OF LIVE-ABOARD PERMITS. A live-aboard permit may be issued only if all of the following standards are met:

1. Principal Residence. All applicant(s) for live-aboard permits shall be ~~the registered owner of the vessel to be occupied, slip permittees,~~ and the vessel shall be that person's principal residence, as well as the principal residence, as that term is defined in the U.S. Internal Revenue Code, of any named "~~Other-Additional~~ Occupants" on the applicant's permit.
2. Sanitation. The vessel shall be equipped with a fully operational type I, II, or III Coast Guard-approved marine sanitation device suitable in the opinion of the Waterfront Director to prevent direct discharge of human waste into the Harbor.
3. Slip Permit. The vessel shall occupy a Slip pursuant to a valid Slip Permit but not a yacht brokerage slip as defined in Section 17.20.005.F.
- ~~4. Live Aboard Slip Permittee. All applicants for live-aboard permits shall be current slip permittees for the Slip in which the live-aboard vessel is berthed.~~
54. Number of Applicants. No more than one person may apply for a single live-aboard permit, provided he or she meets the requirements of this chapter.

B. ~~OTHER-ADDITIONAL~~ OCCUPANTS. For the purpose of this chapter, "~~Other-Additional~~ Occupants" are defined as persons, other than the live-aboard permittee, living aboard a vessel for which a valid live-aboard permit has been issued and who are listed on that live-aboard permit as Additional Occupants.

C. MAXIMUM NUMBER OF OTHER OCCUPANTS. No more than four ~~Other-Additional~~ Occupants may be added to a live-aboard permit, unless authorized in writing by the Waterfront Director. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 5023, 1997; Ord. 4757, 1992; Ord. 4387, 1986)

17.18.030 Regulations.

A. REGISTRATION. All persons living aboard a vessel pursuant to a permit must be registered as a live aboard or Additional Occupant ~~with the Waterfront Director and shall be listed as a live-aboard~~

or “~~Other Occupant~~” on the live-aboard permit for that vessel, pursuant to and in accordance with requirements in 17.18.020 (1) and 17.18.020 (4).-

B. RULES AND REGULATIONS. All persons living aboard a vessel pursuant to a permit shall comply with all regulations, laws, and rules of the Harbor.

C. MONTHLY FEE. The live-aboard permittee shall pay a monthly live-aboard fee in an amount established by resolution of the City Council. The monthly live-aboard fee shall be due and payable to the Waterfront Department as part of and in addition to the monthly Slip Fee.

D. GUESTS. The live-aboard permittee shall notify the Waterfront Department regarding live-aboard guests if their anticipated stay is seven days or longer. The permittee is limited to 60 live-aboard guest days per year, unless authorized in writing by the Waterfront Director or his/her designee. The live-aboard permittee must be aboard during any and all guest stays. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4757, 1992; Ord. 4387, 1986)

17.18.040 Live-Aboard Permit Expiration, Renewal, and Transfer.

Unless suspended, revoked or terminated pursuant to this chapter, a live-aboard permit may be renewed annually effective May 1st upon application and compliance with all terms of this chapter. A live-aboard permit may not be transferred to another person but may be transferred by the live-aboard permittee to a new vessel or to a new Slip Permit of the original live-aboard permittee with prior written approval of the Waterfront Director. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4757, 1992; Ord. 4387, 1986)

17.18.050 Termination of Live-Aboard Permit.

A. TERMINATION. A live-aboard permittee may terminate his or her Live-Aboard permit upon 30 days prior written notice of termination to the Waterfront Department.

B. TERMINATION BY WATERFRONT DIRECTOR. The Waterfront Director may terminate a Live-Aboard permit upon 30 days prior written notice of termination to the Live-Aboard permittee for any of the following reasons:

1. Failure to Maintain Berthed Vessel in Operable Condition. The failure of a Live-Aboard permittee to continuously maintain a vessel berthed in a Slip in an Operable condition as required by Section 17.20.005.L herein.
2. Failure of Live-Aboard Permittee to Comply with Waterfront Department Rules and Regulations. The failure of a Live-Aboard permittee or Live-Aboard permittee’s “other occupant,” guest or visitor to comply with all applicable local, state and federal laws and all Waterfront Department Rules and Regulations.

C. ISSUANCE OF LIVE-ABOARD PERMIT AFTER TERMINATION. A Live-Aboard permittee whose Live-Aboard permit is terminated as provided herein may not apply for another Live-Aboard permit until six months after the date upon which the Live-Aboard permit is terminated. The Waterfront Director shall have the sole discretion to decide whether to issue another Live-Aboard permit or not. The Waterfront Director’s decision shall be final.

