

Chapter Sixteen

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, 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.

Chapter Sixteen**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 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 may 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 registration or federal documentation to retain a mooring permit or to use any facilities.

16.100 - Operation 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 Manager or a Harbor Patrol Officer.
- B. Anchoring outside of small boat mooring area. The Harbor Manager or a Harbor Patrol Officer may direct vessels to anchor outside the small boat mooring area of the harbor. All vessels anchored within the District tidelands are subject to payment of anchorage fees, in advance, as set forth in Chapter 4 of this Code.
- 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 advance approval of the Harbor Manager or a Harbor Patrol Officer.

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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 may be declared a hazard to other vessels pursuant to California Harbors and Navigation Code Section 523 and may be relocated to a safe anchorage or a mooring set aside by the District. The District shall attempt to notify vessel owner 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, including, but not limited to, cost of towing, impounding and mooring of vessel.
- E. Outriggers. Vessels with outrigger poles deployed must have the poles marked with reflective material.

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 without first securing written permission from the District to do so, shall have the vessel immediately removed, as conditions allow, 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 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 may be declared abandoned. The District may 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 may be treated in accordance with California Harbors and Navigation Code Section 522, and may be removed from the water by the District and sold, destroyed, or otherwise disposed of in any manner the District determines is expedient or convenient, as provided by state law.
- B. Unseaworthy vessels not to be launched. Vessels determined to be unseaworthy by the Harbor Manager, or his/her designee, 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 moored or anchored within the state tidelands may be required to prove its ability to get underway and safely operate under its own power to the satisfaction of the Harbor Manager or his/her designee.
- D. Declaration of marine debris. Should any vessel fail to prove its ability to operate as described in Section C above within 60 days from date of request, said vessel may be deemed marine debris and may be removed and disposed of by the District pursuant to Harbors and Navigation Code Sections 550 and 551.
- E. Secure mooring attachment. The mooring owner shall be wholly responsible for the inspection and maintenance of mooring connection point and any and all related hardware and tackle securing vessel to mooring.

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 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.
 - 2) Legal Owner. Mooring permits will only be issued to the legal owner(s) as listed on the on the current US Coast Guard Certificate of Documentation or California Department of Motor Vehicles (DMV) Vessel Registration
 - 3) Mooring permits for legal entities. The District may issue mooring permits to legal entities such as corporations, Limited Liability Companies (LLCs), partnerships, joint ventures, or associations, provided that such legal entity is listed on the Certificate of Documentation or Vessel Registration and with the requirement that the District receive a signed Personal Guaranty from the officer(s) or managing member(s) of certain entities such as corporations and LLCs.
 - 4) Review and approval. Applications shall be reviewed by the Harbor Manager or his/her designated representative. Mooring permits may be issued to those applicants who meet the criteria set forth in the application and in conformance with this Code, except as provided by subsection A(5), following.

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- 5) 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.
 - 6) 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.
 - 7) Multiple permits for owners of commercial vessels. No more than one mooring permit for use of a mooring shall be issued to any person or legal entity, except that owners of commercial vessels may be issued a mooring permit for each commercial vessel they own or lease consistent with their position on the waiting list. One permit may also be issued to a commercial owner for a recreational mooring space.
 - 8) 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 or any time a change in information occurs. Such information shall include, but is not limited to, documents or written statements verifying vessel/mooring ownership and registration and insurance policy, if covered, 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 7 days notice to the permit holder, following a public hearing before the Board of Harbor Commissioners 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-payment of fees. If a permit holder's account falls in arrears as described in Section 4.430 – Liens and Repossessions, the District may revoke a mooring permit upon 7 days notice to the permit holder, following a public hearing before the Board of Harbor Commissioners 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.
 - (3) 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.

Chapter Sixteen**D. Sale/purchase of existing mooring:**

- (1) Effect of sale of mooring upon buyer. The purchase of mooring equipment 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) Buyer must obtain a mooring permit. To obtain a mooring space in the harbor on state tidelands, the new owner must apply for and obtain a mooring permit from the District as set forth in Section 16.210 – Mooring Permit Procedures.
- (3) Mooring Relocation. If there is no waiting list and spaces are available, and following the issuance of a mooring permit, the District will relocate the mooring to a vacant space within a zone of the same category of use and according to the buyer's seniority.
- (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 mooring permit holder 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. 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.

