

# CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

## MEMORANDUM

**Date:** May 19, 2022  
**To:** Harbor Commission  
**From:** Mike Wiltshire, Waterfront Director  
**Subject:** **Waterfront Municipal Code Amendments**

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### 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 periodically 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 regarding Vessels and slip assignments, as well as vehicle parking. Substantive amendments are discussed in this report.

### DISCUSSION:

1) 17.04.010 "Definitions"

Several definitions have been added or edited for clarification.

2) 17.12.050 "Vessels Berthed, Moored or Anchored in the Harbor District"

All vessels berthed, moored or anchored in the Santa Barbara Harbor must be operable. This requirement has been in place for many years. In 2015, a clarification to Section 17.12.050 was added to allow the four existing "floating objects" to remain so long as those existing floating objects did not exceed the then existing length or beam. Staff is revising Section 17.12.050 to clarify the existing law that all Vessels must be operable with the exception of four "floating objects" that existed as of 2015, which must comply with all requirements of the Municipal Code except the operability requirement and must not change the then existing Length or Beam.

3) 17.20.005 B 2 (a) "Slip Assignment Policy", "Proof of Ownership Required"

This section clarifies the form of Vessel ownership to be provided to the Waterfront Department and that completed state registration or federal documentation must be provided to the Waterfront Department upon slip transfer or the slip permit will be subject to termination.

4) 17.20.005 B 2 (b) “Slip Assignment Policy”, “Permitted Types of Ownership”

Clarifies that whatever type of corporate ownership structure holds ownership of a Vessel, documents must be submitted to the Waterfront Department to establish that all Slip Permittees’ names within the corporate ownership have the legal authority to bind the corporation to sign the slip permit.

Amendments are also added to ensure that updated addresses are provided to staff to relieve staff of the responsibility if addresses are not provided.

5) 17.36.040 B 1 “72 Hour Vehicle Parking Limit in Parking Lots”, “72-Hour Vehicle Parking Limit in Harbor Parking Lot”

This amendment clarifies that slip permittees with slip-permittee parking permits are allowed to park for no more than 30 consecutive days in the Harbor Parking Lot. After each 30 consecutive day period, the slip permittee must exit the parking lot for no less than 96 hours. Failure to do so renders the permit invalid.

Additional language is added making it a violation of the law to park in excess of 30 consecutive days without having exited the lot after the 30<sup>th</sup> day for no less than 96 consecutive hours. Violation of this section is a penalty for vehicles parked over 72 hours in the Harbor Parking Lot and the vehicle may be cited and removed from the Harbor Parking Lot by any member of the Police Department authorized by the Chief of Police in the manner consistent with the requirements of the California Vehicle Code.

## **CONCLUSION AND TIMELINE**

The proposed amendments will provide legal authority related to operations of the Santa Barbara Harbor. Pending Harbor Commission support, staff will work with the City Attorney’s office to prepare the final Ordinance for review by City Council’s Ordinance Committee in July or as soon as possible with City Council adoption anticipated soon thereafter.

Attachments: Proposed amendments to SBMC Title 17 in “track changes”

Prepared by: Erik Engebretson, Harbor Operations Manager

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AMENDING THE SANTA BARBARA  
MUNICIPAL CODE BY AMENDING SECTIONS 17.04.010,  
17.12.050, 17.20.005 AND 17.36.040 PERTAINING TO  
VESSELS, SLIP ASSIGNMENTS AND PARKING IN THE  
SANTA BARBARA HARBOR

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS  
FOLLOWS:

SECTION 1. Findings and Determinations. The City Council Finds and declares that the revisions to Section 17.12.050 are declarative of existing law in that Sections 17.04.010 and 17.20.005 K allow only Vessels, as defined therein, to Berth, Moor, or Anchor in the Harbor District and require that all such Vessels be Operable as of a date certain, unless defined exceptions apply.

SECTION 2. Section 17.04.010 of Chapter 17.04 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

**17.04.010 Definitions.**

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

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

B. 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.

C. BEAM. Overall measurement of the vessel's width including, without limitation, projections, extensions, fixtures and attachments such as brackets and stanchions.

D. 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."

E. 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.

F. 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."

G. DINGHY. A small boat used as a tender to a larger vessel. A dinghy is also known as a "Skiff."

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

I. 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.

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

K. FLOAT. A wharf, pier, quay or landing.

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

M. 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.

N. 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.

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

P. 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.

Q. LENGTH. Overall measurement of the Vessel fore or aft including, without limitation, extensions, projections, fixtures and attachments, such as bowsprits, bumpkins, outdrives, booms, brackets, davits and railings, including those that may be located underwater.

