

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: June 20, 2024
To: Harbor Commission
From: Mike Wiltshire, Waterfront Director
Subject: **Commercial Fishing Slip Inventory Discussion**

RECOMMENDATION:

That Harbor Commission receive a presentation from staff in response to a previous Harbor Commission request to consider performing an analysis of the commercial fishing slip inventory, discounts, and slip availability. Discuss and take action as necessary.

BACKGROUND:

The Waterfront Department has a longstanding commitment to supporting the local commercial fishing fleet. In 2001, it introduced its first slip assignment policy to ensure that only qualified fishers with legitimate fishing boats received permits for designated fishing slips. Currently, two policies regulate fishing slips: one for Designated Commercial Fishing Slips, which are month-to-month, and another for transient slip use. These policies ensure that space is allocated to qualifying fishers.

In May 2023, the Commercial Fishing Workgroup and representatives of Commercial Fishermen of Santa Barbara presented a report to the Harbor Commission making the argument for additional commercial fishing and aquaculture slips. The Commission subsequently recommended a slip allocation policy analysis to identify and address the feasibility of a greater allocation of designated commercial fishing / aquaculture slips.

DISCUSSION:

Santa Barbara has 1,143 wet slips permitted to individuals, 30 slips assigned to businesses, and 5 tenant lease areas, all of which are fully subscribed. If vacancies existed in standard slips or in tenant leases, the opportunities would trigger a need to solicit occupants and various marketing options could be discussed. However, since Santa Barbara Harbor is at maximum occupancy, the remaining alternatives are either building more slips, or reallocating current slips and dock space to commercial fishing vessels. Expansion or redesign of any of the marinas would present significant financial challenges, which will be discussed further.

Regardless of how vacancies are created, it is important to note that a slip assignment policy exists to assign vacant slip permits through existing waiting lists and lottery procedures. Similarly, a Request for Proposals ("RFP") process exists to solicit a new business entity for a lease or license area.

The slip permit waiting list policy is outlined in Municipal Code 17.20.005 (attachment 1). Section C details the slip waiting list policy, which would need to be revised to change how vacant slip permits are assigned.

In addition to amending the Municipal Code, the Commercial Fishing Slip Policy (attachment 2) would need to be amended to include the new slip numbers incorporated into the fishing policy.

Capital Projects:

Capital projects could be implemented to add more slip space to the existing marinas, either by constructing additional slips or by redesigning docks and end ties to accommodate more berthing options within the same footprint. Marinas 2, 3, and 4 are scheduled for replacement, as the wooden dock materials have deteriorated sufficiently to warrant planning for full replacement.

Editing an existing marina replacement project may be less expensive than creating a new project to replace infrastructure prematurely. As budget allows, other capital projects could include, but are not limited to:

1. Lengthening the breakwater wall to extend Marina 1.
2. Dredging out West Beach to extend the harbor to create buildable space.
3. Redesigning existing marinas to fit more (smaller) slips within the same footprint.
4. Redesigning end ties to fit more vessels.

Policy:

If Harbor Commission favors converting existing standard slip permits or tenant lease/license areas into designated commercial fishing slip permits, Municipal Codes, Resolutions, and tenant contracts would need to be changed.

The ideal time to convert a lease or licensed area is when a tenant ends their contract or when the contract expires. In order to change Municipal Code and/or Resolution to incorporate the space into the designated commercial fishing slip program, the Department would need to do the following:

1. Receive a Recommendation from Harbor Commission to move forward with a proposed policy;
2. Host duly noticed public meetings with the Harbor Commission and/or workgroup and members of the public to discuss policy options and ramifications;
3. Propose policy ideas to the City Attorney's office and to the State of California;
4. Host additional duly noticed public meetings with the Harbor Commission and/or workgroup and members of the public to incorporate legal boundaries into the policy;
5. Present formal policy to a Regular Harbor Commission meeting for approval;

6. Present approved policy to City Council's Ordinance Committee for approval;
7. Present approved policy to a Regular City Council meeting for introduction; and,
8. Present approved policy to a Regular City Council meeting for adoption.

Because many Codes and Resolutions require creating or amending, and staff would need to get approval from a number of different entities, the entire process would easily take a year or more to complete.

Revising/Enforcing Existing Policy:

The intent of the existing Commercial Fishing Slip Policy is to support commercial fishing within the harbor and have governing language to ensure benefits go to those that are actively fishing. The current requirement, as laid out in the Commercial Fishing Policy Resolution 14-023, is for those with Commercial Fishing slips to produce \$15,000 in confirmed landings within a 2-year period, including other requirements, exceptions, and accommodations.

Staff presented the Commercial Fishing Slip Policy to Harbor Commission at its August 2023 meeting because the policy is required to be reviewed every 3 years. It may be worthwhile for the Commission to consider directing staff to update the existing policy first, before considering adding slips to the allocation, to ensure existing designated commercial fishing slips are being utilized correctly and efficiently.

Additionally, it should be noted that any regular recreational slip can be obtained through the conventional methods and be used by a commercial fisher to conduct their business. They would not receive the discounted rate as a designated commercial fisherman but, they would also not be required to prove landings or meet any other requirements of the Commercial Fishing Policy outlined in Resolution 14-023.

CONCLUSION:

To summarize, we have a full harbor. To that end, there are limited mechanisms available if the Harbor Commission expresses interest in increasing the amount of designated commercial fishing slips in the Harbor. Existing slips and space would need to be redesigned, new slips or marina infrastructure would need to be built, or existing slip assignment policies would need to be changed to create turnover among current slip permittees. If the Commission wishes to direct staff to pursue one or more of these directions, it will be important to do a deeper look at potential project costing, any legal ramifications of proposed changes, and ensuring that any change is compliant with our Local Coastal Program (LCP) and the Land Use Plan (LUP).

Attachments: 1. Slip Assignment Policy - Santa Barbara Municipal Code 17.20.005
2. Commercial Fishing Slip Policy - Resolution 14-023
3. Slip Inventory

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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.

