

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

<u>Section</u>		<u>Page</u>
16.010	Scope, applicability and administration .....	16-1
16.030	Variances .....	16-1
16.040	Contingent liability insurance.....	16-2
16.050	Registration and documentation.....	16-2
16.100	Operation and anchoring of vessels.....	16-2
16.110	Vessel speed within the Harbor.....	16-2
16.115	Vessel speed within 100 feet of a vessel not underway or making way.....	16-2
16.120	Anchoring and mooring of vessels .....	16-2
16.130	Sunken and abandoned vessels .....	16-3
16.140	Unseaworthy vessels.....	16-3
16.150	Operation of vessel within posted swim area .....	16-4
16.200	Moorings and mooring permits.....	16-4
16.210	Mooring permit procedures .....	16-4
16.220	Placement and use of moorings.....	16-6
16.230	Seasonal moorings.....	16-8
16.240	Annual mooring inspections .....	16-8
16.250	Mooring seniority .....	16-9
16.260	Mooring waiting list.....	16-9
16.270	Specifications for moorings .....	16-10
16.280	Specifications for pendants and bridles.....	16-12
16.300	Small craft or personal water craft use.....	16-12
	Water Use Plan .....	16-13

**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

**Chapter Sixteen**

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.

## Chapter Sixteen

- 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.

**Chapter Sixteen**

- 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

## Chapter Sixteen

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.

## Chapter Sixteen

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

## Chapter Sixteen

Commission. 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 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. A permit holder may allow a visiting vessel to use his/her mooring for up to six months in any 12-month period free of charge, only with advance written notice to and approval from the Harbor Manager.
  - (3) Multiple vessels on single mooring. No more than one boat and skiff shall be permitted to moor on a single mooring at any time.
  - (4) Alternate vessels. The Harbor Manager 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, a mooring permit holder may allow a visiting vessel of the same use and size to use his/her mooring. The mooring permit holder shall update the District annually on the status of any visiting vessel authorization
- 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. Transient and rental moorings shall be available to visitor vessels on a first-come, first-served basis.
  - (2) Limit on use of transient and rental moorings. Visitor vessels shall be limited to a maximum stay of 14 continuous days on any guest or rental mooring. No visitor vessel shall be entitled to use any guest or rental mooring for longer than a total of 14 days in any five-week period without obtaining permission to do so from the Harbor Manager.
  - (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.

Chapter Sixteen

**16.230 - Seasonal moorings**

Vessels may be placed on seasonal moorings, but only with prior approval of the District. A mooring permit shall be required by the District for such use and is subject to revocation as provided in Section 16.210 of this chapter. (See also Sections 16.250(B), 16.260(D) and the definitions in Chapter 1 of this Code.)

**16.240 - Annual mooring inspections**

The District will conduct an annual mooring inspection. The District may require or allow permit holders to pay for such mooring inspections by other qualified parties, who shall report in writing the findings to the District. The costs of any repairs required by the District are the responsibility of the permit holder.

- 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

- 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 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 after 30 days, 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 be on board the work boat to witness the inspection and boat handling, or to allow the District to move the vessel and perform the repairs determined by the District to be necessary.



## Chapter Sixteen

- 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. 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 position.
- B. Mooring seniority in exchange for seasonal mooring. Permit holders may elect to give up mooring seniority in exchange for a guaranteed seasonal mooring. Requests for such exchanges shall be submitted in writing to the Harbor Manager for approval.
- C. Mooring seniority for corporations, partnerships, joint ventures, and associations. The District will issue mooring permits to parties such as corporations, partnerships, joint ventures, or associations. Such parties shall provide the District with a copy of their current US Coast Guard Certificate of Documentation or a Division of Motor Vehicles (DMV) Vessel Registration listing all the individual owners of the vessel; or documentation of the business arrangement signed by all individuals. The mooring's seniority 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, 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 by categories of use. Mooring seniority is personal and may be inherited or otherwise passed on in the estate of the original permit holder to immediate family. Mooring seniority may not be transferred between categories of use.

**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

**Chapter Sixteen**

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 use seasonal moorings, if available, with the permission of the District and subject to category of use, vessel size restrictions and their relative position on the mooring waiting list, 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 space 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.
- D. The total length of the chain shall be five times the depth at mean high water.

## Chapter Sixteen

TABLE 17 - MOORING SPECIFICATIONS

Overall Boat Length	Anchor	Steel Weight	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" (33%)	3/4" (33%)		1/2" (33%)
To 55 feet	600 lbs.	1,500 lbs.	1-1/4" (25%)	1" (25%)	3/4" (25%)	5/8" (25%)
Over 55 feet	As Determined by Harbor Manager*					

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

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

**Chapter Sixteen**

**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 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.