

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 17 SECTIONS 17.12.170, 17.16.010, 17.20.005 K, 17.20.220, 17.20.260, 17.28.030 AND 17.36.070, PERTAINING TO OPERATIONS AT THE WATERFRONT AND REPEALING SECTION 17.20.210

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

SECTION 1. Section 17.12.170, Section 17.16.010, Section 17.20.005 K, Section 17.20.220, Section 17.20.260, Section 17.28.030 and Section 17.36.070 of Title 17 of the Santa Barbara Municipal Code are amended to read as follows:

17.12.170 Power Driven Vessels and Sail Vessels in Swim Areas.

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

17.16.010 Discharge of Contaminants into Harbor District Waters Unlawful.

It is unlawful for any person to discharge, either directly or indirectly, any pollutant or contaminating substance or material, including rubbish, trash, litter, sewage, or refuse of any kind into the waters of the Santa Barbara Harbor District. The terms "pollutant" or "contaminating substance" also includes ballast water, bilge water or waste water containing or contaminated with any paint, varnish or other insoluble products in a liquid state. The terms "pollutant" or "contaminating substance" shall not include "wash down water", engine discharge or exhaust gas or substances normally contained in such discharges or exhausts, or galley sink, shower or hand basin water.

17.20.005 Slip Assignment Policy.

K. 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 ten (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 ten (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 ten (10) days of the date that the Slip Permit is terminated. The Harbor Commission's decision on the appeal shall be final.

17.20.220 Impound and Relocation of Vessels.

A. IMPOUND AND RELOCATION OF VESSELS BERTHED, DOCKED, MOORED OR ANCHORED IN THE HARBOR DISTRICT WITHOUT WATERFRONT DIRECTOR PERMISSION.

A vessel berthed, docked, moored or anchored in the Harbor District without Waterfront Director permission may be impounded in its location, including a dock, pier, slip, wharf or open ocean, or may be relocated and impounded in another area in the Harbor District 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 relocated and impounded in another area in the Harbor District designated by the Waterfront Director.

C. PAYMENT OF IMPOUND FEE.

The owner of any vessel impounded under either section A or B of this section, whether relocated 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.

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 shall be unlawful to Anchor a vessel in the Year-Round or Seasonal Anchorage that is not Operable.

D. UNLAWFUL MOORING AND ANCHORING. It shall be 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.

17.28.030 Permit Fee and Duration.

A fee, established by resolution of City Council, shall be charged by the Waterfront Director for each Business Activity Permit issued pursuant to this chapter. The permit extends for a period of one (1) year, beginning on August 1 of each year and expiring on July 31 of each year.

17.36.070 Oversized Vehicles in Harbor Parking Lot.

All vehicles over twenty feet (20') in length are prohibited from parking in the Harbor Parking Lot, excepting those vehicles exempted by resolution of City Council.

SECTION 2. Chapter 17.20 of Title 17 of the Santa Barbara Municipal Code is amended by repealing Section 17.20.210 ("Effect of Sale of Ground Tackle").