E. Payment of fees. The mooring space fees, rental, guest and seasonal mooring fees, boat and gear storage fees, and skiff space fees established in Chapter 4 of this Code shall be due and payable in advance of each period of use.**F. Skiff Moorings and Skiff Racks.**

- (1) Skiff Defined. A vessel, propelled by either oar or outboard motor, used for the transportation of persons and/or gear to an anchored or moored vessel from Harford/Avila Pier, and no longer than 14 feet long, unless otherwise approved by Harbor Manager and Harbor Patrol Chief.
- (2) Skiff Identification. Skiffs must be easily identified with CF numbers or a name that coordinates with the owner's moored vessel, unless otherwise approved by Harbor Manager and Harbor Patrol Chief. Unidentified skiff may be considered abandoned.
- (3) Use of skiff mooring and skiff rack spaces. Skiff mooring and skiff rack permits may only be issued to vessel mooring permit holders and are limited to a maximum of one skiff mooring or skiff rack space per person or entity, regardless of the number of vessel mooring permits the individual or entity holds.
- (4) Revocation of skiff mooring and skiff rack 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 or skiff rack permit.
- (5) Application filing. Any vessel mooring permit holder who wishes to obtain a skiff mooring or skiff rack permit shall first file an application for a skiff mooring or skiff rack permit with the District Harbor Office.
- (6) Issuance of skiff mooring or skiff rack permit. Skiff mooring and skiff rack permits may be issued based on a waiting list of current vessel mooring permit holders, in order of seniority. Any established waiting list will be maintained with a maximum of 10 names

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at a time, and will be reviewed and updated by the District annually. Notwithstanding any waiting list, commercial fishing vessel mooring permit holders shall have first priority for skiff moorings and skiff rack spaces.

- (7) Mooring Maintenance. Skiff mooring permit holders are responsible for maintaining their moorings, connection to pier, and ladders in a safe and serviceable condition, free of marine-growth buildup.
- (8) Skiff tie-up. Skiffs other than transient skiffs tied to any area having access to Harford or Avila Pier shall pay the same fee or prorated fee as skiff mooring as defined in Chapter 4 of this Code.

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 harbor on state tidelands in violation of this subsection is subject to separate violations for each 48 hour period, or portion thereof, during which such mooring is maintained. Skiff moorings may be placed by others only with written permission from the Harbor Manager.
- B. Authority to relocate moorings. The District may relocate a mooring to such other mooring space as District may designate, based upon owner's seniority, vessel length, and other criteria consistent with District policies and this Code. The District shall attempt to notify permit holders before such relocation. The permit holder shall pay all charges for the gear and hardware needed to improve, lengthen and/or repair the mooring, to make it conform to District standards.
- C. Use of privately owned moorings:
 - (1) Use of mooring space. It shall be unlawful for a person to attach a vessel to a mooring other than his/her own, except as otherwise allowed by this chapter.
 - (2) Sublet of mooring space. It shall be unlawful for a permit holder to sublet or otherwise receive payment for the use of his/her permitted mooring by a vessel that is not authorized by the District to occupy the mooring space.
 - (3) Multiple vessels on single mooring. No more than one boat and one skiff shall be permitted to moor on a single mooring at any time.
 - (4) Alternate vessels. The Harbor Manager, or his/her designee, may allow alternate vessels (as defined in Chapter 1 of this Code) to use a single mooring, provided that no more than one vessel at a time occupies a single mooring.
 - (5) Visiting vessels. Notwithstanding any provisions in this chapter, and with advance written notice to and approval from the Harbor Manager or his/her designee, a mooring permit holder may allow a visiting vessel of the same type and size to use his/her mooring for up to six months in any 12-month period free of charge.
 - (6) Visiting vessel administrative fee. Mooring permit holder will be charged an administrative fee equal to the Transfer of Mooring fee established in Chapter 4 of this Code for each instance of allowing a visiting vessel to use his/her mooring. Said administrative fee shall cover the time period of up to six months in any 12-month period, as described above, for one such visiting vessel.

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- D. Use of District moorings. The Harbor Manager may establish certain District moorings as transient moorings. A daily fee for their use shall be set forth in Chapter 4 of this Code.
 - (1) Transient and rental mooring availability. Daily transient and rental moorings shall be available to visiting vessels on a first-come, first-served basis.
 - (2) Limit on use of daily transient and rental moorings. No visitor vessel shall be entitled to use any daily guest or rental mooring for longer than a total of 14 days in any one-month period without obtaining permission to do so from the Harbor Manager or his/her designee.
 - (3) Emergency use. Permit holders may make their moorings available to the District for emergency use subject to the approval of the Harbor Patrol.

