



Agenda Item No. _____

File Code No. 570.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: Operations Division, Waterfront Department

SUBJECT: Introduction Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Policies

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 17.20.005, 17.20.220, and 17.20.265 Pertaining to Operations at the Waterfront.

EXECUTIVE SUMMARY:

Department staff annually reviews Title 17 of the Santa Barbara Municipal Code to ensure that it accurately and adequately describes policies and procedures utilized to administer Waterfront affairs and provides the legal framework for doing so. Staff works with the City Attorney's Office to identify Title 17 Sections they believe should be added, deleted or amended. This report identifies three substantive amendments proposed for Title 17. Proposed revisions also clarify minor items. Harbor Commission reviewed the proposed Title 17 changes on May 21, 2009, voting unanimously to forward them to City Council for adoption.

DISCUSSION:

1. Vessel Partnerships. The Department has long required that slip permits be issued to individuals. Vessels assigned to slips may, however, be owned by many different types of entities. In recent years, an increasing number of vessels are owned by complex partnership, trust and corporate structures. Municipal Code Section 17.20.005 (B) 2 (b) was previously revised to require that if an entity, and not an individual, owned a vessel, the entity was obligated to demonstrate that the named slip permittee also had the authority to legally bind the vessel's ownership entity.

The vessel's ownership entity was not required to notify the Department when a change in the make-up of the ownership entity occurred. To correct this situation so that the Department is notified when a change in the ownership structure occurs, language has been added to Section 17.20.005 (D) 1 requiring that vessel owners notify the Department when a sale or transfer of an interest in a vessel occurs. With

this notification, the Department will be able to ensure that the proper legal connection between vessel owners and slip permittees exists and, for administrative purposes, to accurately match vessel owners to slip permittees.

Formerly, vessel owners were only required to notify the Department about an ownership change when the change precipitated a slip transfer. The new language will require notification to the Department whether a slip transfer is triggered by the change or not.

- 2. Impound and Relocation of Vessels.** MC 17.20.220 (A) allows the Waterfront Director to impound and relocate an illegally moored, docked or berthed vessel to any location in the Harbor District (City Waters). Finding suitable locations to store impounded vessels, especially those vessels removed from the water, has proven difficult as the storage can impede normal harbor operations by taking up space at vital facilities like the Waterfront Maintenance Yard. In addition, staff has encountered persistent problems with owners of impounded vessels illegally accessing vessels stored in the Harbor District. Proposed language would allow the Waterfront Director the discretion to store an impounded vessel at a location of his/her choosing. This would alleviate operational impediments and illegal access problems described above until all legal and financial issues related to the impound and storage of the vessel are resolved and the vessel is returned to its owner. The draft Ordinance also includes language affording the owner of an impounded vessel the opportunity to request and receive a hearing to determine the validity of the impound.
- 3. Anchoring Vessels Within Waters of Harbor District Not Designated as Seasonal or Year-Round Anchorage.** MC 17.20.265 A (2) prohibits anchoring in Harbor District waters that lie outside the boundaries of the Seasonal and Year-Round anchorages between sunset and sunrise. The purpose of this prohibition is safety and environmental concerns from vessels anchoring or drifting outside designated anchorage areas. Because this provision does not specifically address the 300' strip of water between the western boundary of the Seasonal Anchorage and Stearns Wharf during daylight hours (posing threats to the Wharf and Mission Creek), a new provision has been added to prohibit anchoring in this area during any time of day or night, without prior permission of the Waterfront Director.

CONCLUSION

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. On August 18, 2009, the Ordinance Committee approved the proposed changes and recommended the draft ordinance be forwarded to City Council for introduction and adoption.

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PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office