

ORDINANCE INTRODUCTION DRAFT
SHOWING CHANGES FROM EXISTING CODE

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AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 17 SECTIONS 17.18.050, 17.20.005 I, 17.20.255, 17.28.010, 17.28.020, AND 17.28.070 PERTAINING TO OPERATIONS AT THE WATERFRONT.

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

SECTION 1. Section 17.18.050, Subsection 17.20.005 I, Section 17.20.255, Section 17.28.010, Section 17.28.020, Section 17.28.070 of Title 17 of the Santa Barbara Municipal Code are amended to read as follows:

17.18.050 Termination of Live-Aboard Permit

A. **TERMINATION.** A live-aboard permittee may terminate his or her Live-Aboard permit upon thirty (30) days prior written notice of termination to the Waterfront Department.

B. **TERMINATION BY WATERFRONT DIRECTOR.** The Waterfront Director may terminate a Live-Aboard permit upon thirty (30) days written notice of termination to the Live-Aboard permittee. A Live-Aboard permittee whose Live-Aboard permit is terminated as provided herein may apply for another Live-Aboard permit no sooner than six months after the date upon which the Live-Aboard permit is terminated. Issuance of another Live-Aboard permit to a former Live-Aboard permittee whose Live-Aboard permit was terminated shall be at the sole discretion of the Waterfront Director. A Live-Aboard may be terminated by the Waterfront Director for any of the following reasons:

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1. Failure to Maintain Berthed Vessel in Operable Condition. Failure of a Live-Aboard permittee to continuously maintain a vessel berthed in a Slip in an Operable condition as required by Section 17.20.005 L herein.

2. Failure of Live-Aboard Permittee to Comply with Waterfront Department Rules and Regulations. A Live-Aboard permittee or Live-Aboard permittee's "other occupant," guest or visitor's failure to comply with all applicable local, state and federal laws and all waterfront Department Rules and Regulations.

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1. Grounds. The Waterfront Director may suspend a live-aboard permit in the event that there is reasonable cause to believe that any of the following circumstances exist:¶
a. The live-aboard permittee knowingly made any false, misleading or fraudulent statement of a material fact in an application for the permit or in any report or record required to be filed pursuant to this Chapter.¶
b. The live-aboard permittee violated any provision of this Chapter, the regulations adopted pursuant hereto, or any ordinance relating to live-aboard activity. ¶
2. Procedure. Upon determining that grounds for suspension of a permit exist, the Waterfront Director shall give written notice of intent to suspend (including the specific grounds therefore) to the live-aboard permittee or, if the live-aboard permittee cannot be located with reasonable effort, to any person aboard the vessel, including, if applicable, the "Other Occupants," or by written notice by mailing such notice to the address of the live-aboard permittee on file in the Harbormaster's Office. The suspension shall be effective fifteen (15) days following the giving of such notice, during which period the Waterfront Director shall allow the live-aboard permittee an opportunity (either in the form of a meeting with the Waterfront Director or the Director's designee or in writing, at the live-aboard permittee's option) to challenge the grounds for suspension ... [1]
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Deleted: live-aboard permit pursuant to this Section shall be appealable to the Board of Harbor Commissioners. Any such appeal must be filed in writing with the Waterfront Director within three (3) days of the date of ... [2]
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C. APPEAL. If the Waterfront Director terminates a Live-Aboard permit, the Live-Aboard permittee may request a waiver of the termination from the Waterfront Director. To request a waiver of the termination, the Live-Aboard 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 Live-Aboard permit is terminated. If the Waterfront Director denies the waiver, the Live-Aboard 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 Live-Aboard permittee may appeal the Waterfront Director's decision to terminate the Live-Aboard permit to the Harbor Commission. The Live-Aboard permittee may file a written appeal setting forth the grounds upon which the appeal is based with the City Clerk within ten (10) of the date of the Live-Aboard permit termination.