- E. Gear attached to vessels, moorings and floats. Subsurface crab receivers, nets or other gear attached to vessels, moorings or floatation devices at or below the water surface shall be permitted, secured and identified in a manner acceptable to the District, so as to be obvious to other vessels and avoid hazardous conditions, especially at night.

16.230 - Seasonal moorings

Vessels may be placed on seasonal moorings, available April 1 through October 31, but only with prior approval of the District. A seasonal mooring permit shall be required by the District for such use and is subject to payment of fees, in advance, as set forth in Chapter 4 of this Code and revocation as provided in Section 16.210 of this chapter. (See also Sections, 16.260(D) and the definitions in Chapter 1 of this Code.)

16.240 - Annual mooring inspections

At permit holder’s expense, the District will conduct an annual mooring inspection. The cost of the inspection and any repairs required by the District are the responsibility of the permit holder and are set forth in Chapter 4 of this Code. With prior written approval from the Harbor Manager, or his/her designee, the District may allow permit holders to obtain such mooring inspections and repairs by other qualified parties as determined by the Harbor Manager who shall report in writing the findings to the District. The Harbor Manager, or his/her designee, shall inspect and approve any recommended work to be done by an outside source, prior to the commencement of such work and at a minimum of .5 hour labor time for the Mooring Master.

- A. Annual Inspection Schedule. Mooring inspections shall be accomplished by zone pursuant to the Water Use Plan and according to Table 16:

TABLE 16 – MOORING INSPECTION SCHEDULE

| | | | |
|--------|-----------|---------|----------|
| Zone 1 | May | Zone 6 | November |
| Zone 2 | June | Zone 7 | December |
| Zone 3 | July | Zone 8 | January |
| Zone 4 | September | Zone 9 | February |
| Zone 5 | October | Zone 10 | April |

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- B. Notification of permit holder. The Harbor Manager or his/her designated representative shall attempt to notify a permit holder of the required inspection by email or USPS first-class mail sent to the address listed in District records. Such notification shall be made reasonably in advance of such inspection. Failure to notify the permit holder shall not delay or defer inspection. This section shall not apply to emergency inspections as determined by the Mooring Master.
- C. Inspection and repairs at permit holder's expense. If no response to notification is received, the mooring inspection and any repairs deemed necessary by the District will be performed, at the permit holder's expense, whether or not the permit holder is present or agrees to such District actions. A permit holder shall be subject to all costs associated with an emergency inspection and repair.
- D. Mooring inspection appointments. Appointments for a permit holder to view his/her mooring inspection are only available during the first 15 days of each month. The failure of a permit holder to appear for a mooring inspection appointment without notice to the District of at least one working day will not delay the inspection and may, at the discretion of the Mooring Master, result in the inspection and repair of the mooring at permit holder's expense, according to the provisions of the mooring agreement.
- E. Implied consent. Every person holding a mooring permit agrees to either move their vessel during a mooring inspection, including emergency inspections, and/or be present to witness the inspection and boat handling, or to allow the District to side-tie and board the vessel and perform the repairs determined by the District to be necessary. District is not responsible for any transfer of dirt and/or debris on vessel while boarding.
- F. Decision of District representative is final. The decision of the Mooring Master in all matters relating to mooring construction, inspection and repairs shall be final.

16.250 - Mooring seniority

- A. Date of Seniority. Mooring seniority date is determined by the date of the District's approval of a mooring permit.
- B. Relocation of mooring according to mooring seniority. The District may relocate moorings of permit holders according to changes in seniority. Mooring seniority does not obligate the permit holder to have the District relocate his/her mooring, provided written notification from permit holder is received by District requesting to remain in existing location.
- C. Mooring seniority for corporations, LLCs, partnerships, joint ventures, and associations. The mooring seniority for legal entities shall be that of the individual with the oldest seniority in the party that is listed on the certificate of documentation or vessel registration. Individuals withdrawing from the corporation, LLC, partnership, joint venture, or association may not sell, assign or otherwise alienate their seniority status. Mooring seniority may not be transferred between individuals.
- D. Mooring fees. Mooring fees must continue to be paid in order to maintain mooring seniority whether or not a mooring space is occupied or moorings remain in the water. Failure to pay the required fees shall constitute grounds for revocation of the mooring permit as set forth in Section 16.210C (Revocation of Mooring Permit).
- E. Transfer of seniority. The District shall maintain records of mooring seniority within categories of use. Barring any revocation or termination of permit, mooring seniority

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shall remain with the permit holder and may be transferred between categories of use, subject to space availability within each zone. Mooring seniority is personal and may be inherited or otherwise passed on in the estate of the original permit holder to immediate family.