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 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 to the Waterfront Department within 90 days of the submittal of the Slip Permit application. 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 herein.

- 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. 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. Slip permittees shall be responsible for keeping their current mailing address on file with the Waterfront Department. Failure to do so shall relieve the Waterfront Department from all responsibility to notify the slip permittees of changes to this code or applicable rules and regulations.
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-License. It is unlawful for any person issued a Slip Permit to rent (whether or not compensation is paid or other value is received) the 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 subsection 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 the date of the offer to place a vessel in a designated slip and meet all associated requirements and obligations to complete that slip assignment, as described in this section.
 - 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 subsection 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 subsection 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 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 as a condition 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 subsection 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.i. 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.i. 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 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 person 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 and beam. If the vessel is not 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.
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: (A) 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 (B) 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 b.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.

E. Yacht brokerages.

1. Definitions.

For the purpose of this section, "yacht brokerage" means a business entity that deals in the sale of vessels in compliance with applicable state, federal and local laws and regulations, and conducts the brokerage upon real property in the Harbor Area in accordance with a current and valid lease agreement with the City.

For the purpose of this section, "yacht brokerage slip" means any slip assigned to a yacht brokerage.

2. **Number of Slips.** No yacht brokerage may validly hold permits to more than 15 slips at any given time in the Santa Barbara Harbor. No more than 30 yacht brokerage slips shall be assigned at any time. Any assignments exceeding these limits are void.
 3. **Slip Assignments.** Yacht brokerage slip assignments will be registered with the Waterfront Department and the appropriate fee paid. Yacht brokerage slip assignments shall not extend beyond one year. The Waterfront Director retains the discretion to assign vacated slips, temporarily cancelled slips, visitor slips, end ties and side ties as yacht brokerage slips.
 4. **No Overnight Stays.** Use of any yacht brokerage slip for overnight stays is illegal at all times and under all circumstances, unless expressly authorized during emergencies by the Waterfront Director.
 5. **Payment.** Yacht brokerages will pay full monthly rental rates when due to the City on all slips and will not charge slip rates in excess of that charged by the City in the current Resolution of the City Council establishing mooring and Slip Fees in the Santa Barbara Harbor.
- F. **Temporary cancellation.**
1. **Temporary Cancellation.** A slip permittee may request temporary cancellation of the Slip Permit. The Waterfront Department may grant the request for temporary cancellation of a Slip Permit to a slip permittee desiring to take an extended cruise for a period of not less than 90 days. During the period of temporary cancellation, the permittee shall pay a reduced Slip Fee equivalent to 25% of the normal Slip Fee. In the event the permittee's vessel returns before expiration of the 90 days, the full monthly slip rate will be reinstated and shall be charged for the entire period of time that the permittee's vessel was absent from the Harbor.
 2. **Ownership of Vessel on Temporary Cancellation.** A slip permittee must be and remain at all times an owner of the vessel registered to the Slip Permit that is issued temporary cancellation status by the Waterfront Department. Relinquishing ownership of the vessel for any reason shall be cause for termination of temporary status and reinstatement of the full monthly Slip Fees beginning on the date ownership of the vessel is relinquished. In the event that the vessel is destroyed by fire or other natural causes, reinstatement of monthly Slip Fees shall be determined by the Waterfront Director in his or her sole discretion.
 3. **Removal of Personal Belongings Prior to Temporary Cancellation.** Prior to beginning temporary cancellation status, all skiffs, kayaks, boat lines, fenders, dock steps and all other appurtenances or equipment must be removed from the slip berthing the vessel whose owner requests temporary cancellation and from the dock adjacent to the slip berthing the vessel whose owner requests temporary cancellation.

4. Temporary Cancellation Exceeding One Year. Slip permittees with vessels absent for more than one year on extended cruise shall advise the Waterfront Department if the slip permittee intends to continue on extended cruise status on or before the end of the one-year period and shall provide the Waterfront Director with proof of ownership of the vessel. Lack of annual notification or verification of vessel ownership is grounds for revoking temporary cancellation status.
- G. Visitor slip assignments. The Waterfront Department retains the right to utilize vacant slips and slips with temporarily canceled Slip Permits for transient slip assignments. No more than 30 visitor slips, exclusive of temporary cancellations and endties and sideties, shall be maintained for transient vessels.
- H. Exchange of permits. Slip permittees utilizing comparably sized slips may exchange (trade) slips with one another upon approval of the Waterfront Director. A processing fee or the slip transfer fee shall be charged upon the exchange of permits as provided by City Council resolution. A permittee subject to the Waiting List Transfer Fee (see subsection C of this section) who exchanges a permit pursuant to this section shall remain subject to the Waiting List Transfer Fee. If the Waiting List Transfer Fee is charged following the exchange, it will be charged according to the fee applicable to the slip originally assigned. For purposes of the Waiting List Transfer Fee, the time the permittee holds the exchanged permit shall be added to the time the original permit was held. No exchanges will be permitted unless all rents, fees and deposits due are paid.
- I. Waterfront Director termination of slip permits. The Waterfront Director may terminate a Slip Permit upon 30 days prior written notice of termination (except for the longer notice period provided in paragraph 2 of this subsection) to the slip permittee for any of the following reasons:
 1. Late Payment of Monthly Slip Fees. Monthly Slip Fees are due and payable on the first day of the month with or without receipt of billing, and monthly Slip Fees are delinquent after the 15th day of the month. After the 15th day of the month, a late charge, in an amount established by resolution of the City Council, will be assessed and added to the Slip Fees which are delinquent. Failure to pay monthly Slip Fees, together with all accumulated late charges, may result in termination of the Slip Permit. Termination of a Slip Permit due to late payment of Slip Fees may also result in termination of a live-aboard permit that may have been issued to a slip permittee of the terminated Slip Permit.
 2. Death of a Sole Slip Permittee. A Slip Permit shall terminate 60 days after the date of death of a slip permittee under circumstances where the slip permittee has no surviving spouse, registered domestic partner or Slip Permit partners at the time of death.
 3. Failure to Meet Requirements for Commercial Fishing Earnings. Failure of a person with a specially designated Commercial Fishing Slip Permit issued in accordance with subsection B of this section to meet the requirements for

commercial fishing earnings, as such earnings requirement is established by resolution of the City Council, may result in termination of the Commercial Fishing Slip Permit.