D. APPEAL. If the Waterfront Director terminates a Live-Aboard permit, the Live-Aboard permittee may request a waiver of the termination from the Waterfront Director. To request a waiver of the termination, the Live-Aboard permittee shall file a written waiver request setting forth the grounds upon which the waiver is requested with the Waterfront Director within 10 days of the date that the Live-Aboard permit is terminated. If the Waterfront Director denies the waiver, the Live-Aboard permittee may appeal the Waterfront Director’s decision to the Harbor Commission. The appeal shall

be filed in writing with the City Clerk within 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 Live-Aboard permittee may appeal the Waterfront Director's decision to terminate the Live-Aboard permit to the Harbor Commission. The Live-Aboard permittee shall file a written appeal setting forth the grounds upon which the appeal is based with the City Clerk within 10 days of the date of the Live-Aboard permit termination. (Ord. 5528, 2010; Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4757, 1992; Ord. 4387, 1986)

17.18.060 Fees.

Fees for the issuance, renewal, or reinstatement of live-aboard permits shall be in an amount established by resolution of the City Council. (Ord. 5420, 2007; Ord. 4387, 1986)

17.18.070 Limitation on Number of Permits.

A. GENERAL RULE. No more than ~~113~~ 10% of harbor slips may be occupied by live-aboard permits ~~shall be outstanding at permittees at~~ any time.

B. WAITING LIST.

1. Procedure. A waiting list for live-aboard permits may be maintained and available for public inspection. Live-aboard permits shall be issued according to application date and availability of live-aboard permits. When a live-aboard permit becomes available, it shall be offered to the first person on the waiting list. Notification will be mailed to the most current address on file in the Harbormaster's office. It is the sole responsibility of the applicant to keep the address on file with the Harbormaster current. Acceptance must be made in writing to the Waterfront Department within 30 days of the mailing date of notification. If a live-aboard permit is offered and not accepted within 30 days, the applicant's name will be removed from the list. Fees paid to be included on the live-aboard waiting list are non-refundable.

2. Fees. A live-aboard permit waiting list fee in an amount established by resolution of the City Council shall be paid to the Waterfront Department at the time of the request to be placed on the waiting list. A renewal fee in an amount established by resolution of the City Council shall be paid each year an applicant remains on the live-aboard waiting list. Should the City cancel the live-aboard waiting list before offering the applicant a permit, the City will refund the renewal fee paid by the applicant for the current year. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 5149, 2000; Ord. 4757, 1992; Ord. 4387, 1986)

17.18.080 Penalty for Violation.

A Slip Permit may be terminated if three or more administrative citations are issued to any person, as defined in Section 1.25.030.F, illegally living aboard a vessel in an individual Slip during any 12-month period, in violation of Section 17.18.010. An administrative citation shall be considered "issued" when either of the following occurs: the period in which an administrative citation may be appealed has expired or when the Hearing Administrator upholds an administrative citation pursuant to an appeal hearing. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4387, 1986)

17.18.090 Vacation Use Exception.

The vacation use of a vessel by a slip permittee and the slip permittee's guests does not require a live-aboard permit, provided:

~~A.~~ A. ~~The Slip permittee resides aboard during any and all vacation use stays;~~

~~B.~~ B. ~~Such vacation use does not exceed a total of 60 days in any calendar year;~~

~~C.~~ C. ~~A minimum of 50% of vacation use is utilized in increments of seven days or more;~~

~~A.D.~~ A.D. ~~The names of the vacation users and the dates of vacation use are registered with the Waterfront Director by the slip permittee; and~~

~~B.E.~~ B.E. ~~The vessel is equipped with a fully operational marine sanitation device suitable for preventing direct discharge of human waste into the Harbor. (Ord. 5420, 2007; Ord. 5273, 2003; Ord. 4757, 1992; Ord. 4387, 1986)~~

Chapter 17.20 SLIP AND MOORING REGULATIONS AND CHARGES

17.20.005 Slip Assignment Policy.

A. PURPOSE.

1. Generally. The purpose of the Slip Assignment Policy is to provide regulations for the primary purpose of the Harbor, which is to provide in-water storage for commercial and recreational vessels actively used for their intended purpose.
2. Limited Secondary Use. As a limited secondary use, a slip permittee may be permitted to reside aboard a vessel by obtaining a permit from the Waterfront Department pursuant to the Santa Barbara Municipal Code.