16.260 - Mooring waiting list

If all mooring spaces are occupied, applicants for mooring permits shall be placed on a mooring waiting list maintained by the District and shall thereafter be offered a mooring space when an existing space is vacated or a new space becomes available in the order in which their name appears on the list, by use category.

- A. Public viewing of mooring waiting list. The names of persons on the mooring waiting list will be available for public review and the District will notify people on the list of their rankings on a yearly basis.
- B. Notification of permit availability and time limits. When the District notifies a person at the top of the mooring waiting list of a mooring permit opportunity, the person shall accept the assignment within 10 days from such notification. A person on the mooring waiting list may decline a mooring permit opportunity without losing his/her priority on the list, provided a mooring space is accepted, if offered by the District, within one year of the District's first offer of a mooring space. If no mooring has been placed in the water within one year of the District's second offer of a mooring space, said person shall lose his/her priority and his/her name shall be removed from the mooring waiting list.
- C. Mooring waiting list administration fee. All persons on the mooring waiting list shall pay an annual administrative fee to be on the list, as provided in Chapter 4 of this Code.
- D. Use of seasonal moorings by persons on the waiting list. Persons on the mooring waiting list may apply for use of seasonal moorings, if available, without affecting their ranking on the list.
- E. Collection on delinquent accounts. All monies owed the District shall be paid in full within 10 days of accepting the mooring assignment or mooring list priority will be lost. Partial payment or payment plans will not be accepted. Persons declined a mooring due to an unpaid account shall not lose their priority and shall remain on the list for thirty (30) days. If after thirty days their account is not brought current, they shall lose their priority and be removed from the list entirely. Accounts are still subject to collection.

16.270 - Specifications for moorings

In order to prevent vessels from breaking their moorings during storms or heavy seas and to ensure public health and safety, minimum specifications for the construction and repair of moorings shall be enforced. The District recognizes that the ultimate responsibility for vessel safety rests with the owner. All moorings shall comply with the mooring specifications shown in Table 17, which shall be considered as minimum standards within the state tidelands, and the following:

- A. A mooring permit number shall be prominently displayed on the float at all times.
- B. A mooring shall be securely fastened to the bow of the vessel.
- C. The top chain specified in Table 17 shall be equal to or better than Campbell Systems 4.

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D. The total length of the chain shall be five times the depth at mean high water.

TABLE 17 - MOORING SPECIFICATIONS

| Overall Boat Length | Anchor** | Steel Weight/Railroad Wheel or axels | Bottom Chain | | Top Chain |
|---------------------|--|--------------------------------------|-----------------|---------------|---------------|
| To 25 feet | 250 lbs. | 400 lbs. | 1/2" (50%) | | 1/2" (50%) |
| To 35 feet | 350 lbs. | 700 lbs. | 3/4" (25%) | 5/8" (25%) | 1/2" (50%) |
| To 45 feet | 450 lbs. | 1,000 lbs. | 1-1/4" (25%) | 3/4" (50%) | 1/2" (25%) |
| To 55 feet | 600 lbs. | 1,500 lbs. | 1-1/4" (33%) | 3/4" (33%) | 5/8" (34%) |
| Over 55 feet | As Determined by Harbor Manager or his/her designee* | | | | |

* Over 55 feet may require the mooring owner to submit plans and specifications approved by a licensed marine engineer or naval architect.

** Anchors are no longer in stock and all new moorings are built with railroad wheels or axels only

16.280 – Specifications for pendants and bridles

The District recommends a continuous length of chain from the mooring anchor or weight to the vessel, as this is the strongest mooring configuration. Mooring owners, at their option, may use pendants and bridles to attach vessels to moorings. Mooring owners may supply their own pendants and bridles; or the District will construct them at the owner's request and expense. Pendants and bridles will meet the following standards and specifications:

- A. The Mooring Master shall inspect and approve all pendants and bridles prior to their installation.
- B. Mooring owners shall visually inspect their pendants and bridles at least quarterly for any wear or damage. Mooring owners will ensure there is sufficient chaffing gear to protect the rope at all points of contact with the vessel.
- C. Pendants and bridles shall be constructed using new synthetic rope that the manufacturer specifies is suitable for "mooring lines". Pendants shall be constructed of rope 1¼-inch or larger in diameter. Bridles shall be constructed of rope 5/8-inch or larger diameter. Bridles shall also be equipped with a 3/8-inch safety chain, when applicable with bow roller, Sampson posts or cleats to secure the chain.
- D. Pendants and bridles shall be fitted with metallic rings or thimbles. The fittings shall be secured in place to prevent chaffing.
- E. Knots are not permitted to be tied in the hand line.