17.20.005 Slip Assignment Policy.

I. WATERFRONT DIRECTOR TERMINATION OF SLIP PERMITS.

The Waterfront Director may terminate a Slip Permit upon thirty days written notice of termination (except for the longer notice period provided in subsection 2 herein) to the slip permittee. A slip permittee whose Slip Permit is terminated as provided herein may apply for another Slip Permit no sooner than one-year after the date upon which the Slip Permit is terminated. Issuance of another Slip Permit to a former slip permittee whose

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Slip Permit was terminated, shall be at the sole discretion of the Waterfront Director. A slip permit may be terminated 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 fifteenth day of the month. After the fifteenth 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 sixty (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 Section 17.20.005.B herein 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.

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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 as required by Section 17.20.005.L herein may result in termination of the Slip Permit.

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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.

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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.

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1. **Unlawful to Moor Inoperable Vessels.** It shall be 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 fifteen (15) days of the date of the notice. If the Mooring Permittee does not demonstrate Operability of the vessel within the fifteen (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.

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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 Procedures for Conducting Lotteries for the Assignment and Issuance of Mooring Permits and 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.

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f. Transfer of Permit. Mooring Permits are not transferable or inheritable.

g. Rental of Mooring Sites Prohibited. It shall be 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.

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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 ten (10) days of the date of termination under Section 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

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appeal shall be filed in writing with the City Clerk within ten (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 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 of termination under Section D 1 or D 2 of the Rules and Regulations of Mooring.

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 ninety (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

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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.

17.28.010 Permit Required - Business Activity.

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No person shall engage in any business or commercial activity of any kind whatsoever in the Harbor District without first having applied for and obtained the appropriate license,

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lease or permit therefore unless expressly authorized in writing by the Waterfront Director or his or her designee.

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Deleted: It is unlawful for any person, other than a Harbor lessee or sub-lessee or his employee, to peddle or solicit in any public area within the Harbor, or upon the waters of the Harbor, or to engage in any business or commercial activity or service, without first receiving a permit from the Waterfront Director, and without complying with all applicable ordinances of the City.

Notwithstanding the provisions of this section, an individual boat owner occupying a slip in the Harbor shall not be required to obtain a permit for selling his own boat occupying the slip.

17.28.020 Permission Required - Advertising.

It shall be unlawful to erect, repair, alter, relocate or maintain any post, distribute or display signs, commercial advertisements or circulars within the Harbor District, or to direct or authorize another person to do so, except pursuant to a sign permit obtained in accordance with Chapter 22.70 of the Santa Barbara Municipal Code unless the sign is specifically exempted from the permit requirements as provided in Chapter 22.70, is a "For Sale" sign displayed on a vessel occupying a slip, by the owner of the boat, or is a sign, or announcement, or flyer posted on bulletin boards provided on Marina gates.

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Deleted: It is unlawful for any person to post, distribute or display signs, commercial advertisements or circulars in any public area within the Harbor or on the waters of the Harbor, without first receiving permission from the Waterfront Director and without complying with all applicable ordinances of the City.

Deleted: Notwithstanding the provisions of this section, an individual boat owner occupying a slip in the Harbor shall not be required to obtain a permit to ... [3]

17.28.070 Appeal.

If the Waterfront Director denies or revokes a Business Activity Permit, the permittee may request a waiver of the denial or revocation from the Waterfront Director. To request a waiver, the permittee must file a written waiver request setting forth the grounds upon which the waiver is requested with the

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Waterfront Director within ten (10) days of the date that the permit is denied or revoked. If the Waterfront Director denies the waiver, the 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 permittee may appeal the Waterfront Director's decision to deny or revoke the permit to the Harbor Commission. The 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 permit is denied or revoked. The Harbor Commission's decision on the appeal shall be final.

Deleted: A decision of the Waterfront Director granting, denying or revoking a Business Activity Permit, may be appealed to the Board of Harbor Commissioners. A written notice of appeal shall be filed within seven (7) days with the City Clerk, stating grounds for appeal, after the date of the Waterfront Director's decision. The appeal shall be placed on the Harbor Commissioners next, or earliest possible meeting. The appellants shall be given written notice of the time and place of the meeting at which his appeal will be considered. The decision of the Board of Harbor Commissioners shall be final. (Ord. 4757, 1992; Ord. 3517 §2(part), 1972.)