B. SLIP PERMITS RENTAL AGREEMENT.

1. Slip Permit. Before any vessel is allowed in a Slip in the Santa Barbara Harbor, a permit must be issued pursuant to the Santa Barbara Municipal Code for that vessel by the Waterfront Department. Slip Permits, as approved by the Waterfront Director, shall be for month-to-month terms. Slip permittees shall comply with applicable ordinances and resolutions, including fee provisions, adopted by the Santa Barbara City Council. No such Slip Permit shall be transferable after death of the slip permittee or by inheritance. A Slip Permit may, however, be assigned to a deceased slip permittee's surviving spouse or domestic partner registered with the City Clerk in accordance with Chapter 9.135 of the Santa Barbara Municipal Code pursuant to Section 17.20.005.D.2.b herein.
2. Ownership of Vessel Required. A slip permittee must at all times have an equity ownership interest in the vessel assigned to the Slip Permit.
 - a. Proof of Ownership Required. An equity ownership interest in a vessel must be demonstrated at the time a Slip Permit is issued to a slip permittee or transferred in accordance with Section 17.20.005.D herein by submitting any of the following documents to the Waterfront Department: (i) State vessel registration listing the prospective slip permittee as an owner, (ii) federal documentation listing the prospective slip permittee as an owner or, (iii) a notarized bill of sale in the name of the prospective slip permittee. If proof of vessel ownership is a notarized bill of sale, a fully completed state registration or federal documentation with all slip permittteespermitttees listed as vessel owners must be provided to the Waterfront Department within 90 days of the submittal of the Slip Permit application. The Slip Permit shall be subject to termination if proof of ownership is not provided to the Waterfront Department within 90 days.

b. Permitted Types of Ownership. Corporations, limited liability corporations, partnerships, non-profit organizations, trusts, governmental agencies or individuals may own vessels. If a vessel is owned by an entity other than an individual, non-profit organization or governmental agency, the Slip Permit applicant(s) or slip permittee(s) must submit to the Waterfront Department either a partnership agreement or articles of incorporation which establishes that each slip permittee is either a general partner or an officer of the entity with the authority to legally bind the ownership entity. If the vessel is owned by a governmental agency or non-profit organization, the agency or organization must designate in writing a representative from the agency or organization who will be responsible for all aspects of the Slip Permit. Changing the name of the person so designated shall require payment of a slip transfer fee pursuant to Section 17.20.005.D herein, unless waived by the Waterfront Director.

3. Replacement Vessel. If the vessel assigned to the Slip Permit is sold, donated, stolen, destroyed or otherwise permanently removed from its Slip, its owner must notify the Waterfront Department within 15 days of such event. The slip permittee must place a replacement vessel in the Slip assigned to the slip permittee within 180 days after the occurrence of the event causing the removal of the vessel assigned to the Slip Permit, unless granted a written exemption from the Waterfront Director. Failure of timely reporting of a sold, donated, stolen, destroyed or otherwise permanently removed vessel, or timely assignment of a replacement vessel, shall be grounds for termination of the Slip Permit.

4. Slip Fees. The slip permittee shall pay one month's Slip Fee, in advance, plus applicable fees and deposits when the Slip Permit application is submitted to the Waterfront Department. Slip Fees shall be established by resolution of the City Council.

5. Commercial Fishing and Aquaculture. The City Council may by resolution establish exclusive or preferential uses within all, or within certain areas of, the Harbor for use by vessels employed in commercial fishing and/or aquaculture. For purposes of this section, a commercial fishing vessel or vessel employed in aquaculture is a vessel in use pursuant to a valid and current commercial fishing or aquaculture permit issued by the California Department of Fish and Game. Such a vessel shall be a continuing source of income pursuant to the appropriate California permits, in accord with regulations adopted from time to time by resolution of the City Council.

[6. Sub-rents. It is unlawful for any person issued a Slip Permit to rent \(whether or not for compensation paid or other value\), that Slip Permit to any other person or entity.](#)

C. SLIP WAITING LISTS.

1. Master Waiting List. The waiting list for the assignment of Harbor marina slips, as created by City Council Ordinance, is renamed the "Master Waiting List." The Master Waiting List is divided into categories according to slip length. Applicants on the Master Waiting List have designated a category of slip length from which they seek a slip assignment. Applicants may not change their designated category of slip length and no new applicants shall be added to the Master Waiting List.

a. Procedure for Slip Assignment to Master Waiting List Applicants. When a slip becomes available, it shall be offered for assignment according to whether the slip is a designated commercial fishing slip or whether it can be utilized for either commercial or recreational purposes. For purposes of this section, commercial fishing slip means a slip that is specially designated by the Waterfront Director as a slip reserved for qualified commercial fishermen ("Commercial Fishing Slip"). If the slip is designated as a