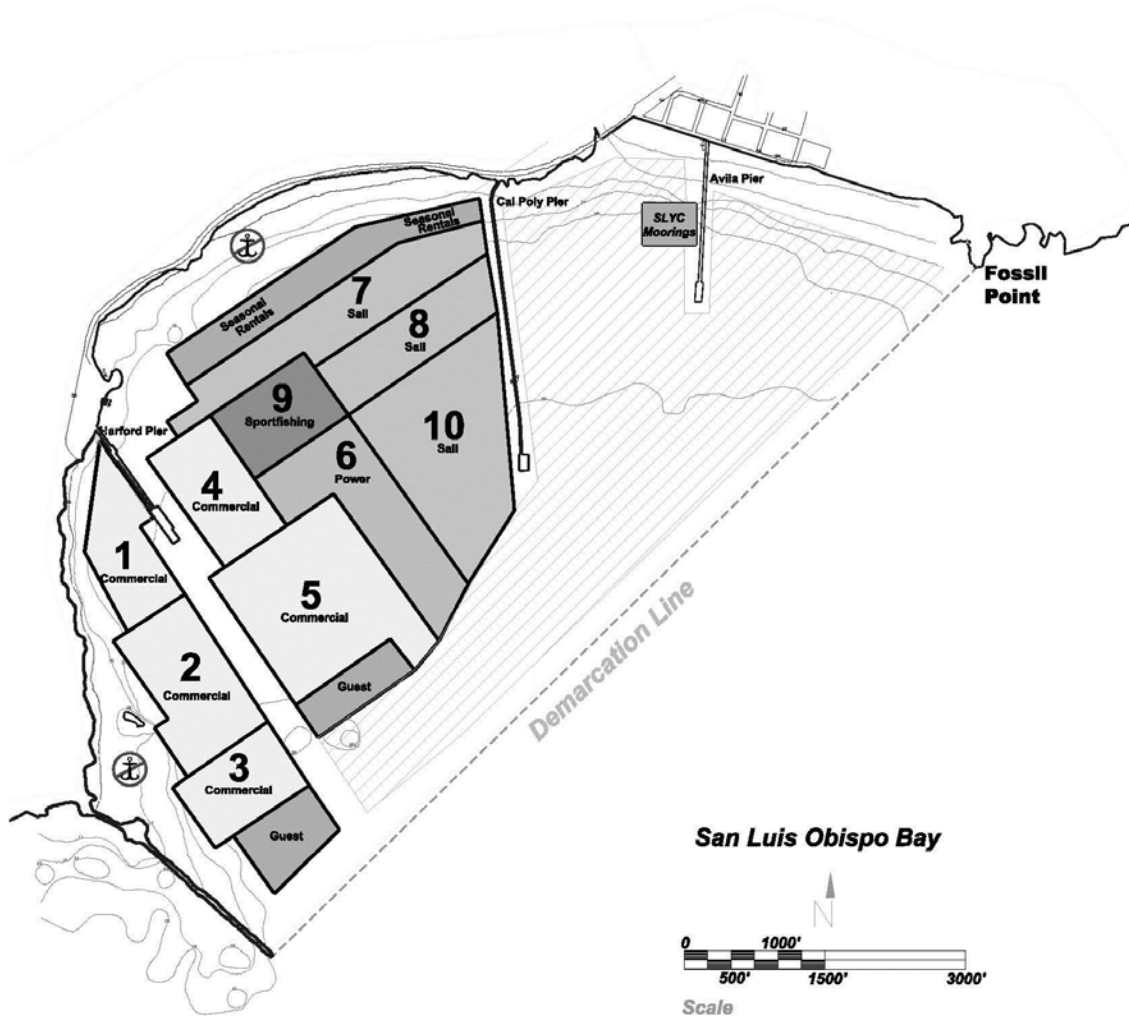
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- F. Splices shall be in accordance with rope manufacturer's recommended splicing procedures. All splices shall be seized to prevent chafing. Splices in three-strand rope shall have a minimum of eight tucks.