4. Failure to Maintain Berthed Vessel in Operable Condition. Failure of a slip permittee to continuously maintain a vessel berthed in a slip in an operable condition may result in termination of the Slip Permit.
 5. Failure of Slip Permittee to Comply With Waterfront Department Rules and Regulations. A slip permittee's or slip permittee's guest, visitor or invitee's failure to comply with all applicable local, state and federal laws and all Waterfront Department Rules and Regulations may result in termination of the Slip Permit.
 6. Failure of Slip Permittee or guests or invitees to comply with standards of health, safety and welfare in the use of slips, vessels and the Harbor.
- J. Appeal. If the Waterfront Director terminates a Slip Permit, the slip permittee may request a waiver of the termination from the Waterfront Director. To request a waiver, the slip permittee must file a written waiver request setting forth the grounds upon which the waiver is requested with the Waterfront Director within 10 days of the date that the Slip Permit is terminated. If the Waterfront Director denies the waiver, the slip permittee may appeal the Waterfront Director's decision to the Harbor Commission. The appeal shall be filed in writing with the City Clerk within 10 days of the date of the Waterfront Director's decision. The Harbor Commission's decision on the appeal shall be final. If no waiver request is filed, the slip permittee may appeal the Waterfront Director's decision to terminate the Slip Permit to the Harbor Commission. The slip permittee must file a written appeal setting forth the grounds upon which the appeal is based with the City Clerk within 10 days of the date that the Slip Permit is terminated. The Harbor Commission's decision on the appeal shall be final.
- K. Vessels in the harbor must be operable.
1. Vessels Assigned to a Slip Permit Must Be Maintained as Operable Vessels. Vessels assigned to a Slip Permit must be continuously maintained in an operable condition. If, at any time, based upon the appearance of the vessel, inspection by the Waterfront Director, or other facts, the Waterfront Director determines that a vessel is not operable, the Waterfront Director shall give notice to the slip permittee requiring the slip permittee to demonstrate that the vessel is operable within 15 days of the date of the notice. If the slip permittee does not demonstrate operability of the vessel within the 15-day period, the Slip Permit may be terminated and the vessel shall be removed from the Harbor.

Exception Vessels Not Operable. Vessels that had assigned slips in the Santa Barbara Harbor on September 9, 1980, and which, on that date, were not operable, shall be exempt from the operation of this section until transfer of the Slip Permit, after which time the operability is required.

2. **Vessels in the Harbor Must Be Operable.** Vessels in the Harbor must be continuously maintained as operable vessels. It is unlawful to berth a vessel in the Harbor that is not operable.
- L. Issuance of slip permit after termination. A slip permittee whose Slip Permit is terminated as provided herein may not apply for another Slip Permit until one year after the date upon which the Slip Permit is terminated. The Waterfront Director shall have the sole discretion to decide whether to issue another Slip Permit or not. The Waterfront Director's decision shall be final.
- (Ord. 4757, 1992; Ord. 5023, 1997; Ord. 5109, 1999; Ord. 5140, 2000; Ord. 5206, 2001; Ord. 5273, 2003; Ord. 5347, 2005; Ord. 5377, 2005; Ord. 5386, 2006; Ord. 5420, 2007; Ord. 5453, 2008; Ord. 5458, 2008; Ord. 5500, 2009; Ord. 5528, 2010; Ord. 5767, 2016; Ord. 5901, 2019; Ord. 6090, 2022; Ord. 6108, 2023)

§ 17.20.010. Permission to Moor, Anchor, Berth or Dock Required.

It is unlawful for any person to Moor, Berth, Dock or Anchor any vessel or to allow a vessel under their command and control to remain Moored, Berthed, Docked or Anchored in any part of the Harbor District, except anchoring in the Seasonal and Year-Round Anchorage areas depicted in Exhibit "A" attached hereto, without first obtaining permission to do so from the Waterfront Director. The Waterfront Director may refuse permission to Moor, Berth, Dock, or Anchor a vessel in the Harbor District when the Waterfront Director determines it is in the interest of public health, safety or the protection of the environment, assets or resources of the City to do so.

(Prior code §24.24; Ord. 4757, 1992; Ord. 5386, 2006; Ord. 5602, 2012)

§ 17.20.020. Unseaworthy Vessels Not to be Moored.

The Waterfront Director has the authority to determine if a sunken, submerged, or badly deteriorated vessel, or property of any kind is unseaworthy or is a menace to navigation. Any vessel or property in such condition will be declared to be a public nuisance and shall be considered abandoned property and subject to sale in the manner prescribed in Chapter 9.88.

(Prior code §24.5; Ord. 4757, 1992)

§ 17.20.030. Fees to be Paid - Exception.

It is unlawful for any person to moor any vessel in any part of the Harbor, without first submitting a written application to the Waterfront Director, paying all fees to the City as required by this chapter and obtaining a permit from the Waterfront Director.

(Prior code §24.25; Ord. 4757, 1992)

§ 17.20.040. Specifications for Mooring.