RESOLUTION NO. 09-075

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A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING RULES AND REGULATIONS FOR ISSUING MOORING PERMITS IN THE CITY OF SANTA BARBARA MOORING AREA, SETTING MINIMUM SPECIFICATIONS FOR INSTALLING, INSPECTING AND REPAIRING SUCH MOORINGS AND REPEALING RESOLUTION 07-040

WHEREAS, the Santa Barbara Mooring Area is established in Santa Barbara Municipal Code Chapter 17.20;

WHEREAS, the Santa Barbara Mooring Area, as established in Santa Barbara Municipal Code Chapter 17.20, requires that all vessels moored within the area possess mooring permits;

WHEREAS, the rules and regulations for Mooring Permits issued for Mooring Sites within the Santa Barbara Mooring Area are set forth herein;

WHEREAS, pursuant to SBMC Chapter 17.20 mooring permits for available Mooring Sites within the Santa Barbara Mooring Area are issued by the Waterfront Department pursuant to a lottery process;

WHEREAS, the City procedure for conducting the mooring lotteries and assigning Mooring Permits are set forth herein;

WHEREAS, in order to implement the Santa Barbara Mooring Area procedures and polices including the intent to protect the natural environment of the Mooring Area and assets of the City and to ensure safe navigation, minimum Ground Tackle Specifications are appropriate;

WHEREAS, the issuance and renewal of Mooring permits to individuals for Moorings in the Santa Barbara Mooring Area requires the adherence to rules and regulations for installing, inspecting and repairing Moorings in the Santa Barbara Mooring Area;

WHEREAS, SBMC Section 17.20.255 of the Santa Barbara Municipal Code describes requirements for installation, inspection and repair of Moorings in the Santa Barbara Mooring Area;

WHEREAS, SBMC Section 17.20.255 declares that the installation, inspection, and repair of Moorings in the Santa Barbara Mooring Area shall be conducted only by contractors on the City Approved Mooring Inspectors List; and

WHEREAS, the Waterfront Director may, from time to time, amend the list of City Approved Mooring Inspectors to facilitate fair, orderly and equitable administration of the Santa Barbara Mooring Area;

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

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Section 1. Establishing Rules and Regulations for Mooring Permits in the Santa Barbara Mooring Area.

A. LOTTERY FOR THE OFFER OF MOORING PERMITS IN THE SANTA BARBARA MOORING AREA

Mooring Permits in the Santa Barbara Mooring Area shall be allocated to applicants by lottery according to rankings created pursuant to the following procedures. Mooring Permits (except for Special Activity Mooring Permits issued by the Waterfront Director) in the Santa Barbara Mooring Area shall be offered for assignment as established herein. The Waterfront Director shall assign Mooring Sites to ranked Lottery applicants, taking into consideration size and type (power or sail) of the vessel, as well as any other information or vessel specifications pertinent to the assignment and the overall orderliness and safety of the Santa Barbara Mooring Area.

1. Lottery Participation Request. To participate in a lottery for assignment of a Mooring Permit in the Santa Barbara Mooring Area, an applicant must submit a completed Lottery Participation Request form to the Waterfront Department. Lottery Participation Request forms shall be submitted to and received by the Waterfront Department within a designated time period that shall conclude no later than two (2) weeks prior to the Harbor Commission hearing scheduled for the lottery drawing. The opening date and duration of the time period for submission of Lottery Participation Requests to the Waterfront Department shall be publicly noticed and shall be posted at the Waterfront Department. During this time period, Lottery Participation Request forms may be obtained from the Waterfront Department during normal business hours. An individual may submit only one Lottery Participation Request. At the conclusion of the time period for accepting Lottery Participation Requests, the Waterfront Department shall place all completed Lottery Participation Requests in a sealed folder ("Request Folder").

2. Lottery Formation. A lottery shall be conducted by a drawing of Lottery Participation Requests from the Request Folder by the Harbor Commission Chair during a scheduled public hearing. At the hearing, the Harbor Commission Chair shall draw, by lot, and rank all Lottery Participation Requests for the purpose of assigning Mooring Sites in the Santa Barbara Mooring Area.

3. Lottery Ranking. The Commission Chair shall rank the Lottery Participation Requests according to the order in which each Lottery Participation Request is drawn from the Request Folder. The first applicant whose Lottery Participation Request is drawn from the Request Folder shall be ranked number one. The second applicant whose Lottery Participation Request is drawn from the Request Folder shall be ranked number two and so on until all Lottery Participation Requests are ranked. The Waterfront Director shall mail to each participant a notice of each participant's ranking and a description of the number and size of available Mooring Sites intended for assignment from that lottery.