16.300 – Small craft or personal water craft use

No small craft or personal water craft shall operate in excess of 5 miles per hour [or no wake] within the area of the District tidelands lying between the southernmost end of Cal Poly Pier, and a line running to the seawardmost tip of the Point San Luis breakwater pursuant to Sections 16.110 of this Code, the Water Use Plan, and Section 655.2 of the Harbor's and Navigation Code

Port San Luis WATER USE PLAN



Code of Ordinances

16-13

2003

Chapter Sixteen**16.400 – Live Aboard Permits****16.410 – Purpose**

Port San Luis Harbor is a small, unique harbor on the Central Coast of California. Port San Luis is fairly protected by a breakwater from the large north-westerly winter swells that develop in the waters near Alaska. However, the breakwater offers no protection from the strong winds and swells that result from southerly winter storms, which can produce wind speeds of 15-55 mph out of the south and generate 8'-10' breaking waves throughout the mooring field. For this reason, along with other factors, the Harbor District does not recommend individuals reside on vessels in the harbor at Port San Luis.

Notwithstanding the above, the purpose of this Code is to regulate use by those individuals who choose to live aboard vessels on the tidelands granted to the Port San Luis Harbor District by the State Lands Commission.

16.411 – Definitions

For the purpose of this chapter, the following definitions shall apply:

- A. For the purpose of this chapter, "Port San Luis Harbor" shall be the state tidelands and submerged lands granted to Port San Luis Harbor District.
- B. Live aboard—Individual(s) and/or Vessel(s).
 - 1. A "live aboard" is defined as any individual(s) who uses a vessel as a residence and/or is occupying that vessel for four or more days or nights within any seven day period engaging in those usual and customary activities associated with a person's residence or abode such as, but not limited to, sleeping and preparation of meals. This definition will also include any individual using a vessel for four or more days or nights within any seven-day period as a place of business, professional location or other commercial enterprise, as evidenced by a business license, when transportation is a secondary or subsidiary use.
 - 2. A "live aboard vessel" is any vessel which is moored in Port San Luis Harbor for more than sixty days in any twelve-month period and is occupied by a live aboard. Live aboard vessels shall be considered single family residences for purposes of health, safety, welfare and public nuisances and shall at no time house such number of persons so as to create a public nuisance or to be detrimental to the health, safety and welfare of others.
- C. "Harbor Manager" means the Harbor Manager or his/her designee.
- D. "Off-shore mooring" means any site where a vessel is secured within Port San Luis Harbor which is not directly connected to the shore or land by means of a dock, pier, float or other structure providing direct access from the vessel to the land or shore.
- E. "Sewage" means that portion of the wastewater from toilets or any other receptacles containing human or animal excreta and urine, commonly known as black-water.
- F. "Sewage holding tank" means a permanently installed receptacle on a vessel which is used to retain sewage.

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- G. "Sewage pump-out" means a mechanical device which is temporarily connected to a vessel for the purpose of removing sewage from its holding tank.
- H. An "adequate vessel sanitation facility" means an operational marine sanitation device or portable toilet approved by the United States Coast Guard as suitable to prevent direct discharge of human waste into Port San Luis Harbor.

16.420 – Live Aboard Permit Required

It shall be unlawful for any person to moor and occupy a live aboard vessel within Port San Luis Harbor unless the vessel has been permitted under this chapter.

Live Aboard Vessel—Permit Application and Fees. An application for a live aboard permit shall be filed with the Harbor Manager upon forms provided by the District. The permit is valid for one fiscal year (July 1 through June 30), or balance thereof, and may be renewed annually upon written request to the Harbor Manager. Should any existing live aboard permittee not request and obtain a new valid live aboard permit by July 1 of each year, the permit will expire. Applications shall be filled out completely and submitted with the required non-refundable fees. Fees shall be paid as set and established in the District's Fee Schedule in Chapter 4.500 of this Code.

General Restrictions for Issuance. Live aboard permits will not be issued for vessels to secure on any guest or transient moorings. Permits will not be granted for vessels or floating structures such as houseboats, barges, floating homes or other such vessels or floating structures not specifically designed for or not safely capable of navigating ocean waters under their own power. An exception for work barges actively engaged in construction in Port San Luis Harbor may be made by the Harbor Manager.