Commercial Fishing Slip, it shall be assigned according to Section C.5 herein to a qualified commercial fisherman. If it is not so designated, it shall be offered for assignment to the applicant in the slip-length category of the available slip with the earliest chronological application date on the Master Waiting List. The available slip shall be offered to each applicant in turn on the Master Waiting List within the slip-length category of the available slip until the slip is either accepted by an applicant or declined by all applicants for that slip-length category.

b. Procedure for Accepting or Declining a Slip Assignment Offer.

i. Acceptance of Slip Assignment Offer. Notification of slip availability shall be mailed by the Waterfront Department to the applicant at the applicant's most recent address on file in the Waterfront Department. Acceptance of the slip assignment offer must be submitted by the applicant in writing to the Waterfront Department within 30 days of the date of mailing the notice of slip availability.

ii. Completing Slip Assignment. An applicant who accepts a slip-permit offer shall have 90 days from that date to place a vessel in the designated slip and successfully meet all associated requirements and obligations to complete that assignment, as described in Municipal Code Section 17.20.005.

iii. Declined Slip Offer. Failure of an applicant to accept a slip assignment offer within 30 days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a slip offer will result in removal of the applicant's name from the List and in the loss of all fees paid by the applicant.

c. Unassigned Slips from the Master Waiting List. If an available slip is offered and declined by all applicants on the Master Waiting List registered for the slip-length category of the available slip, or if a slip-length category on the Master Waiting List is depleted of applicants, the slip shall be referred for assignment to a Sub-Master Waiting List in accordance with Section C.2 herein.

2. Sub-Master Waiting List. All applicants in all slip-length categories on the Master Waiting List shall also be applicants on the Sub-Master Waiting List. The Sub-Master Waiting List shall be ordered chronologically, according to application date, and not divided into slip-length categories. The applicant on the Master Waiting List with the earliest chronological application date, regardless of designated slip-length category, shall be the first applicant on the Sub-Master List. The applicant on the Master Waiting List with the second earliest chronological application date shall be the second applicant on the Sub-Master List, and so on.

a. Procedure for Slip Assignment to Sub-Master Waiting List Applicants. A slip that becomes available for assignment to the Sub-Master Waiting List shall be offered to the first applicant on the Sub-Master Waiting List. If the slip offer is declined, it shall be offered to the second applicant on the List, and so on, until the slip is either accepted by an applicant or declined by all applicants on the Sub-Master List.

b. Procedure for Accepting or Declining a Slip Assignment Offer.

i. Acceptance of Slip Assignment Offer. Notification of slip availability shall be mailed by the Waterfront Department to the applicant at the applicant's most recent address on file in the Waterfront Department. Acceptance of the slip assignment offer must be submitted by the applicant in writing to the Waterfront Department within 14 days of the date of mailing the notice of slip availability.

ii. Declined Slip Offer. Failure of an applicant to accept a slip assignment offer in writing within 14 days of the date of mailing of such offer by the Waterfront

Department shall be considered a declined offer. Declining a slip offer from the Sub-Master List will not result in removal of the applicant's name from the Master or Sub-Master Waiting lists, loss of any fees paid, or change in the applicant's position on either List.

c. Unassigned Slips from the Sub-Master Waiting List. If a slip assignment offer is declined by all applicants on the Sub-Master Waiting List, or if there are no applicants on the Sub-Master Waiting List, the slip shall be referred for assignment to a Lottery List in accordance with Section C.3 herein.

3. Lottery List. Any slip that remains unassigned after being offered for assignment to the Master Waiting List and Sub-Master Waiting List, or if the Sub-Master Waiting List is depleted of applicants, shall be offered for assignment to a Lottery List. The Lottery List shall be comprised of applicants selected by lot by the Harbor Commission Chair at a public meeting. Procedures for formation of the Lottery List shall be established by the Waterfront Department Slip Waiting Lists regulation adopted by resolution of the City Council.

a. Procedure for Placement on the Lottery List.

i. Qualification for Placement on the Lottery List. To qualify for placement on the Lottery List, all applicants must timely submit a Lottery List Participation Request in accordance with the Slip Waiting Lists regulation containing the applicant's name, telephone number and address. An individual may submit only one Lottery List Participation Request.

ii. Notification of Ranking and Potential Placement on Lottery List. Within five business days after the Harbor Commission Lottery List drawing, the Waterfront Department shall mail notification to each applicant whose Lottery Participation Request was selected by the Harbor Commission of their ranking and potential placement on the Lottery List. Notification shall be provided by certified mail, return receipt requested, to the applicant at the address shown on the Lottery List Participation Request form. A Lottery List Acceptance Form shall accompany the notification. Applicants not selected for ranking in the Lottery List drawing shall be notified in writing that their Lottery List Participation Request was not selected. The Waterfront Department shall discard the Lottery List Participation Requests not selected.

iii. Procedure to Accept Placement on the Lottery List.