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4. Application. The Waterfront Director shall mail a Mooring Permit Application and a copy of the Minimum Ground Tackle Specifications to prospective Mooring Permittees whose lottery ranking corresponds to assignment opportunities in the Santa Barbara Mooring Area. The Mooring Permit Application shall be returned to the Waterfront Department within fourteen (14) days of the date that the Waterfront Director mails notification of Mooring Site availability. A complete application for a Mooring Permit shall contain, in addition to other information as may be requested by the Waterfront Department, a general description of the size and type of vessel proposed to occupy a Mooring Site in the Santa Barbara Mooring Area. Should an applicant fail to timely submit a completed application or fail to perform obligations necessary to secure an approved Mooring Permit, the next highest ranking Lottery Participant shall be mailed notice of an offer for Mooring Site assignment. This process shall continue until available Mooring Permits are assigned and approved by the Waterfront Director, or all Lottery Participation Requests from that lottery have been exhausted. Should the number of Lottery Participation Requests exceed the number of Mooring Permits assigned, the excess Lottery Participation Requests not offered assignment shall be discarded.

5. Grandfather Lottery. An initial lottery, held pursuant to procedures outlined in this section, shall be restricted to individuals who, according to Waterfront Department records, utilized the East Beach anchorage, including establishing presence of a vessel, during a designated window period of November 2, 2005 through March 1, 2006. In addition, any individual holding a valid, approved, non-discontinued U.S. Coast Guard Private Aids to Navigation permit for establishment of a mooring buoy East of Stearns Wharf as of April 19, 2006 shall be included in the Grandfather Lottery. To be eligible under this provision, the permittee must provide proof of a valid U.S. Coast Guard Private Aids to Navigation Permit to the Waterfront Director no later than 5:00 p.m. on May 15, 2006. If the total number of Mooring Permits assigned from the Grandfather Lottery equals thirty (30) or fewer, a subsequent lottery will be held pursuant to procedures outlined in this Resolution.

6. Subsequent Lottery. Anytime the total number of Mooring Permits assigned in the Santa Barbara Mooring Area declines to thirty (30) or fewer, a lottery shall be held following procedures established herein. These subsequent lotteries shall be open to the general public. Such lotteries shall be conducted at the discretion of the Waterfront Director and no more frequently than one year apart.

B. OFFER, ACCEPTANCE AND RENEWAL OF MOORING PERMITS

1. General. A permit to moor a vessel in the Santa Barbara Mooring Area shall be offered, in order, to each individual ranked during the lottery process described herein, within 30 days of the Lottery, up to a total number of offers determined by the Waterfront Director.

2. Permit Offers. Mooring Permit offers shall be sent by U.S. Certified Mail, to the individual's address indicated on the Lottery Participation Request form. The individual offered a Mooring Permit shall have 14 calendar days from the date of mailing to respond in person or by mail by returning a completed application indicating their intention to accept or decline the offer. Late postmarks shall not be accepted.

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3. Accepted Offers. If an offer is accepted, the prospective mooring permittee shall have 90 days to place a vessel of approved size on the Mooring Site, provide vessel ownership documentation consisting of applicable Department of Motor Vehicle registration or Coast Guard documentation, pay all fees due, and prove compliance with Minimum Ground Tackle Specifications as established by City Council Resolution.

4. Declined Offers. If an offer is declined or not returned to the Waterfront Department in a timely fashion, that individual's name shall be removed from consideration for assignment in that lottery.

5. Permit Duration. Permits shall be offered for a period of one year from the date of issuance.

6. Permit renewal. Permits may be renewed annually, dependent upon compliance with all Mooring Permit Rules and Regulations and the Minimum Ground Tackle Specifications. Failure to meet these requirements is grounds for permit termination as described herein.

