

**CHAPTER 16 - MOORING AND WATER USE REGULATIONS**

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**16.010 - Scope, applicability and administration**

- A. This chapter applies to and shall govern every person and vessel, as defined herein, which utilizes a wharf, state tidelands or other marine facilities within the jurisdiction of the Port San Luis Harbor District.
- B. These regulations do not apply to or govern any person or vessel activities of which are subject to the jurisdiction, regulation and control of the Public Utilities Commission of the State of California, the Federal Maritime Board of the United States Government, or any other governmental body or agency.
- C. These regulations do not apply to or govern any vessels operated by the United States of America, the State of California, Port San Luis Harbor District or any similar governmental entities or any vessel in an emergency situation, as determined in the discretion of the Harbor Manager.

**16.030 - Variances**

The District recognizes that, due to natural elements and other circumstances, there may be a need for variance from or special consideration of any section of this chapter. In these cases, the

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person or persons affected may seek relief through a written request to the Board of Harbor Commissioners. The Board shall review all requests with a staff analysis at a regular Harbor Commission meeting. The Board shall decide on each variance on a case by case basis

**16.040 - Contingent liability insurance**

The District shall maintain in effect, if available, third party uninsured vessel liability insurance, in a form approved by the Board.

**16.050 - Registration and documentation**

All vessels must have current state or federal registration or documentation to retain a mooring permit or to use any facilities.

**16.100 - Operation and anchoring of vessels**

It shall be unlawful and a violation of this Code for any person to operate any vessel within the Harbor contrary to the provisions of this chapter, without first obtaining permission from the Harbor Manager.

**16.110 - Vessel speed within the Harbor**

No vessel shall be operated in excess of 5 miles per hour or in such a manner that an excessive or destructive wake is created within any small boat mooring or anchorage area, the Fairway Channel or alongside or under any pier or wharf, except where first authorized by special permit issued by the Harbor Manager or the Board.

**16.115 Vessel speed within 100 feet of a vessel not underway or making way**

No person shall operate or cause a vessel to be operated in excess of 5 miles per hour or in such a manner as to cause a destructive wake within 100 feet of any vessel not underway or not making way.

**16.120 - Anchoring and mooring of vessels**

- A. Anchoring within small boat mooring area. It shall be unlawful and a violation of this Code for any person to anchor any vessel inside a mooring area or the Fairway Channel, as shown on the Water Use Plan, without advance approval of the Harbor District.
  - (1) No person or group shall anchor a vessel or other craft in the mooring area on the Fairway Channel, as shown on the Water Use Plan for longer than 14 days out of each calendar month without permission from the Harbor District.
- B. Anchoring outside of small boat mooring area. The Harbor District may direct vessels to anchor outside the small boat mooring area of the harbor where it appears safe, given the prevailing conditions of vessel traffic, wave action and the maneuvering capability of the vessel requesting anchorage.
- C. Mooring within small boat mooring area. No person shall moor a vessel inside the Small Boat Mooring Area and/or Fairway Channels, as described in the Water Use Plan, without District permission.

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- D. Relocation of vessels from small boat mooring area. If any vessel is found by the Harbor Patrol to be anchored or moored in violation of this section, such vessel shall be declared a hazard to vessels pursuant to California Harbors and Navigation Code Section 523 and shall be relocated to a safe anchorage or a mooring set aside by the District. The vessel owner shall be notified by the District of such a violation and of the new location of a temporary mooring for the vessel. The owner will be charged costs and fees established by Chapter 4 of this Code.
- E. Outriggers. Fishing vessels will raise outrigger poles to an angle of 45 degrees or greater to the horizon when secured to a mooring and no crew is on the vessel. Outrigger poles may be left in the down position for vessel stability during adverse sea conditions when crew is on the vessel.

**16.130 - Sunken and abandoned vessels**

The owner of any vessel or moored facility which sinks within the state tidelands, becomes beached on District lands, or is placed on District lands shall have such vessel removed as soon as possible at his or her sole expense. Owner shall also be held responsible for any property damage, injury, or loss of life caused by said vessel or facility while it is in a sunken, abandoned, or disabled condition.