The City may grant a license to occupy and use a specific water area in the Santa Barbara Harbor for the mooring of a specifically named vessel. The location of the specific mooring shall be within the sole discretion of the Waterfront Director. Licensee shall be responsible for the provision, installation and maintenance of all mooring

equipment. Such equipment shall remain the property of the Licensee. The type, quality, maintenance and location of mooring equipment shall be as specified by the Waterfront Director. The City or Licensee may terminate the license agreement for a mooring after giving reasonable notice as provided in the license agreement. Upon termination of a License to occupy a mooring, Licensee shall remove the mooring equipment within 10 days. If not removed within 10 days, title to the mooring equipment shall pass to the City and the City may remove and dispose of such equipment as it deems appropriate. (Prior code §24.26; Ord. 4757, 1992)

§ 17.20.140. Slip and Mooring Fees.

Slip fees and mooring fees shall be established by City Council resolution. (Prior code §24.36; Ord. 2845 §2, 1961; Ord. 2942 §1, 1963; Ord. 3178 §1, 1966; Ord. 3435 §1, 1970; Ord. 3791, 1975; Ord. 4757, 1992)

§ 17.20.150. Payment of Slip and Mooring Fees.

A. Deposit for slip permits.

1. Amount of Deposit Required. A deposit equal to two months' Slip Permit Fees shall be paid with the first monthly slip permit fee payment.
2. Deposit Increase. At the discretion of the Waterfront Director, Slip Permittees may be required, upon 30 days written notice, to increase the deposit set out above in paragraph 1 of this subsection, if the slip permit fees have been increased and the existing deposit does not equal two months' Slip Fees.

B. Payment procedure for slip permit fees. Slip permit fees in an amount established by resolution of the City Council shall be due and payable monthly, in advance.

C. Payment for mooring permits. Mooring Permit fees in an amount established by resolution of the City Council shall be due and payable on the date of Mooring Permit issuance and annually thereafter on the date of renewal.

(Prior code §24.37; Ord. 3840, 1976; Ord. 4757, 1992; Ord. 5377, 2005; Ord. 5386, 2006)

§ 17.20.160. Gate Lock Key Charges.

The charges, fees and policies for the issuance of key cards to open gates to the marinas, doors to the restrooms and related facilities shall be established by the Waterfront Director and shall be approved by City Council resolution.

(Prior code §24.36; Ord. 2845 §2, 1961; Ord. 2942 §1, 1963; Ord. 3178 §1, 1966; Ord. 3466 §1, 1971; Ord. 4133, 1982; Ord. 4757, 1992)

§ 17.20.165. Unauthorized Entry to Marinas, Restrooms and Related Facilities; Prohibition, Penalty.

The unauthorized transfer or use of a key card is prohibited. The entry into a locked or controlled marina, restroom or related facility without a key card and without the

authorization of the Waterfront Director is prohibited. A violation of this section of the code is an infraction.

(Ord. 4133, 1982; Ord. 4757, 1992)

§ 17.20.220. Impound and Relocation of Vessels.

- A. Impound and relocation of vessels berthed, docked, moored or anchored in the harbor district in violation of the Santa Barbara municipal code. A vessel berthed, docked, moored or anchored in the Harbor District in violation of the Santa Barbara Municipal Code may be impounded in its location, including a dock, pier, slip, wharf or open ocean of the Harbor District, or may be impounded, relocated and stored in another location designated by the Waterfront Director.
- B. Impound and relocation of vessels for delinquent fees. A vessel whose owner is delinquent on the payment of Slip or other fees to the Waterfront Department may be impounded in its location, including a dock, pier, slip, wharf or open ocean of the Harbor District, or may be impounded, relocated and stored in another location designated by the Waterfront Director.
- C. Payment of impound fee. The owner of any vessel impounded under either subsection A or B of this section, whether relocated and stored or not, shall pay an impound fee established by Resolution of the City Council, in addition to any storage or delinquent fees, to the Waterfront Director prior to release of the vessel.
- D. Notice of storage and hearing. Whenever the Waterfront Department impounds and stores a vessel as permitted by this section, the Waterfront Department shall provide the vessel's registered owner(s) of record, with the opportunity for a post-storage hearing to determine the validity of the storage.
 1. Notice of Storage. Notice of the storage shall be mailed or personally delivered to the registered owner(s) within 48 hours, excluding weekends and holidays, and shall include the following information:
 - a. The name, address, and telephone number of the Waterfront Department.
 - b. The location of the place of storage and description of the vessel.
 - c. The authority and purpose for the impound and storage of the vessel.
 - d. A statement that, in order to receive the post-storage hearing, the owner(s) shall request the hearing in person or in writing within 10 days of the date appearing on the notice.
 2. Post-Storage Hearing. The post-storage hearing shall be conducted within 48 hours of the receipt of the request for the hearing by the Waterfront Department, excluding weekends and holidays. The City may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vessel.
 3. Failure to Request or Attend Hearing. The failure of the registered owner(s) to

request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement.

4. Finality of Hearing and Return of Fees. The Waterfront Department shall return to the registered owner(s) of the vessel all impound and storage fees paid by the owner if it is determined by the hearing officer that reasonable grounds for the storage of the vessel are not established. The decision of the hearing officer after the post-storage hearing shall be final.

(Prior code §24.42; Ord. 4757, 1992; Ord. 5458, 2008; Ord. 5500, 2009)

§ 17.20.240. Visiting Vessels.

- A. Visitors to the Santa Barbara Harbor shall pay, in advance, daily fees per foot of vessel length, to the City, as established by City Council resolution.
- B. If any visitor leaves a visitor berth or mooring, unless forced to do so by weather or fire, without first paying accrued visitor fees, both the vessel and the person representing the vessel shall be placed upon a delinquent list, and will not be permitted to use any slip or mooring without first paying double the fees incurred and an additional charge of \$10.00, except by the express permission of the Waterfront Director.
- C. It is unlawful for any person using a vessel to overstay the "maximum allowable stay," as established by City Council Resolution, without the express permission of the Waterfront Director. Any person violating this subsection shall pay a monetary penalty over and above the required visitor fees as such penalty amounts may be established by resolution of the City Council. The payment of such monetary penalties shall not limit the City's ability to exercise any other remedy, civil or criminal, or other administrative procedures, as may be set forth in this code, against the person in violation of this subsection.