7. Non-Transferable. Mooring Permits are not transferable or inheritable.

C. ISSUANCE OF MOORING PERMIT.

1. Issuance. Mooring Permits issued by the Waterfront Director shall be issued for designated Mooring Sites. The Waterfront Director shall have full and absolute discretion to designate Mooring Sites to Permittees. The Waterfront Director may base a determination regarding the designation of Mooring Sites on criteria including size and type of vessel (power or sail), and any other information or vessel specifications pertinent to the assignment and the overall orderliness and safety of the Santa Barbara Mooring Area. Mooring Permits may be issued upon satisfactory completion of the Mooring installation by the City Approved Mooring Inspector.

2. Relocation. The Waterfront Director may relocate vessels to other Mooring Sites within the Santa Barbara Mooring Area in the interest of safety, space limitations, traffic, and reduction of risk due to fire, sinking, breakaway or collision. The Waterfront Department shall pay the reasonable costs to relocate a vessel and Mooring to an alternate Mooring Site if such relocation is required by the Waterfront Director. If such relocation is made at the request of a Permittee, the Permittee shall bear all Mooring and vessel relocation costs.

3. Mooring Permits shall be issued for Identified vessels only as follows:

a. Mooring Permit shall be issued only for a specifically designated vessel owned by the Mooring Permittee. Proof of ownership of the designated vessel must be supplied to the Waterfront Director at the time of Mooring Permit assignment and annually thereafter at each Mooring Permit renewal in the form of a current California Department of Motor Vehicles Registration or United States Coast Guard Document.

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b. If a vessel designated on a Mooring Permit is sold, destroyed or ruined by accident, damage, fire, sinking or other casualty, the Mooring Permittee may be allowed to place a replacement vessel owned by the Mooring Permittee, as such ownership is demonstrated as required herein, in the Mooring Site. Such replacement vessel shall comply with size restrictions determined by the Waterfront Director as appropriate for vessels assigned to the Mooring Site receiving the replacement vessel. Upon approval by the Waterfront Director, a Mooring Permit describing the replacement vessel shall be issued for the remaining term of the existing Mooring Permit. If an approved replacement vessel is not procured within one hundred twenty (120) days of the date that the designated vessel is removed from the Mooring Site, either by sale or casualty, the Mooring Permit shall terminate as provided herein.

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4. Vessel Size.

a. All designated vessels assigned to a Mooring Site shall be a minimum of twenty (20) feet in length without bow sprit, bumpkin, pulpit, swimstep or other such appurtenance.

b. No Dinghy assigned to the Mooring Site shall exceed thirteen (13) feet without express permission of the Waterfront Director.

D. TERMINATION OF MOORING PERMIT.

1. Either party may terminate the Mooring Permit for any reason by giving thirty (30) days prior written notice to the other party.

2. The Mooring Permit may be terminated by the Waterfront Director without prior notice to the Permittee upon the occurrence of one or more of the events described below:

a. failure to pay when due Mooring Permit fees. No termination shall occur for this reason unless the fee is thirty (30) days past due;

b. failure to meet the Minimum Ground Tackle Specifications upon installation or annual inspection, or failure to complete required corrections;

c. failure to submit to the Waterfront Director a timely Mooring Inspection Report;

d. failure to maintain a vessel assigned to a Mooring Site in an Operable condition;

e. failure to maintain the Mooring in a manner that is not detrimental to the use, operation or development of the waters of the City of Santa Barbara or does not pose a hazard to navigation;

f. failure or refusal of the Mooring Permittee to allow an inspection of the vessel, Mooring, or both to determine if the vessel is Operable or the Mooring meets the Minimum Ground Tackle Specifications;

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g. rental, lease, sublease, or loan of a Mooring Site;

h. failure or refusal to relocate a Mooring, vessel, or both back to an appropriate Mooring Site within ten (10) days of notification by the Waterfront Director that the vessel, Mooring, or both have migrated off station;

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i. use of the Mooring Site for commercial purposes, unless approved by the Waterfront Director;

j. violation of any condition of the Mooring Permit, any provision of Title 17 of the Santa Barbara Municipal Code or any resolution adopted by the City Council.