(A) Within 30 days of the date of mailing notification of Lottery List rankings, selected applicants ranked numbers one through 50 shall return the completed Lottery List Acceptance Form and the Lottery List Placement Fee in an amount established by resolution of the City Council to the Waterfront Department. Any such applicant failing to return the Acceptance Form and Lottery List Placement Fee to the Waterfront Department within the required 30 day period shall not have a position on the Lottery List, and their Lottery Participation Request shall be discarded by the Waterfront Department.

(B) Should any applicant ranked numbers one through 50 fail timely return of the Lottery List Acceptance Form and the Lottery List Placement Fee, notification will be sent to the next-ranked applicant for potential placement on the Lottery List as provided by resolution of City Council. Any such applicant ranked numbers 51 through 70 offered potential placement on the Lottery List shall, within 14 days of the date of such mailing, return the completed Lottery

List Acceptance Form and the Lottery List Placement Fee in an amount established by resolution of the City Council to the Waterfront Department. Any such applicant failing to return the Acceptance Form and Lottery List Placement Fee to the Waterfront Department within the required 14 day period shall not have a position on the Lottery List, and their Lottery Participation Request shall be discarded by the Waterfront Department.

b. Procedure for Slip Assignment to Lottery List Applicants. A slip that becomes available for assignment to the Lottery List shall be offered for assignment to applicants on the Lottery List according to their rank on the Lottery List. If a slip assignment offer is declined by all applicants on the Lottery List, the slip shall be held in the Waterfront Department's visitor slip inventory for a period of six months. After six months, the slip assignment shall be re-offered individually to applicants on the Lottery List in the same order as the slip assignment was initially offered. If the slip remains unassigned after the re-offer, the procedure shall be repeated every six months until the slip assignment offer is accepted.

c. Procedure for Accepting or Declining a Slip Assignment Offer from the Lottery List.

i. Acceptance of Slip Assignment Offer. Notification of slip availability shall be mailed by the Waterfront Department to the applicant at the applicant's most recent address on file in the Waterfront Department. Acceptance of the slip assignment offer must be submitted by the applicant in writing to the Waterfront Department within 14 days of the date of mailing the notice of slip availability. Acceptance must be submitted to the Waterfront Department in writing.

ii. An existing marina slip permittee, or the spouse or legally registered domestic partner of a slip permittee, who is offered a Slip assignment from the Lottery List shall relinquish an existing slip permit assigned to that permittee or that permittee's spouse or legally registered domestic partner to the Waterfront Department prior to, and in exchange for, an assignment from the Lottery List.

iii. Declined Lottery List Assignment Offer. Failure of an applicant to accept a slip assignment offer in writing within 14 days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a slip assignment offer will not result in removal of the applicant's name from the Lottery List, loss of the applicant's Lottery List Placement Fee, Lottery List Renewal Fee, or change in the applicant's position on the Lottery List.

d. Lottery List Eligibility. An applicant whose name is on the Master Slip Waiting List is not eligible for inclusion on the Lottery List.

4. Slip Waiting Lists Fees.

a. Master Waiting List Renewal Fee. An annual non-refundable Master Waiting List renewal fee in an amount established by resolution of the City Council shall be paid by each applicant on the Master Waiting List prior to the first day of November each year. Failure to timely pay the annual renewal fee shall cause removal of the applicant's name from the List.

b. Lottery List Placement Fee and Renewal Fee.

i. Lottery List Placement Fee. Each applicant selected for placement on the Lottery List shall return the Lottery List Acceptance Form along with a non-refundable Lottery List Placement Fee in an amount established by resolution of the City

Council. Failure to timely pay the Lottery List Placement Fee shall cause the applicant's name to not be placed on the Lottery List.

ii. Lottery List Renewal Fee. An annual non-refundable Lottery List Renewal Fee in an amount established by resolution of the City Council shall be paid prior to the first day of November each year. Failure to timely pay the annual Lottery List Renewal Fee shall cause removal of the applicant's name from the Lottery List.