No vessels within the Port San Luis Harbor can be rented as guest accommodations.

16.421 – Live Aboard Permit Issuance

The conditions for issuance of a live aboard permit are as follows:

- A. The live aboard and live aboard vessel must first have and maintain a current and legal mooring permit and mooring location within the designated mooring field of Port San Luis Harbor prior to applying for a live aboard permit.
- B. Vessels to be used for live aboard purposes must be in good material condition not likely to sink or become a menace to navigation and to be of a design suitable for operation on the waters of the Pacific Ocean. All vessels must be currently registered or documented.
- C. All live aboard vessels are required to have adequate vessel sanitation facilities on board.
- D. The proposed live aboard individual and the vessel to be used for live aboard purposes must be in compliance with all sections and provisions of this chapter.
- E. Live aboard vessels must have on board a working VHF marine radio with minimum channels of twelve and sixteen and, additionally, may have a functioning telephone.
- F. The individual(s) submitting the application must be the owner of the vessel and shall live aboard the vessel during any live aboard use thereof, except that paid crew

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member(s) of qualified commercial fishing vessels may live aboard without the vessel owner and may receive live aboard permits with the vessel owner's consent. No permit will be issued in the name of a partnership (general or limited), corporation, Limited Liability Company (LLC), joint venture or other legal entity. A permit for a vessel which is registered, documented or owned by a partnership (general or limited), corporation, LLC, joint venture or other legal entity will be issued only to a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership or stock or a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates. An applicant for a permit in Port San Luis Harbor for a vessel which is owned by a partnership (general or limited), corporation, LLC, joint venture, or other legal entity shall submit for approval by the Harbor Manager, a valid certificate of ownership or valid marine document. Notwithstanding the form of ownership of the vessel, the permit to live aboard the same within the Port San Luis Harbor shall not be transferable under any circumstances. If a permittee fails or refuses to notify the Harbor Manager of a change to any of the information contained in the live aboard permit application within five days from the date of any such change, such failure or refusal may constitute grounds for revocation of the live aboard permit.

- G. The permit will be valid for one fiscal year (July 1 through June 30), or balance thereof, and the applicant must meet the requirements for permit issuance annually thereafter or the Harbor Manager may not reissue the live aboard permit. Live aboard vessels which are not in Port San Luis Harbor as provided for in Section 16.424 shall not have to meet requirements for permit reissuance until the vessel returns to Port San Luis Harbor.
- H. The permit will be issued for the vessel listed on the application, will not be transferable to another vessel, and will state the specific name(s) of the individual(s) authorized to occupy the vessel.
- I. No more than 5 live aboard permits may be issued at any time. District will not maintain a live aboard permit waiting list unless 5 permits are issued and additional individuals desire to apply for live aboard permits. Individual(s) must be a current mooring permit holder to be placed on the live aboard permit waiting list.

16.422 - Termination/Revocation of Permit

Conditions for Termination/Revocation. Live aboard permits may be revoked for the following reasons:

- A. Discharge of sewage.
- B. Violation of any section of this chapter not specifically listed in this section, for a period in excess of 10 days after having been notified to correct the violation. Notice of violation may be given by first-class mail or personal service or by attachment of said notice in a conspicuous location on the vessel or any combination of the above. Proof of correction of any violation may be deemed to be the obligation of the live aboard permittee and shall be to the satisfaction of the Harbor Manager.
- C. If twice in any twelve-month period the permittee has been found in violation of the terms of this chapter, it shall be evidence of non-compliance with the intent of this chapter to maintain an orderly harbor operation and may constitute grounds for revocation of the permit.

