



# CITY OF MORRO BAY HARBOR ADVISORY BOARD A G E N D A

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*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.  
The City shall be committed to this purpose and will provide a level of municipal service and safety  
consistent with and responsive to the needs of the public.*

**Regular Meeting - Thursday, December 4, 2014  
Veteran's Memorial Building - 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Jeff Eckles, Chair	Waterfront Leaseholders
Bill Luffee, Vice-Chair	Marine Oriented Business
Alan Alward	Morro Bay Commercial Fishermen's Organization
Dana McClish	Recreational Boating
Gene Doughty	South Bay/Los Osos
Lynn Meissen	Member at Large
Ron Reisner	Member at Large
Tom Hafer	Alternate to Alan Alward (MBCFO)
Joe Conchelos	Alternate to Alan Alward (MBCFO)

## ESTABLISH QUORUM AND CALL TO ORDER

## MOMENT OF SILENCE

## PLEDGE OF ALLEGIANCE

## CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

## PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Board on City business matters other than scheduled items may do so at this time. To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Board meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes.
- All remarks shall be addressed to the Board, as a whole, and not to any individual member thereof.
- The Board respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, Board member and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Board to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Board meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Harbor Department's Office Assistant at (805) 772-6254. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A. CONSENT CALENDAR

- A-1 Approval of Minutes from Harbor Advisory Board meeting held on Thursday, November 6, 2014.  
**Staff Recommendation: Approve minutes.**

B. PUBLIC HEARINGS, REPORTS, AND APPEARANCES

- B-1 Harbor Department Status Report  
**Staff Recommendation: Receive and file.**

C. UNFINISHED BUSINESS

- C-1 Review of Harbor Department Rules and Regulations Document and Morro Bay Municipal Code Chapter 15 for Harbor Advisory Board Input and Direction on Revising “Definitions”  
**Staff Recommendation: Review Harbor Department Rules and Regulations document, Morro Bay Municipal Code Chapter 15 and other documentation provided for staff input and direction on Definitions.**

- C-2 Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee’s Recent Activities  
**Staff Recommendation: Receive and file.**

- C-3 Update from the Capital Improvement Planning Ad-Hoc Committee on Committee’s Recent Activities  
**Staff Recommendation: Receive and file.**

D. NEW BUSINESS

- D-1 Tsunami Event Protocols and Public Safety Information  
**Staff Recommendation: Receive and file.**

- D-2 Cancellation of the January, 2015 Harbor Advisory Board meeting.  
**Staff Recommendation: Cancel the meeting.**

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

This agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the agenda posted at the Morro Bay Harbor Department, 1275 Embarcadero, for any revisions or call the department at 772-6254 for further information.

Materials related to an item on this Agenda are available for public inspection during normal business hours at the Harbor Department and at Mill’s/ASAP, 495 Morro Bay Boulevard, or online at [www.morro-bay.ca.us](http://www.morro-bay.ca.us). Materials related to an item on this Agenda submitted to the Board after publication of the Agenda packet are available for inspection at the Harbor Department during normal business hours or at the scheduled meeting.

**CITY OF MORRO BAY**

**HARBOR ADVISORY BOARD**

**SYNOPSIS MINUTES**

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, November 6, 2014 at 6:55 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

**ESTABLISH QUORUM AND CALL TO ORDER**

Present:           Members:    Alan Alward (MBCFO Rep)  
  Gene Doughty  
  Jeff Eckles  
  Bill Luffee  
  Dana McClish  
  Lynn Meissen  
  Ron Reisner  
                          Staff:           Eric Endersby, Harbor Director  
  Polly Curtis, Office Assistant

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS**

Chair Eckles announced the Morro Bay Community Foundation is presenting "Morro Bay Sings" on Saturday, November 8<sup>th</sup> at 5:00 at the Community Center featuring country music. Tickets are \$25, and proceeds go towards assisting kids in the community to pay fees for Recreation and Parks programs.

Chair Eckles said that during the public comment period of the October Harbor Advisory Board meeting some comments were made about the Harbor Patrol Officers. He said for the record, he is proud of the Harbor Patrol Officers, they have always been friendly, professional, and courteous in dealing with him as a yacht club member. He said transient vessels have often expressed without exception that the Morro Bay Harbor Patrol are the most professional and friendly on the West Coast. He thanked the HPOs for continuing to keep the harbor safe for recreational and commercial boaters.

Mr. McClish said he agrees wholeheartedly with Chair Eckles' statements about the HPOs. He also said during the boatyard/haulout facility survey, he and Ms. Meissen spoke to many transient boaters at the yacht club, and one consistent complaint was the difficulty of accessing the fuel dock. He said boaters often pass by Morro Bay and get fuel elsewhere. Mr. McClish suggested that during consideration of waterfront development that rebuilding the fuel dock access should be looked at.

Mr. Reisner said he has free tickets for the "Morro Bay Sings" program, call him 206-399-0690.