iii. Lottery List Assignment Fee. A Lottery List Assignment Fee shall be paid by the applicant at the time a Lottery List slip assignment is made in an amount established by resolution of the City Council. Failure to timely pay the Lottery List Assignment Fee shall be deemed a declined offer.

c. Slip Waiting Lists Transfer Fee.

i. Slip Waiting Lists Transfer Fee. Any slip permittee assigned a slip from either the Master Waiting List, Sub-Master Waiting List or Lottery List shall pay a Slip Waiting List Transfer Fee in an amount established by resolution of the City Council to transfer the slip within five years of the date of the slip assignment. After five years, a standard Slip Transfer Fee shall be paid in an amount established by resolution of the City Council. A slip transfer shall be accomplished in accordance with Section D herein.

ii. Exemptions from Slip Waiting Lists Transfer Fee. Mooring Licensee Priority Assignment. Payment of the Slip Waiting Lists Transfer Fee shall not be required for the transfer of a slip permit by a slip permittee who obtained a permit to occupy a slip pursuant to a mooring licensee priority assignment as provided in the Marina One and Four Expansion Slip Assignment Policy and Procedures Document. A standard Slip Transfer Fee is required.

iii. Hardship Waiver/Appeal. The Waterfront Department, Waterfront Director, Harbor Commission or City Council shall not accept or consider any slip permittee's appeal or request for a waiver from payment of the Slip Waiting Lists Transfer Fee.

5. Commercial Fishing/Aquaculture Slip Assignment. Commercial Fishing Slips shall be offered for assignment only to qualified commercial fishermen. Prior to assignment of a Commercial Fishing Slip from either the Master Waiting List, Sub-Master Waiting List, or the Commercial Fishing Slip Lottery, a commercial fisherman must demonstrate to the satisfaction of the Waterfront Department that the commercial fisherman possesses the following minimum qualifications: (i) a commercial fishing or aquaculture permit issued by the California Department of Fish and Game; (ii) a Fish and Game permit for the vessel that is to be moored in the Commercial Fishing Slip as a commercial fishing vessel; and (iii) satisfaction of the terms and criteria to qualify as a qualified commercial fisherman, as established by City Council resolution, including the requirement for earnings from commercial fishing in years prior to the pending Commercial Fishing Slip assignment ("Qualified Commercial Fisherman").

a. Master Waiting List. Commercial Fishing Slips that become available for assignment to commercial fishermen on the Master Waiting List shall be offered for assignment to the commercial fisherman registered in the slip-length category of the available slip with the earliest chronological application date. If there are no commercial fishermen registered on the Master Waiting List in the slip-length category available, the slip shall be referred to the Sub-Master List.

i. Acceptance of Commercial Fishing Slip Assignment Offer. A Commercial Fishing Slip offered for assignment to a commercial fisherman from the Master Waiting List

shall be accepted in accordance with the procedures for acceptance of a slip from the Master Waiting List set forth in paragraph 1.b.(1) of this subsection C. Prior to assignment of the Commercial Fishing Slip, the commercial fisherman must demonstrate to the satisfaction of the Waterfront Department that he or she is a Qualified Commercial Fisherman.

ii. Declined Slip Offers. Failure of an applicant to accept a slip assignment offer in writing within 30 days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a Commercial Fishing Slip offer shall result in removal of the commercial fisherman's name from the Master Waiting List and loss of all fees paid by the commercial fisherman.

b. Sub-Master Waiting List. Commercial fishermen registered for commercial slips on the Master Waiting List shall also be applicants on the Sub-Master Waiting List. The commercial fisherman registered for a commercial slip on the Master Waiting List with the earliest chronological application date shall be the first-ranked commercial fisherman on the Sub-Master List. If a commercial slip offer is declined by all commercial fishermen registered for commercial slips on the Sub-Master List, it shall be referred to the Commercial Fishing Slip Lottery process for assignment.

i. Acceptance of Commercial Fishing Slip. A Commercial Fishing Slip offered for assignment to the Sub-Master Waiting List shall be accepted according to the procedures for acceptance of a slip from the Sub Master Waiting List set forth in paragraph 2.b.1 of this subsection. Prior to assignment of the Commercial Fishing Slip, the commercial fisherman must demonstrate to the satisfaction of the Waterfront Department that he or she is a Qualified Commercial Fisherman.

ii. Declined Commercial Fishing Slip Offers. Failure of the applicant to accept the slip in writing within 14 days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a slip offer will not result in the commercial fisherman's name being removed from the List, loss of the applicant's fees, or change in the applicant's position on the List.

c. Commercial Fishing Slip Lottery. A Commercial Fishing Slip that remains unaccepted after being offered to all commercial fishermen registered for commercial slips on the Sub-Master List shall be offered for assignment according to a single lottery process called the Commercial Fishing Slip Lottery. Procedures for formation of the Commercial Fishing Slip Lottery shall be established by the Waterfront Department Slip Waiting Lists regulation adopted by resolution of the City Council. To qualify for participation in the Commercial Fishing Slip Lottery, all applicants must timely submit a Lottery Participation Request in accordance with the Slip Waiting Lists regulation containing the applicant's name, telephone number and address. An individual may submit only one Commercial Fishing Lottery List Participation Request.

i. Procedure for Assignment from Commercial Fishing Slip Lottery.