R. 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.

S. MARINA. A connected system of slips in the Harbor.

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

U. 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.

V. 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.

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

X. 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.

Y. 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.

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

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

BB. 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.

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

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

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

FF. 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.

GG. SLIP PERMIT. A revocable month-to-month license permit issued by the Waterfront Director to berth a vessel in a slip in the Santa Barbara Harbor.

HH. 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.

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

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

KK. VESSEL. A craft whose physical characteristics indicate that it was originally designed and constructed for the primary purpose of carrying people or goods over open ocean waters.

LL. 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.

MM. 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.

NN. YEAR-ROUND ANCHORAGE. The area depicted on the reference map attached as Exhibit "A" to Chapter 17.20.

SECTION 3. Section 17.12.050 of Chapter 17.12 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

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



After December 1, 2015, only Operable Vessels as defined in Sections 17.04.010 and 17.20.005 K 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~~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". To remain Berthed, Moored or Anchored in the Harbor as an "existing" man-made floating object after December 1, 2015, the man-made floating object shall not exceed the Length or Beam that was existing on December 1, 2015. Except for the waiver of Operability as set forth in Section 17.20.005 K, 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)~~

SECTION 4. Section 17.20.005 of Chapter 17.20 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

**17.20.005 Slip Assignment Policy.**

**B. SLIP PERMITS.**

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 revocable month-to-month licenses. 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 established ~~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 permittees listed as vessel owners must be submitted ~~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 completed state registration or federal documentation is not submitted to the Waterfront Department within 90-days of submittal of the Slip Permit application, the slip permit shall be subject to termination in accordance with the slip permit termination procedures set forth in Section 17.20.005.

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 documentation satisfactory to the Waterfront Directory establishing that the person(s) signing the Slip Permit has the full legal authority to bind the entity and hold it fully responsible for the Slip Permit. ~~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. The person signing the Slip Permit application on behalf of the entity shall provide the Waterfront Department with a current contract address for the entity and failure to do so shall release the Waterfront Department from all responsibility to notify the slip permittee of changes to the Municipal Code or applicable rules and regulations.

D. TRANSFER OF SLIP PERMITS.

1. Procedure. The permittee of a slip may transfer the Slip Permit to a new or changed person~~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~~operable ~~Vessel~~vessel to the Administration Dock for verification of Length and Beam~~length~~. If the vessel is not ~~Operable~~operable, the Waterfront Director may waive these requirements for not more than 90 days, solely 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.

SECTION 5. Section 17.36.040 of Chapter 17.36 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

**17.36.040 72-Hour Vehicle Parking Limit in Parking Lots.**

A. 72-HOUR VEHICLE PARKING LIMIT IN WATERFRONT PARKING LOTS.

Except as provided in Subsection B below, no person who owns, or has possession, custody or control of any vehicle shall park, stop or leave the vehicle in the same parking space in any of the Waterfront Parking Lots in excess of a period of 72 consecutive hours.

B. 72-HOUR VEHICLE PARKING LIMIT IN HARBOR PARKING LOT. No person who owns, or has possession, custody or control of any vehicle shall park, stop or leave the vehicle in the Harbor Parking Lot in excess of a period of 72 consecutive hours, except persons with valid permits or prepaid permits as established by City Council resolution, under the following circumstances:

1. Currently registered and fully operational vehicles owned by harbor slip permittees who have been issued a valid Waterfront slip-permittee parking permit may park for no more than 30 consecutive days in the Harbor Parking Lot ~~without exiting the vehicle from the Harbor Parking Lot at least once for a period of no less than 96 consecutive hours.~~ In order for an annual Waterfront slip-permittee parking permit to remain valid, the permitted vehicle must exit the Harbor Parking Lot after each 30 consecutive days of parking for not less than 96 consecutive hours. ~~After~~ On or before the

30th consecutive day, all such vehicles must exit the Harbor Parking Lot for a period of no less than 96 consecutive hours. It shall be unlawful for a slip permittee with a valid Waterfront slip-permittee parking permit to park in the Harbor Parking Lot in excess of thirty (30) consecutive days unless that slip permittee has after the thirtieth (30<sup>th</sup>) day exited the Harbor Parking Lot for no less than 96 consecutive hours. The Waterfront Director may issue exceptions to the exiting requirement when necessary to support maritime activities. Such exceptions may be issued conditionally.

2. The Waterfront Director or his or her designee may permit a person to park a vehicle in the Harbor Parking Lot over the 72-hour limit for maritime reasons. The vehicle owner must register with the Waterfront Parking Office and obtain and display in the vehicle written evidence of permission prior to leaving the vehicle in the Harbor Parking Lot.