**PUBLIC COMMENT**

Mr. Jeremiah O'Brien, commercial fisherman, said he is back in town now from fishing, and that the Economic Impact Report is available. He also said he fishes up and down the coast and often brags about this Harbor Department. He is proud of the professionalism and attitude of the HPOs. He's been here for the past 35 years and said that this has always been true and still continues. Mr. O'Brien thanked the Harbor Patrol and said to keep up the good work.

**A. CONSENT CALENDAR**

**A-1 MINUTES**

Mr. McClish moved the October 2, 2014 Harbor Advisory Board minutes be approved. The Motion was seconded by Mr. Luffee and carried unanimously.

**B. PUBLIC HEARINGS**

**B-1 Harbor Department Status Report**

Mr. Endersby briefed the Board on the following topics:

**North T-Pier Maintenance and Repair Project**

**Oil Recycling Yard**

**Aquarium RFP**

**Recent City Council Actions:**

**MOU Contracts**

**LS68/68W**

**Resolution No. 71-14 DBW Equipment Grant Contract for Engines**

**Recent Events:**

**October 4-5 – Harbor Festival**

**October 12 – Person Washed Off Jetty, Injury**

**October 19 – Dive Cleanup Underneath Piers and Slips**

**October 19 – Vessel “Glowing Star” Sunk at SPM**

**November 2 - Triathlon**

**Upcoming Events:**

**November 15 – Morro Bay Beautiful Cleanup on Sandspit**

**November 1-28 – Morro Bay in Bloom Surfboard Art Festival**

**November 29 – Morro Bay in Bloom Surfboard Auction**

**December 3-8 – Lady Washington and Hawaiian Chieftain**

**December 6 – Lighted Boat Parade**

**Training:**

**October 20 – Konrad Engines Technical Training, HPO Stein, HPO Jacobs**

**October 29 – Harbor Patrol/Coast Guard Helicopter Lift Operations**

**B-2 Lifeguard Season-End Report**

Mr. Kyle Shaffer, Lifeguard Supervisor and Reserve Harbor Patrol Officer, recapped the Lifeguard season for the Board, including thanking his staff for a job well done. He said there were higher water temps and fewer foggy days than normal; there were 129,000 beach goers during the season of 106 days of beach coverage. Mr. Shaffer listed all the statistics from the season, saying the most important numbers are zero deaths and zero drowning.

**C. UNFINISHED BUSINESS**

**C-1. Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee’s Recent Activities**

Mr. Endersby said Lisa Wise Consulting (LWC) has completed the Case Study, and the Survey is near completion with over 100 Survey results. LWC will document the results and submit them to the Morro Bay Commercial Fisherman’s Organization, and then bring the results to the Harbor Advisory Board.

**C-2. Update from the Capital Improvement Planning Ad-Hoc Committee on Committee’s Recent Activities**

Chair Eckles said the Ad-Hoc Committee has not convened since the previous Harbor Advisory Board meeting. Nothing to report.

**D. NEW BUSINESS**

**D-1 Review of Harbor Department Rules and Regulations Document and Harbor Advisory Board Input and Direction on Sections Warranting Updating and Revision**

Mr. Endersby briefed the Board on the Harbor Rules and Regulations and the need to identify areas to be revised, added, deleted, or organized. He asked the Board for their suggestions, saying he would incorporate the changes and then bring the updated version back to the Board, prior to submitting to City Council for approval.

Discussion by the Board. Mr. Endersby said he has started a list of possible areas in the Harbor Rules and Regulations that he feels need to be addressed. Mr. Doughty asked if Mr. Endersby could read the list aloud and the Board members can agree or disagree to discuss the areas further, with a “thumbs-up” or “thumbs-down” response tonight. Mr. Endersby agreed.

Following is the list of areas in the Harbor Rules and Regulations that the Board agreed to discuss further.

1. Requiring vessel insurance for use of City facilities.
2. Time limit on recreational vessel stay on T-Piers.
3. Use of impoundment of vessels for other than non-payment of fees as an enforcement tool.
4. Setting a definitive number on the maximum size vessel that a mooring can accommodate.
5. Allowing a limited number of commercial fishing vessels to have Liveboard permits at the T-Piers.
6. Insurance required for Liveboards.
7. Adding needed definitions to the Morro Bay Municipal Code.
8. Eliminating the \$1/day non-mooring holder skiff tie-up fees at City head-float areas.
9. Prohibiting careening of vessels on the sandspit except in emergencies.
10. Limiting the amount of repair on vessels in water (25%) that should go to a boatyard.
11. Specific reference to City slips for owners/crew/guests only.
12. No overhead casting in certain areas.
13. Adding/strengthening Best Management Practices.
14. Marine Sanitation Devices and discharge in the bay.
15. Cleaning up the section that mentions Associated Pacific and Jim Entwisle.
16. A defined appeal process.

**D-2 Tsunami Event Protocols and Public Safety Information**

Chair Eckles requested this Informational Item be tabled until the December meeting. The Board concurred.

**E. DECLARATION OF FUTURE AGENDA ITEMS**

Chair Eckles requested the “Changes to Harbor Rules and Regulations” Agenda Item be heard at the next Harbor Advisory Board meeting in December 2014. There was Board concurrence to hear this item in December 2014.