(A) Offer of Commercial Fishing Slip Assignment. A Commercial Fishing Slip that becomes available for assignment in accordance with the Slip Waiting Lists regulation shall be offered for assignment to an applicant according to his or her rank in the Commercial Fishing Slip Lottery. The applicant ranked in the first position shall be offered the available Commercial Fishing Slip. If the first-ranked applicant declines the offer or fails to meet the requirements for a

Qualified Commercial Fisherman, the second-ranked applicant shall be offered the Commercial Fishing Slip assignment, and so on.

(B) Acceptance of Commercial Fishing Slip. Acceptance of the slip assignment offer must be made in writing and submitted to the Waterfront Department within 30 days of the date of mailing notice of slip availability. The acceptance form shall include the necessary information to verify qualification for a Commercial Fishing Slip. Any applicant failing to submit the required information to verify eligibility, or any applicant failing to meet the eligibility requirements set forth in this paragraph 5 for a Qualified Commercial Fisherman, shall be removed from consideration for slip assignment during that Lottery.

(C) Declined Commercial Fishing Slip Offer. Failure of an applicant to accept the Commercial Fishing Slip assignment offer in writing within 30 days of the date of mailing of such offer by the Waterfront Department shall be considered a declined offer. Declining a slip offer, or failing to meet the requirements for a Qualified Commercial Fisherman shall result in removal of the applicant's name for slip assignment in that Lottery.

(D) An existing marina slip permittee who is offered a Commercial Fishing Slip assignment shall relinquish an existing slip permit to the Waterfront Department prior to, and in exchange for, a Commercial Fishing Slip assignment from the Commercial Fishing Slip Lottery.

ii. Unassigned Commercial Fishing Slips. If a Commercial Fishing Slip assignment offer is declined by all applicants selected in the Commercial Fishing Slip Lottery, or if no selected applicants meet the requirements of a Qualified Commercial Fisherman, the Commercial Fishing Slip shall be held in the Waterfront Department's visitor-slip inventory for a period of six months. After six months, the Commercial Fishing Slip assignment shall be offered to applicants in a new Commercial Fishing Slip Lottery. If the Commercial Fishing Slip remains unassigned, this procedure shall be repeated every six months until the Commercial Fishing Slip is assigned.

D. TRANSFER OF SLIP PERMITS.

1. Procedure. The permittee of a Slip may transfer the Slip Permit to a new or changed vessel owner upon the sale or transfer of an equity ownership interest in a vessel if all the following conditions are met:

- a. A written application for the transfer of a Slip Permit is filed within 15 days after the sale or transfer of the equity ownership interest in the vessel.
- b. The slip permittee shall notify the Waterfront Department in writing within 15 days of the sale or transfer of an equity ownership interest, whether in whole or in part, of a vessel to an individual, entity, non-profit or governmental agency and specify if the Slip Permit is to be transferred or retained by the permittee.
- c. Every permittee must supply proof of ownership of a permitted vessel pursuant to the requirements of subsection B.2 of this section within 15 days of any change, in whole or in part, in the equity ownership of the vessel.
- d. The Transfer Fee or waiting list Transfer Fee and all other fees and deposits are paid in full within 15 days after the sale or transfer of interest, in whole or in part, of the vessel.

e. The owner must bring an Operable vessel to the Administration Dock for verification of length. If the vessel is not operable, the Waterfront Director may waive these requirements for not more than 90 days for the purpose of repair.

f. A slip permittee must be in good standing with the Waterfront Department at the time that the Slip Permit transfer application is submitted to the Waterfront Department. A slip permittee is in good standing with the Waterfront Department if, at the time of submittal of the Slip Permit transfer application, both of the following are true and correct: (i) all fees or charges owed to the Waterfront Department by the slip permittee have been paid in full; and (ii) the Waterfront Department has not issued a written notice to terminate the Slip Permit, whether such notice of termination has been received by the slip permittee or not.