(Ord. 4757, 1992; Ord. 5315, 2004)

§ 17.20.250. Permits for Vessel Placement on Leadbetter Beach and Vessel and Storage Rack Placement on West Beach.

- A. An annual nontransferable permit fee as established by City Council Resolution will be charged for the seasonal placement of vessels on a portion of Leadbetter Beach, also designated and referred to as Catamaran Beach, and year-round placement of vessels and storage racks on West Beach in locations and upon terms and conditions designated by the Waterfront Director.
- B. It is unlawful to place or store a vessel on Leadbetter Beach or a vessel or storage rack on West Beach without a permit issued by the City for such purposes, unless expressly allowed to do so by the Waterfront Director in writing.
- C. It is unlawful to place or store containers, boxes, or any other vessel equipment or appurtenances on Leadbetter Beach or West Beach unless expressly allowed to do so by the Waterfront Director in writing.

- D. In addition to prosecution under this code, when any person places or stores a vessel or storage rack without a permit, or one of the items described in subsection C above, on Leadbetter Beach or West Beach, said vessel or item may be padlocked on the beach and it may be removed from its location and stored in another area inside or outside the Harbor as designated by the Waterfront Director. A storage fee as established by City Council shall be charged for the storage of unpermitted vessels or items as described in subsection C above on Leadbetter Beach or West Beach.

(Ord. 4757, 1992; Ord. 5315, 2004)

§ 17.20.255. Santa Barbara Mooring Area.

A. Mooring of vessels in the Harbor District.

1. Unlawful Mooring in Harbor District. It is unlawful to place, erect, construct or maintain a Mooring in any area of the Harbor District without a current and valid Mooring Permit issued by the Waterfront Director or without the express permission of the Waterfront Director.
2. Unlawful Anchoring in Santa Barbara Mooring Area. It is unlawful for any person having charge of a vessel to Anchor a vessel in the Santa Barbara Mooring Area without express permission of the Waterfront Director.

B. Moored vessels must be operable.

1. Unlawful to Moor Inoperable Vessels. It is unlawful to Moor a vessel in the Santa Barbara Mooring Area that is not Operable.
2. Moored Vessels Must be Maintained as Operable Vessels. Vessels assigned to a Mooring Site in the Santa Barbara Mooring Area must be continuously maintained in an Operable condition. If, at any time, based upon the appearance of the vessel, inspection by the Waterfront Director, or other facts, the Waterfront Director determines that a vessel is not Operable, the Waterfront Director shall give notice to the Mooring Permittee requiring the Mooring Permittee to demonstrate that the vessel is Operable within 15 days of the date of the notice. If the Mooring Permittee does not demonstrate Operability of the vessel within the 15 day period, the Mooring Permit shall be terminated and the Mooring and vessel shall be removed from the Santa Barbara Mooring Area as required in the Mooring Permit Rules and Regulations. Vessels issued Special Activity Mooring Permits may be exempt from this provision, based on a determination of exemption by the Waterfront Director.

C. Santa Barbara mooring area use and regulations.

1. Use of Mooring Sites. The Santa Barbara Mooring Area is divided into separate designated Mooring Sites. Mooring Sites shall be used only for the Mooring of Operable vessels and Dinghies by vessel owners who have been issued a Mooring Permit by the Waterfront Director. Mooring Sites shall not

be used for commercial purposes without the express permission of the Waterfront Director. Mooring Permittees shall at all times use the Mooring Site in compliance with the Mooring Permit, Minimum Ground Tackle Specifications, this chapter, and all local, state and federal rules. Failure to comply with all rules and regulations shall be cause for termination of a Mooring Permit.

2. Mooring Permit Administration.
 - a. Mooring Permits may be issued by the Waterfront Director in accordance with the Mooring Permit Rules and Regulations adopted by Resolution of the City Council of the City of Santa Barbara.
 - b. Special Activity Mooring Permits may be issued by the Waterfront Director.
 - c. Mooring Permit, Term. A Mooring Permit shall be issued for a period of one year and may be renewed annually thereafter by the Waterfront Director.
 - d. A Mooring Permittee shall hold no more than one permit. No person shall at any time be issued or hold more than one Mooring Permit.
 - e. Slip Permittees Not Eligible for Mooring Permits. Slip Permittees in Santa Barbara Harbor are not eligible for assignment of Mooring Permits in the Santa Barbara Mooring Area, and Mooring Permittees in Santa Barbara Mooring Area are not eligible for Slip Permits in Santa Barbara Harbor either through assignment or transfer, unless one of the permits is relinquished prior to issuance of the other permit.
 - f. Transfer of Permit. Mooring Permits are not transferable or inheritable.
 - g. Rental of Mooring Sites Prohibited. It is unlawful for any person issued a Mooring Permit to rent or lease (whether or not for compensation paid or other value), sublease or loan a Mooring Site to any other person or entity.
3. Termination of Mooring Permit. Mooring Permits may be terminated either by the Waterfront Director or the Mooring Permittee as provided in the Mooring Permit Rules and Regulations. Upon termination of the Mooring Permit, the vessel and Mooring shall be removed from the Santa Barbara Mooring Area in accordance with the Mooring Permit Rules and Regulations.
4. Failure to Timely Remove a Vessel or Mooring from the Santa Barbara Mooring Area. If the Mooring is not removed within the time provided for such removal in the Mooring Permit Rules and Regulations, title to the Mooring shall vest in the City. The City may, thereafter, remove and sell or dispose of the Mooring and recover the removal, storage or disposal costs from the Mooring Permittee. If the Mooring Permittee fails to pay such cost, the Waterfront Director may collect such costs in any court of competent

jurisdiction or may recover any costs from the proceeds of sale of the Mooring. Vessels not removed from the Mooring Site within the time provided in the Mooring Permit Rules and Regulations shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.