- A. Reimbursement to District for removal. If the owner of a sunken vessel fails to remove the same as required by this section, the District may have the vessel removed at the owner's expense and the owner shall reimburse the District for all costs incurred in connection with the removal or pollution remediation efforts.
- B. Failure of vessel owner to claim abandoned vessel. If no person claims an abandoned vessel within 72 hours after the expiration of 30 days from the date of abandonment as defined, the vessel shall be declared abandoned. The District shall remove such abandoned vessel to drydock (if feasible) and proceed to sell or demolish the vessel as provided by law.
- C. Vessel owner option to claim abandoned vessel. The owner of an abandoned vessel may redeem the vessel before sale or demolition occurs upon satisfactory proof of ownership and payment to the District of all costs of mooring, moving, storing and selling of that vessel incurred prior to redemption.

**16.140 - Unseaworthy vessels**

The District declares that any vessel or property which is unseaworthy, sunk (except licensed mariculture projects) or submerged, is a hazard to life, limb, and property and constitutes a public nuisance.

- A. Removal of vessel. Any vessel permitted by her owner(s) or master to fall into the conditions described in this section due to neglect or lack of proper maintenance and repair shall be treated in accordance with California Harbors and Navigation Code Section 522, and shall be removed from the water by the Harbor Manager and District agents and sold as provided by state law.
- B. Unseaworthy vessels not to be launched. Vessels determined to be unseaworthy by the Harbor Manager may neither be launched from District facilities, nor be allowed to moor within the District.

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- C. Proof of ability to operate. At the discretion of the Harbor Manager, any vessel may be required to prove its ability to safely operate under its own power as applicable, on an annual basis, to the satisfaction of the Harbor Manager.
- D. Proof of secure mooring attachment. At the discretion of the Harbor Manager, the District may inspect the mooring connection point on board any vessel to verify its strength and safety.

**16.150 - Operation of vessel within posted swim area**

No vessel shall operate within any posted or buoyed swim area or any swimming beach whether or not swimmers are present.

**16.200 - Moorings and mooring permits**

No person shall use District moorings, seasonal moorings or mooring spaces, other than transient or emergency moorings, until they have first obtained a mooring permit as provided by Sections 16.210 et seq.

**16.210 - Mooring permit procedures**

The application, processing, issuance, revocation and transfer of mooring permits shall occur as provided by this section, instead of the permit procedures in Chapter 8 of this Code (Land Use and Development). Nothing in this chapter shall create any right of exclusive possession of a mooring space.

- A. Applications, permit issuance:
  - (1) Application. The format of the application form for a mooring permit shall be approved by the Board and adopted by motion.
  - (2) Application filing. Any person who wishes to obtain a permit to maintain and use a mooring shall first file an application for a mooring permit with the District Harbor Office, using the forms provided by the District.
  - (3) Review and approval. Applications shall be reviewed by the Harbor Manager or his/her designated representative, who shall issue permits for moorings which conform to this Code, except as provided by subsection A(4), following.
  - (4) Review and approval, industrial support vessels. Mooring permits for industrial support vessels shall be subject to approval by the Harbor Commission instead of the Harbor Manager.
  - (5) Effect of false information on application. False information either on the application forms, given verbally or written to the District in order to obtain any permit, right or privilege provided for in this chapter shall be cause to deny or revoke a mooring permit.
  - (6) Multiple permits for owners of commercial vessels. No more than one mooring permit for use of a mooring shall be issued to any person, except that owners of commercial vessels may be issued a mooring permit for each commercial vessel they own or

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lease consistent with their position on the waiting list. One permit may also be issued to a commercial owner for a recreational mooring space.