2. Death of Slip Permittee.

a. Death of Sole Slip Permittee.

i. No Transfer of Slip Permit After Death. No Slip Permit may be transferred after the death of a sole slip permittee.

ii. Notification of Death. Not later than 30 days after the date established on the death certificate as the date of death of the slip permittee, the administrator or executor of the estate of the slip permittee shall notify the Waterfront Department in writing of the death. If such notification is not received by the Waterfront Department within 30 days of the date shown on the death certificate as the date of death, the Slip Permit shall be deemed to be terminated 60 days after such date. Upon termination of the Slip Permit, permission to berth shall be denied by the Waterfront Director, and the administrator or executor of the estate of the deceased slip permittee shall remove the vessel from the Harbor District immediately. Failure to immediately remove the vessel from the Harbor may, at the option of the Waterfront Director, result in the assessment of visitor fees at the visitor fee rate then in effect.

iii. Removal of Vessel. If notification of death as required in paragraph ii above is received by the Waterfront Department, the estate of the deceased slip permittee may have a period of time not exceeding 120 days after the date established on the death certificate as the date of death of the slip permittee to remove the vessel from the Slip. All regular Slip Fees are due and payable by the estate during this period.

b. Death of Slip Permittee with Spouse or Registered Domestic Partner at Time of Death.

i. Assignment of Slip Permit After Death. Subject to compliance with the requirements below, a Slip Permit may be assigned to the surviving spouse or domestic partner (registered with the City Clerk in accordance with Chapter 9.135 of the Santa Barbara Municipal Code) of a slip permittee after the death of the slip permittee.

ii. Notification of Death. Not later than 30 days after the date established on the death certificate as the date of death of the slip permittee, the administrator or executor of the estate of the slip permittee or the slip permittee's surviving spouse or registered domestic partner shall notify the Waterfront Department in writing of the death of the slip permittee. The notification to the Waterfront Department shall also state whether the spouse or legally registered domestic partner seeks assignment of the Slip Permit. Assignment of the Slip Permit to the surviving spouse or registered domestic partner will be approved by the Waterfront Director only if (1) the surviving spouse or

registered domestic partner can satisfactorily demonstrate an equity ownership interest in the vessel as provided in subsection B of this section; and (2) either proof of marriage to the slip permittee at the time of the slip permittee's death is provided to the Waterfront Department or proof of registration on the domestic partnership list as the slip permittee's domestic partner at the time of the slip permittee's death is provided to the Waterfront Department. If notification is not received by the Waterfront Department within 30 days after the date established on the death certificate as the date of death of the slip permittee, or the surviving spouse or legally registered domestic partner does not qualify for assignment of the Slip Permit, the Slip Permit shall be deemed to be terminated 60 days after the date established on the death certificate as the date of death of the slip permittee. Upon termination of the Slip Permit, permission to berth shall be denied by the Waterfront Director and the surviving spouse, registered domestic partner or estate of the deceased slip permittee shall remove the vessel from the Harbor District immediately. Failure to immediately remove the vessel from the Harbor may, at the option of the Waterfront Director, result in the assessment of visitor fees at the visitor fee rate then in effect.

iii. Removal of Vessel. If notification of death as required in paragraph ii above is received by the Waterfront Department and the slip permittee's surviving spouse or registered domestic partner does not seek assignment of the Slip Permit, or does not qualify for assignment as provided herein, the estate of the deceased slip permittee, surviving spouse or registered domestic partner shall have a period of time not exceeding 120 days after the date established on the death certificate as the date of death of the slip permittee to remove the vessel from the Slip. All regular Slip Fees are due and payable by the surviving spouse, registered domestic partner or estate of the deceased slip permittee during this period.

c. Death of Slip Permittee with Multiple Slip Permit Partners.

i. Slip Permit Remains Valid. Upon the death of one of the slip permittee partners, subject to compliance with the requirements herein, a Slip Permit held by multiple Slip Permit partners remains valid in the names of the remaining Slip Permit partners.

ii. Notification of Death. Not later than 30 days after the date established on the death certificate as the date of death of the slip permittee, either the administrator or executor of the estate of the deceased slip permittee or the deceased slip permittee's surviving spouse or registered domestic partner or one of the remaining Slip Permit partners shall notify the Waterfront Department in writing of the death of the slip permittee. Such notification shall also state whether the spouse or registered domestic partner seeks assignment of the Slip Permit in the deceased slip permittee's partnership position or not. To become a Slip Permit partner, the surviving spouse or registered domestic partner must satisfy the requirements set forth in paragraph b-ii above.