



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: October 9, 2012
TO: Ordinance Committee
FROM: Operations Division, Waterfront Department
SUBJECT: Municipal Code Title 17 Amendments Related To Harbor Operations

RECOMMENDATION:

That Ordinance Committee forward a recommendation to City Council to approve an ordinance amending Municipal Code Title 17 related to Harbor Operations.

DISCUSSION:

Waterfront Department staff annually reviews Title 17 of the Santa Barbara Municipal Code to ensure that it accurately and adequately provides a legal framework to implement policies and procedures utilized to fairly, comprehensively and decisively administer Waterfront affairs. Staff recommends amendments to Title 17 it believes are in keeping with these objectives.

Staff has worked with the City Attorney's Office to identify chapters and sections of Title 17 it believes need to be amended. Attached to this report is a draft ordinance in a "showing changes" format that indicates recommended changes. This report identifies two "issue areas" that constitute proposed amendments to Title 17.

MC 17.12.150 Operation of Vessels in the Harbor

One of Harbor Patrol's primary missions is boating safety. As such, Officers monitor the speed of vessels entering, leaving or maneuvering in the harbor, where slow, safe speeds are imperative. MC 17.12.150 addresses excessive speed in the harbor. It requires that vessels travel at less than five miles per hour and bans the creation of a wake while a vessel is underway. There are two problems with this Ordinance the way it is currently written. First, some vessels, especially large fishing boats, oilfield crew boats and the like, cannot travel at speeds—even slow speeds—in the harbor without creating a small wake. Technically, those vessels are out of compliance with MC 17.12.150, but generally pose no safety hazard unless their speed is excessive. Second, the standard for determining a wake is overly broad, stating that any movement of a dock violates the Ordinance standard for "no wake." The fact is, even a very small wake will cause docks to move. Staff believes language qualifying effects of a wake—threatening personal safety or damaging docks—makes the Ordinance more specific and clarifies the types of wakes that should be prohibited.

MC 17.20.010 Permission to Moor, Anchor, Berth or Dock Required

On occasion, vessel operators will Moor, Anchor, Berth or Dock vessels in the Harbor District in the wrong location or without permission or proper payment to the Waterfront Department. Sometimes the operator, captain or commander of a vessel will claim a lack of responsibility because they do not own the vessel in question. They may be operating it for another individual or, if the vessel has changed ownership several times, may not have the correct DMV registration. To allow for proper enforcement of MC 17.20.010, the provisions of the statute must apply to persons operating or controlling a vessel and not just the documented owner. Staff, therefore, recommends adding language to MC 17.20.010 to clarify that any individual, including a vessel owner or person in command or control of a vessel, cannot allow a vessel to remain illegally moored, anchored, berthed, or docked in the Harbor District.

CONCLUSION:

Staff believes adoption of the proposed Title 17 amendments will help clarify the Code in ways consistent with its intent and with the fair and comprehensive administration of Waterfront affairs. At its August 16, 2012 meeting, the Harbor Commission unanimously supported the draft changes. Pending a favorable recommendation from the Ordinance Committee, staff will present the draft Ordinance for City Council review.

ATTACHMENT: Draft Ordinance, showing changes

PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office