5. Appeal of Mooring Permit Termination. If the Waterfront Director terminates a Mooring Permit, the mooring permittee may request a waiver of the termination from the Waterfront Director. To request a waiver, the mooring permittee must file a written request setting forth the grounds upon which the waiver is requested with the Waterfront Director within 10 days of the date of termination under paragraph D.1 or D.2 of the Rules and Regulations of Mooring Permits. If the Waterfront Director denies the waiver, the Mooring 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 on the waiver. The Harbor Commission's decision on the appeal shall be final. If no waiver request is filed, the mooring permittee may appeal the termination to the Harbor Commission. The mooring 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 termination under paragraph D.1 or D.2 of the Rules and Regulations of Mooring Permits.

D. Mooring installation requirements and annual inspection.

1. Mooring Installation. If offered a Mooring Permit, an individual shall place a Mooring and vessel in the Mooring Site designated in the Mooring Permit within 90 days of acceptance of the Mooring Permit offer. The Mooring placement shall be made in accordance with the Minimum Ground Tackle Specifications by a City-Approved Mooring Inspector. If the Mooring and vessel are not timely placed in the Mooring Site, or if the Mooring is not approved as required by the Mooring Permit Rules and Regulations, no Mooring Permit shall be issued.
2. Mooring Position. Any vessel moored in a Mooring Site within the City of Santa Barbara Mooring Area shall be firmly secured to a Mooring in such a manner as to prevent the vessel from drifting, dragging or otherwise moving off the Mooring Site. If the Waterfront Director determines that the migration of a vessel off the Mooring Site may cause an immediate threat or danger to life, property or the environment, the Waterfront Director may take action deemed necessary to abate such hazard. Any costs incurred by such abatement shall be borne by the Mooring Permittee.
3. Mooring Inspections. Moorings shall be inspected by a City-Approved Mooring Inspector upon installation at the Mooring Site and annually thereafter on each anniversary date of the issuance of the Mooring Permit (or more frequently at the Permittee's option or as deemed necessary by the Waterfront Director) to determine compliance with Minimum Ground Tackle Specifications. The installation and inspection shall be performed in

accordance with the Mooring Permit Rules and Regulations by a City-Approved Mooring Inspector at the Mooring Permittee's sole cost and expense.

(Ord. 5386, 2006; Ord. 5528, 2010; Ord. 5696, 2015)

§ 17.20.260. Anchoring Vessels Within the Santa Barbara Year-Round and Seasonal Anchorages.

- A. Anchoring in year-round anchorage areas. Subject to compliance with the rules and regulations of the Waterfront Department, this chapter, and all applicable state and Federal laws, vessels may Anchor at any time in the Year-Round Anchorage.
- B. Anchoring in seasonal anchorage areas. Subject to compliance with the rules and regulations of the Waterfront Department, this chapter, and all applicable state and Federal laws, vessels may Anchor in the Seasonal Anchorage during the months of April through October. It is unlawful to Anchor in the Seasonal Anchorage during the months of November through March.
- C. Anchored vessels must be operable. Vessels Anchoring in the Year-Round or Seasonal Anchorages must be continuously maintained as Operable vessels. It is unlawful to Anchor a vessel in the Year-Round or Seasonal Anchorage that is not Operable.
- D. Unlawful mooring and anchoring. It is unlawful to (i) Moor a vessel at any time, (ii) Moor or Anchor a vessel within 100 feet of any swim area designated by the placement of regulatory buoys, or (iii) leave Anchoring Equipment unattended without an attached vessel in the Seasonal or Year-Round Anchorages.
- E. City removal of mooring or anchoring equipment. Any unlawfully placed Mooring or abandoned Anchoring Equipment may be removed by the City and sold or otherwise disposed of by the City as abandoned property. In addition to any fees incurred pursuant to Section 17.20.260.D, the City may recover the costs of removal, storage, or disposal of the Mooring or Anchoring Equipment from the vessel's owner.

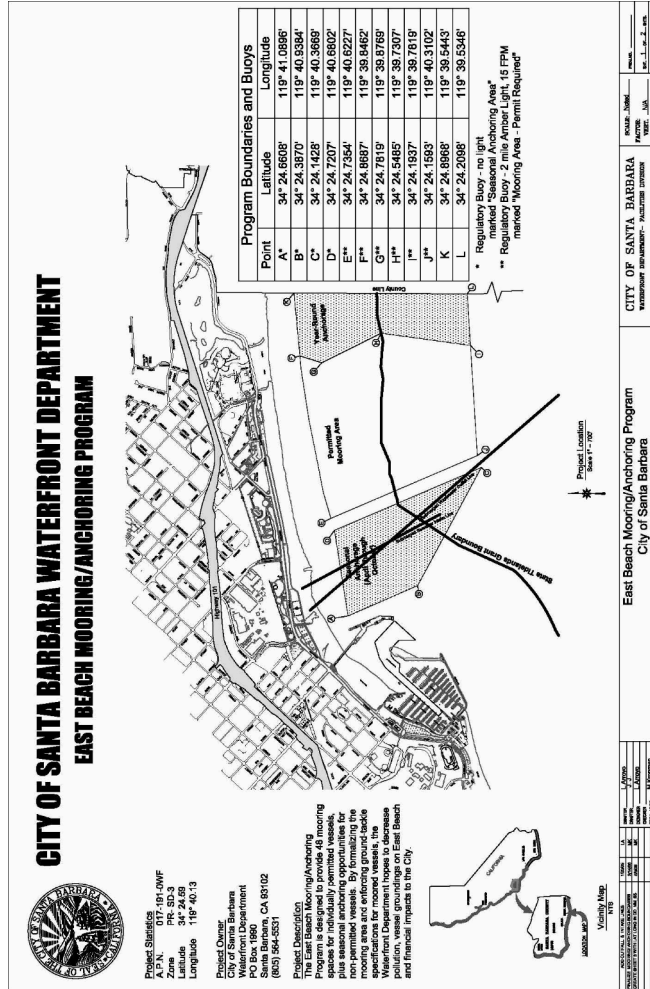
(Ord. 5386, 2006; Ord. 5420, 2007; Ord. 5458, 2008)

§ 17.20.265. Anchoring Vessels Within Waters of Harbor District Not Designated as Seasonal or Year-Round Anchorage.