- (7) Permits for moored facilities. A moored facility is required to obtain a land use permit and a license or lease from the District before the moored facility is placed within the state tidelands. Such permission may be revoked by the Harbor Commission at any time, provided a public hearing is held.
- B. Updating of permit information. The permit holder shall provide the District with information necessary for the administration of mooring permits annually. Such information shall include, but is not limited to, documents or written statements verifying vessel/mooring ownership, registration and/or insurance coverage, the current mailing address and phone number of the owner, and any other information the Harbor Manager deems necessary. The permit holder shall certify the accuracy of all information submitted under penalty of perjury. Failure to provide the information requested by the District within the time period specified by the District will be cause for revocation of the permit pursuant to Section 16.210(C).
- C. Revocation of mooring permit:
- (1) Revocation based on violation. If a permit holder fails to comply with the provisions of this chapter or the regulations of the District, the District may revoke a mooring permit upon 30 days notice to the permit holder, following a public hearing that is noticed and conducted as set forth in Section 8.060 of this Code (Public Hearings), except that Sections 8.060(A)(2)(a)(iii) and (iv), and Sections 8.060(A)(2)(c) shall not apply to such a hearing.
  - (2) Revocation based on non-use. In the event that an assigned mooring space remains unoccupied for one year, the District may revoke the mooring permit as provided by subsection C(1) above. In cases of reasonable causes of absence of the vessel from the mooring space, the Harbor Manager may grant written permission to extend the permit for a time specified, provided the permit holder pays all fees currently due the District. The mooring space may be used by the District while the vessel is away. The permit holder shall continue to pay all applicable fees.
- D. Sale or purchase of an existing vessel and mooring combination. The purchase of a vessel and mooring equipment from a mooring permit holder of a lawfully moored vessel shall convey a mooring space to the purchaser, subject to the following:
- (1) The seller gives up the space and mooring permit; and
  - (2) A completed mooring transfer application is submitted and approved by the Harbor Manager or his/her designated representative; and
  - (3) The mooring is to be used for the same type and category of use; and
  - (4) The seller is not a dealer, as defined, or is in the business of selling moorings, or boats, or yachts.
  - (5) Newly purchased boats and moorings may be placed in a mooring holding area, designated by the District, until a mooring location is available by seniority.

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E. Sale of existing mooring:

- (1) Effect of sale of mooring upon buyer. The sale of a mooring does not entitle the buyer to a mooring space in the harbor on state tidelands, nor does such a sale convey any mooring seniority to the new owner.
- (2) Mooring Relocation. If there is no waiting list and spaces are available, the District will relocate the mooring into a vacant space (according to the buyer's seniority) concurrent with the Annual Inspection Schedule.
- (3) Removal and storage. If there is a waiting list and no spaces are available, the District may remove and store the mooring at the buyer's expense, until the buyer receives a mooring permit according to his/her position on the mooring waiting list.
- (4) Mooring buyback option. A person may, at his or her own discretion, choose to sell his or her mooring equipment to the District at rates defined in District Code of Ordinances 4.500. rate:

This buyback option applies to District-built and annually-maintained moorings only. A 30-day written notification is required to cancel a mooring permit and request District buyback.

F. Payment of fees. The mooring rental fees, boat/gear storage fees, skiff space fees, mooring and storage fees established in Chapter 4 of this Code shall be due and payable by the owner of a mooring, in advance of each period of use.G. Skiff Moorings.

- (1) Use of skiff mooring space. Skiff mooring permits may only be issued to vessel mooring owners.
- (2) Revocation of skiff mooring permit. If a vessel mooring permit holder terminates his/her permit for any cause or otherwise fails to comply with the provisions of this chapter, the District shall revoke the skiff mooring permit.
- (3) Application filing. Any vessel mooring owner who wishes to obtain a skiff mooring permit shall first file an application for a skiff mooring permit with the District Harbor Office.
- (4) Issuance of skiff mooring permit. Skiff mooring permits shall be issued on a first-come, first-serve basis or based on any established waiting list. Commercial fishing vessel mooring owners shall have first priority for skiff moorings.
- (5) Transfer of skiff moorings. Skiff mooring permits may only be transferred in combination with a mooring transfer.
- (6) Maintenance. Skiff mooring permit holders are responsible for maintaining their moorings and ladders in a safe and serviceable condition.

**16.220 - Placement and use of moorings**

- A. Unauthorized placement of mooring prohibited. Moorings shall be placed within the state tidelands only by the District. Any person placing moorings in the District in violation of this subsection is guilty of a separate violation for each 48 hour period, or portion thereof, during which such mooring is maintained, except by special permission from the Harbor