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- D. In the event that the number of live aboard permits issued changes and the number of live aboard permits is reduced, notice of revocation will be delivered by first-class mail, personal service or by attachment of notice in conspicuous location on the vessel. Because this requires relocation of a personal residence, a sixty-day notice of termination of live aboard permit will be given. This will also include requirements established by other agencies. In the event terms and/or conditions of maintaining a live aboard permit are modified by the Harbor Commission, then persons holding live aboard permits shall receive a period of sixty days after adoption in which to comply with new regulations. Those permittees with the shortest tenure as a permitted live aboard will be the first to receive such notice.
- E. In the event that the live aboard permit holder moves from the area or no longer resides on the vessel for minimum time periods required or voluntarily terminates live aboard status.
- F. Non-payment of fees associated with live aboard permit or vessel associated with live aboard permit, service charges, mooring or other fees due to the Port San Luis Harbor District for a period in excess of ten days after written notice. Notice shall be given as described in subsection (A)(2) of this section.
- G. Termination/Revocation Procedure. Upon determining that grounds for revocation of a permit exist, the Harbor Manager may give written notice of intent to revoke (including the grounds thereof) to the permit holder by first-class mail, personal delivery, by attachment in a conspicuous location on the vessel, or any combination of the above, or if the permit holder cannot be located with reasonable effort, such notice shall be given to any person aboard the vessel. The revocation shall be effective fifteen days following the giving of such notice, except as provided below:
1. Appeal. A decision by the Harbor Manager to terminate or revoke a live aboard permit pursuant to this section shall be appealable by public hearing with the Harbor Commission. Any such appeal must be filed in writing with the Harbor Manager within ten days of the date of notice of revocation. The revocation shall be stayed while the appeal is pending, unless it is determined by the Harbor Manager that immediate cessation of overnight occupancy of the vessel is necessary for the preservation of the public peace, health or safety. The appeal shall be filed in writing and shall specify all of the grounds for the appeal. The Harbor Commission may provide the permit holder an opportunity to present evidence on his/her behalf and to challenge the determination of the Harbor Manager. Formal rules of evidence or procedure need not be followed. If the Harbor Commission is unable to approve any formal motion regarding the appeal after two publicly held hearings on the appeal, then the revocation shall become effective three days following the second public meeting. If the appeal is denied, revocation shall become effective three days following the Harbor Commission's decision.

16.423 - Transferability of Live Aboard Permit

No transfer of live aboard permits between individuals is allowed. Under no circumstances will the sale/purchase of a vessel, or any interest therein, maintain any associated live aboard permit with the vessel for the benefit of the new owner or interested party. Should a new owner or interested party wish to live aboard a vessel purchased from a prior live aboard permittee, said party must apply for a new mooring permit and a new live aboard permit for the vessel in their name.

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In the event that a permitted live aboard shall purchase a new vessel, they may request to have their live aboard permit and level of seniority transferred to the new vessel.

16.424 - Temporary Leaves, Retention of Permit

Absence of either the vessel or the permit holder, or both, from Port San Luis Harbor or failure to maintain residency aboard the vessel in excess of 6 months shall result in revocation of the live aboard permit. Renewal of the live aboard permit applied for annually without meeting these minimum residency requirements provided that:

- A. All live aboard permit fees are kept current.
- B. The absence has been requested, in writing, and approved by the Harbor Manager in advance of absence; or if the absence is related to vessels of a commercial nature actively fishing in areas away from Port San Luis Harbor.

16.430 - Occupancy by Non-Owner

Rental or sublease of vessels in Port San Luis Harbor is strictly prohibited. "Boat-sitting", caretaking, maintenance or any other activity related to vessels resulting in live aboard use either for compensation or no compensation are strictly prohibited. Only the person(s) named on the application for live aboard permit, or as amended and approved, are permitted to reside on the vessel.

16.440 - Use of Pump-Out Facilities

All live aboard vessels are required to have adequate vessel sanitation facilities/sewage holding tanks. Permittees shall use pump-out facilities on a regular basis, or otherwise discharge sewage in a legal manner, and at a minimum are required to pump-out once a month, to be recorded in the District's pump-out logbook.

16.450 - Enforcement

The Harbor Manager or her/his designee shall be responsible for enforcing the provisions of this chapter. Enforcement guidelines may be developed and made available to the public at the harbor office.

16.460 - Applicability of Chapter

This chapter shall apply to all vessels within the District's state tidelands.

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16.470 - Live Aboard Permit Fees

Live aboard permit application and monthly service fees shall be set forth in Chapter 4 – Fees, Tariffs and Other Charges of the Port San Luis Harbor District Code of Ordinances. Fees are non-refundable and live aboard permits may be revoked at any time under the terms and conditions of this chapter. The monthly live aboard service fee includes, but is not limited to;

- water taxi during published hours
- staff assisted sewage pump-out, by appointment only
- use of one parking spot in the Harford Land Area that complies with section 20.020 - *Categories of Illegally Parked Cars*
- other services provided/maintained by the Harbor District; showers, laundry, trash, water, work dock utilities, etc.,
- staff time for administrative and enforcement of live aboard policies