3. Removal of Mooring and vessel from Mooring Site.

a. Termination under section D 1. Upon termination of a Mooring Permit due to a termination under Section D 1 or expiration of the permit, it shall be the duty of the Permittee to remove all Ground Tackle and the moored vessel within ten (10) days from the date the Mooring Permit terminates or expires. If the Mooring is not removed within this time, 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 ten (10) days from the date the Mooring Permit terminates or expires shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.

b. Termination under section D 2. The Waterfront Director shall notify the Mooring Permittee of the Mooring Permit termination by any reasonable means available and the Permittee shall remove the vessel and the Mooring from the Mooring Site within ten (10) days of the Waterfront Director's notification. If the Mooring and/or vessel are not removed within this time, 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 ten (10) days from the date the Mooring Permit terminates shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.

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E. MOORING POSITION

1. Vessel Securely Moored. 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.

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2. Migration of Vessel or Mooring. Any vessel or Mooring that migrates off station shall be relocated to the Mooring Site within ten (10) days of the date that the Mooring Permittee is notified by the Waterfront Director that the vessel or Mooring has migrated. The relocation of the Mooring shall be undertaken only by a City Approved Mooring Inspector. Costs of relocating a Mooring, vessel, or both, that has migrated off station from a Mooring Site shall be borne in full by the Mooring Permittee.

Section 2. City Approved Mooring Inspectors. City Approved Mooring Inspector. The Waterfront Department shall maintain a list of inspectors who are approved to install, inspect and repair Moorings in the Santa Barbara Mooring Area. Mooring Permittees may select only those inspectors on the list of City Approved Mooring Inspectors to perform Mooring installations, inspections and repairs.

Section 3. Minimum Ground Tackle Specifications.

1. Ground Tackle Specifications. All Moorings permitted and installed in the Santa Barbara Mooring Area shall comply with Minimum Ground Tackle Specifications attached hereto in Attachment A and incorporated herein by this reference.

2. Mooring Installation. An inspector selected from the City Approved Mooring Inspector list shall be the only entity approved to install Moorings in the Santa Barbara Mooring Area. The installation shall be at the Mooring Permittee's sole cost and expense. The Mooring Inspector shall submit written specifications of the Mooring installation on a City-supplied Mooring Inspection Report within ten (10) days of the installation.

3. Mooring Inspection. An inspector selected from the City Approved Mooring Inspector list shall be the only entity approved to inspect Moorings in the Santa Barbara Mooring Area. Moorings shall be inspected upon installation at the Mooring Site and, except as provided below, annually thereafter in August or September to confirm continued compliance with City-approved Minimum Ground Tackle Specifications. Any mooring initially deployed in May, June or July may delay its next annual inspection after deployment until August or September of the following year.

All inspections shall be at the Mooring Permittee's sole cost and expense. The Mooring Inspector shall submit written results of the inspection on a Mooring Inspection Report within ten (10) days of completion of the inspection.

4. Mooring Repairs. Any and all repairs recommended in the Mooring Inspection Report shall be completed by the City Approved Mooring Inspector at the Mooring Permittee's sole cost and expense and verified by the Mooring Inspector by the time the Mooring Inspection Report is submitted to the Waterfront Director. The Mooring Permit shall terminate if repairs recommended in the Mooring Inspection Report are not completed and the Mooring Inspection Report is not submitted within ten (10) days of the inspection and subsequently approved by the Waterfront Director.

5. Additional Inspection at Request of Waterfront Director. The Waterfront Director may require additional inspections of a Mooring anytime she or he deems such inspection necessary to assess the Mooring's compliance with the Minimum Ground Tackle Specifications. If following an inspection by a City Approved Mooring Inspector

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the Mooring is deemed compliant with Minimum Ground Tackle Specifications described in Attachment A, costs for said inspection shall be paid by the City. If the Mooring is deemed non-compliant, all costs for raising, inspecting, repairing and re-installing the Mooring as described and required herein shall be paid by the Mooring Permittee. All repairs necessitated by the inspection, as described in a Mooring Inspection Report, shall be undertaken within the time set forth herein. The Mooring Permit shall terminate if repairs recommended in the Mooring Inspection Report are not completed within the time set forth herein.

6. Mooring Inspections; Method. All Mooring inspections shall be conducted by raising the Mooring and inspecting its entirety out of the water unless another method is approved by the Waterfront Director.

7. Minimum Ground Tackle Specifications. The Minimum Ground Tackle Specifications described in Attachment A may be amended from time to time by the Waterfront Director.