



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 30, 2012  
**TO:** Mayor and Councilmembers  
**FROM:** Operations Division, Waterfront Department  
**SUBJECT:** Introduction Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Department Operations

### RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17, Sections 17.12.050 and, 17.20.010 of the Santa Barbara Municipal Code Pertaining to Operations at the Waterfront.

### EXECUTIVE SUMMARY:

Waterfront Department staff annually reviews Title 17 of the Santa Barbara Municipal Code (SBMC) to ensure that it accurately and adequately provides a legal framework to implement policies and procedures utilized to fairly and comprehensively 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. This report identifies two "issue areas" that constitute proposed amendments to Title 17.

### DISCUSSION:

#### **SBMC 17.12.150 Operation of Vessels in the Harbor**

One of Harbor Patrol's primary missions is boating safety. As such, Harbor Patrol officers monitor the speed of vessels entering, leaving or maneuvering in the harbor, where slow, safe speeds are imperative. SBMC 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 as it is currently written. First, some vessels, like 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, they are out of compliance with SBMC 17.12.150, but generally they 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 the 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.

### **SBMC 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 that person does not own the vessel in question. That person may be operating it for another individual, or may be the de facto owner of a vessel that has changed hands several times (not uncommon in the East Beach Anchorage). In court, judges may find it difficult to find in favor of the City on citations issued under SBMC 17.20.010 to individuals who do not legally own the vessel in question. Pursuant to the draft Ordinance, staff recommends adding language clarifying that no individual, including a vessel owner or person in command or control of a vessel, may allow a vessel to remain illegally moored, anchored, berthed or docked in the Harbor District.

Note: At the Ordinance Committee meeting on October 9, 2012, the Committee asked staff to research whether the term “Waterfront Director” applied only to the Director, or, in the Director’s absence, to a designee of the director. Staff believes language in SBMC 17.08.020, below, sufficiently addresses the delegation of duties, rendering additional language regarding “designees” unnecessary:

#### **SBMC 17.08.020 Performance by Deputy or Assistant.**

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

### **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. The Harbor Commission and City Council’s Ordinance Committee have unanimously supported the draft changes.

**PREPARED BY:** Mick Kronman, Harbor Operations Manager

**SUBMITTED BY:** Scott Riedman, Waterfront Director

**APPROVED BY:** City Administrator's Office