- A. Unlawful anchoring.
 - 1. Consent of Waterfront Director Required to Anchor Vessels in Harbor. It is unlawful to Anchor a vessel in the waters of the Harbor at any time without the consent of the Waterfront Director.
 - 2. No Anchoring in Harbor District Except as Provided Herein. It is unlawful to Anchor a vessel in waters of the Harbor District between the sunset and the sunrise, except the Seasonal and Year-Round Anchorages as delineated on the reference map attached as Exhibit "A" to Chapter 17.20, without prior

permission of the Waterfront Director.

3. No Anchoring in Harbor District at Any Time. It is unlawful to Anchor a vessel in the waters of the Harbor District at any time of the day or night in the area located between the eastern edge of Stearns Wharf and a line connecting Boundary A and Boundary B on the western edge of the Seasonal Anchorage as depicted on the reference map attached as Exhibit "A" to Chapter 17.20 without the prior permission of the Waterfront Director.
- B. Anchored vessels must be operable. Vessels Anchoring in any area of the Harbor District must be continuously maintained as Operable vessels. It is unlawful to Anchor a vessel in any area of the Harbor District that is not Operable.
- C. Unlawful mooring and anchoring. It is unlawful to Moor a vessel at any time or to leave Anchoring Equipment unattended without an attached vessel in the waters of the Harbor District not designated as Seasonal, Year-round or the Santa Barbara Mooring Area.
- D. City removal of mooring or anchoring equipment. Any unlawfully placed Mooring or abandoned Anchoring Equipment may be removed by the city and sold or otherwise disposed of by the City as abandoned property. In addition to any fees incurred pursuant to Section 17.20.265.C, the City may recover the costs of removal, storage, or disposal of the Mooring or Anchoring Equipment from the vessel's owner.



East Beach Mooring/Anchoring Program

(Ord. 5386, 2006; Ord. 5420, 2007; Ord. 5500, 2009)

RESOLUTION NO. 14-023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ESTABLISHING A SLIP OCCUPANCY
POLICY FOR DESIGNATED COMMERCIAL FISHING
SLIPS IN SANTA BARBARA HARBOR AND REPEALING
RESOLUTION 11-022

WHEREAS, the Santa Barbara Harbor serves a variety of functions including that of being a working harbor for commercial fishermen;

WHEREAS, it is the desire of the City Council that the harbor continue to serve the needs of commercial fishermen; and

WHEREAS, those needs can best be met if certain criteria are established to ensure that spaces are allotted to persons who are engaged in commercial fishing, while at the same time minimizing disruption to the operations of commercial fishermen who currently berth their fishing vessels at the harbor.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. This policy applies to commercial fishermen granted preferential consideration for assignment of slips in Santa Barbara Harbor off the Waterfront Department's Slip Waiting List, and to fishermen assigned slips in Fish Float North, Fish Float South and 18 slips in Marina 1-A, specially designated by the Waterfront Director.

SECTION 2. No slip in Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A shall be assigned or transferred to a permittee who does not meet the criteria for a "commercial fisherman" established by this policy. Any permittee subject to such criteria shall be required to satisfy the standards applicable to commercial fishing as long as the slip is occupied. The criteria established by this policy shall also apply to permittees identified in Sections 13 and 14 hereof.

SECTION 3. A "commercial fisherman" pursuant to this policy shall have and maintain a commercial fishing or aquaculture permit issued by the California Department of Fish and Wildlife and shall have and maintain a Fish and Wildlife permit for the vessel that is berthed in the harbor slip as a commercial fishing vessel.

SECTION 4. A "commercial fisherman" pursuant to this policy shall be required to document, in a manner satisfactory to the Waterfront Director, income from commercial fishing that is at least \$15,000 every two years following issuance of the slip permit. In some cases, as described in Section 12 of this Resolution, the requirement shall also be applied during the immediate two-year period preceding the issuance of the permit. Proof of income shall be provided by landing receipt records provided by the Department of Fish and Wildlife's Custodian of Records. Earnings

pursuant to Section 6 shall be in a form acceptable to the Waterfront Director. For aquaculture operations, receipts indicating the value of product delivered or monthly aquaculture tax reports of harvest in pounds may be used to confirm earnings. All proof of earnings shall be due by April 15th of the second year of any two-year earnings cycle, beginning with the April 15th date following earning cycles in place at the time this Resolution is adopted.

SECTION 5. Once a slip permit is issued, 50% of the income requirement must be earned aboard the vessel assigned to the designated slip. Up to 50% of the income requirement may derive from a permittee's employment aboard a commercial fishing vessel or vessels other than the designated vessel, demonstrated by a combination of cancelled payroll checks or their equivalent, *plus* copies of Internal Revenue Service 1099 or W2 tax forms.

SECTION 6. Earnings from sustainable-fisheries research or activities may apply to the minimum earnings requirement if authorized in writing by the Waterfront Director prior to the research.

SECTION 7. If a commercial fisherman's vessel is destroyed or ruined, by accident, damage, fire, sinking or other unintended casualty, the permittee may, upon written approval of the Waterfront Director within 30 days of that loss, be granted an extension up to one year in which to meet the earnings requirement.

SECTION 8. If a permittee believes commercial fishing in general or a specific commercial fishery upon which he/she depends has been rendered infeasible for a significant period due to natural disaster, climatic shift, regulatory action or other reason, he/she may request that the Waterfront Director temporarily waive the time requirement for proof of earnings for a period not to exceed one year. Any request for temporary waiver must be submitted at least 60 days before expiration of the earnings period in effect at the time. The Director's decision regarding the waiver request shall be final.

SECTION 9. If illness or extended family emergency precludes a permittee's ability to demonstrate sufficient earnings during a given earnings period, he/she may request that the Waterfront Director temporarily waive the time requirement for proof of earnings for a period not to exceed one year. Any request for temporary waiver must be submitted at least 60 days before expiration of the earnings period in effect at the time. The Director's decision regarding the waiver request shall be final.

SECTION 10. Persons holding slip permits in Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A prior to July 1, 2001 need not comply with the provisions of this policy. The provisions of this policy will be applied to any person to whom a slip in these areas is transferred or assigned on or after July 1, 2001.

SECTION 11. Any slip permittee not subject to the provisions of this policy per Section 10, may exchange his or her vessel for a different one (change boats) without triggering application of eligibility criteria, as long as the new vessel is and remains licensed as a commercial fishing craft, as outlined in Section 3.

SECTION 12. Slip permittees in Marina 1-A who are otherwise exempt from this policy per Section 10 may elect to become subject to its provisions in exchange for a slip fee reduction to levels commensurate with monthly rates in Fish Float North and Fish Float South. To exercise this option, a permittee must meet and continue to meet criteria established by this policy for commercial fishermen. In addition, they must provide proof of earnings equaling at least \$15,000 from commercial fishing during the immediate two-year period preceding the election. Once made, this election may not be reversed.

SECTION 13. A commercial fisherman who successfully meets earnings requirements during at least three complete and successive earnings periods, beginning with the earnings period in effect on June 6, 2007, may lease his/her boat to another party for the purpose of continuing to meet those requirements. The Waterfront Director must approve said lease agreement before earnings can be credited to the slip permittee and his/her vessel. Following approval of the lease agreement, at least 50% of earnings intended to meet the earnings requirement must be made by the lessee aboard the vessel assigned to the permitted slip in Santa Barbara Harbor, proof of which must be demonstrated by requirements outlined in Section 4. Up to 50% of the income requirement may derive from the lessee's employment aboard a commercial fishing vessel or vessels other than the designated vessel, demonstrated by a combination of cancelled payroll checks or their equivalent, plus copies of Internal Revenue Service 1099 tax forms or W2 tax forms

SECTION 14. A transfer of a slip permit by a person subject to this policy shall be allowed only if the new permittee agrees in writing to earn and report any required commercial fishing earnings not accrued by the current permittee for the then-current earnings period. At the completion of that earnings period, a new earnings period for earnings compliance will commence.

SECTION 15. Permittees who transfer into or who are assigned slips subject to this policy may apply for Business Activity Permits (as available) for passenger-carrying charters accommodating up to six persons per trip. Income from operations authorized by such permits may not be applied against the minimum earnings requirements. Those earnings must be satisfied from commercial fishing activities only.

SECTION 16. Any slip in areas of the harbor described in Section 1 that revert to the City will be assigned to the next qualified commercial fisherman who meets the requirements of this policy and is registered for a slip of that size on the Waterfront Department's waiting list. If no such applicant is available on the waiting list, the slip will be assigned to a commercial fisherman who in the preceding two-year period meets the income requirements of this policy, following an advertised lottery conducted by the Waterfront Department. This element of the policy applies until a future waiting-list policy for Fish Float North, Fish Float South and the 18 specially designated slips in Marina 1-A, or for the overall harbor, supersedes it.

SECTION 17. Any slip permittee from any part of the harbor outside the slips designated in Section 1 who exchanges slips with a slip permittee within this area must comply with the provisions of this policy in the same manner as any other transferee or assignee, including meeting earnings requirements.

SECTION 18. It is the intention of the City that this policy be reviewed every three years.

RESOLUTION NO. 14-023

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on May 13, 2014, by the following roll call vote:

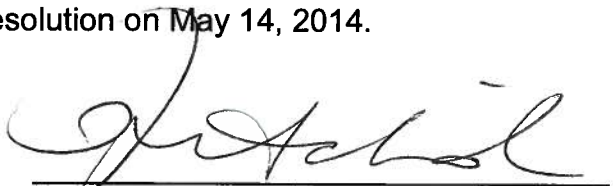
- AYES: Councilmembers Dale Francisco, Frank Hotchkiss, Gregg Hart, Cathy Murillo, Randy Rowse, Bendy White; Mayor Helene Schneider
- NOES: None
- ABSENT: None
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on May 14, 2014.



Gwen Peirce, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on May 14, 2014.



Helene Schneider
Mayor

Finger	Standard Slip Permits	Designated Commercial Fish/ Aqua	City Slips	Yacht Brokers	TOTAL PER MARINA
0F	0	24		1	25
0S	4				4
1A	1	18	2		605
1B	12		5		
1C	19		2		
1D	29				
1E	23		1	1	
1F	30		1	2	
1G	29		3	1	
1H	41				
1I	36			1	
1J	37		1	1	
1K	39			1	
1L	42		2	1	
1M	35		1	2	
1N	48		1		
1O	29	1	1	1	
1P	37				
1Q	11		2		
1R	23	1	4		
1S	24		3		
2A	91		4		187
2B	41				
2C	44				
2S	7				
3A	55		1		197
3B	62		3		
3C	69				
3S	6		1		
4A	63		1	1	125
4B	55	1	3		
4S	1				
TOTAL	1043	45	42	13	1143

Tenants with slip, dock, pier, or water space area: _____

- Celebration Cruises
- Chandlery Yacht Sales
- Channel Islands Wildlife Institute
- Fuel Dock
- Harbor Marineworks
- Maritime Museum
- NOAA
- Santa Barbara Boat Rentals
- Santa Barbara Landing
- Santa Barbara Yacht Club
- Santa Barbara Youth Sailing Foundation
- Seacoast Yacht Brokerage
- Sea Urchin Commission of Santa Barbara
- Sunset Kidd Yacht Sales
- UCSB Sailing Dock