Chair Eckles requested the “Tsunami Warning and Emergency Notification” Informational Item, which was on the current Agenda and did not get heard, be tabled until the December 2014 Harbor Advisory Board meeting. There was Board concurrence to hear this item in December 2014.

Chair Eckles requested review of Marine Sanitation Devices and discharge in the bay at a future Harbor Advisory Board meeting. There was Board concurrence to hear this item.

Mr. Doughty requested an annual status report from Mr. Endersby on all waterfront Lease Sites. There was Board concurrence to hear this item.

In addition, the Board reviewed items previously declared for Future Agenda and there was consensus to review the State Park Marina Operating Agreement at the February 2015 Harbor Advisory Board meeting.

**F. ADJOURNMENT**

This meeting was adjourned at 8:55 PM.  
Submitted by,

Polly Curtis  
Harbor Department



AGENDA NO: B-1

MEETING DATE: December 4, 2014

# Staff Report

**TO:** Harbor Advisory Board **DATE:** November 24, 2014  
**FROM:** Eric Endersby, Harbor Director  
**SUBJECT:** Harbor Department Status Report

## RECOMMENDATION

Receive and file.

## DISCUSSION

**Recent City Council Action:** At their November 11, 2014 meeting the City Council voted to approve the first reading of Ordinance 588 making changes to the commercial fishing vessel slip qualification requirements recently recommended by the Harbor Advisory Board. The second reading and final adoption of the ordinance is scheduled for the December 9, 2014 meeting.

Also at the November 11 meeting, the Council approved a new Sublease Agreement form that provides for renewal of subleases without having to go through the complete sublease application process as was stipulated on the old form. In addition, the Council approved for the administrative approval of subleases on the seven remaining master leases that require Council sublease approval. The City's modern lease format provides for administrative approval.

**Recent Events:** As of this writing the **1st Annual Morro Bay Surfboard Art Festival** is still underway. This month-long event supports Project Surf Camp and Morro Bay in Bloom and includes a Surfboard Art Festival Gala Auction from 2 p.m. to 5 p.m. at Fish Bonez restaurant on November 29<sup>th</sup>.

**Commercial Dungeness crab fishing season** opened November 15, while recreational opened November 1. Both seasons go until June 30.

**Waterfowl hunting season** has begun in Fish & Game's Wildlife Area Hunt Zone in the back bay. The Black Brant and duck general seasons started on November 7 and run through December 6, 2014.

## **Upcoming Events:**

**Tall Ships.** Dec 3-8<sup>th</sup> the tall ships Lady Washington and Hawaiian Chieftain will be at Marina Square, 699 Embarcadero. During their stay, the ships will be offering walk-on tours and two

Prepared By: EE

Dept. Review: EE

options for sailing excursions. Crew in 18th century costumes will welcome visitors dockside in Morro Bay for ship handling demonstrations, sea shanty singing and storytelling. The ships will also host educational programs for K-12 students.

**Lighted Boat Parade.** On Dec 6<sup>th</sup> the annual Lighted Boat Parade will take place on the bay, with the annual Tree Lighting taking place at City Park, weather permitting. The parade kicks off at 6:30 p.m., with the Pre-Parade Festivities beginning approximately 4:30 p.m. including holiday music by the White Caps Band & Strolling Carolers plus free photos with Santa & Mrs. Claus at the South T-Pier.

**Winter Bird Festival.** January 16, 17, 18, & 19 – The Morro Bay Winter Bird Festival is a yearly eco-tourism event promoting an understanding and appreciation of birds and other wildlife and an awareness of environmental and conservation issues of the Central Coast.

**Recreational rockfish season** ends December 31.

The annual **Cayucos New Year's Polar Bear Dip** at the Cayucos pier is scheduled for noon as usual. Again the Harbor Patrol will be in attendance for water safety back-up. This event doubles as a water rescue and coordination training event for agency personnel from various agencies, including Morro Bay Harbor Department, to get together and train on incident command and water rescue.



AGENDA NO: C-1

MEETING DATE: December 4, 2014

# Staff Report

**TO:** Harbor Advisory Board

**DATE:** November 24, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Review of Harbor Department Rules and Regulations Document and Morro Bay Municipal Code Chapter 15 for Harbor Advisory Board Input and Direction on Revising “Definitions”

## **RECOMMENDATION**

Review Harbor Department Rules and Regulations document, Morro Bay Municipal Code Chapter 15 and other documentation provided for staff input and direction on Definitions.

## **FISCAL IMPACT**

There is no fiscal impact associated with this item.

## **BACKGROUND**

At the November 6, 2014 Harbor Advisory Board meeting, agenda item D-1 was consideration of various Harbor Department Rules and Regulations warranting revision and/or updating. At that meeting the Board elected to identify and concur on items for future consideration as the list was lengthy. One area identified in need to revision and strengthening was the Definitions, which are primarily found in the Municipal Code. Staff believe that definitions are the starting point and provide direction and content for the remainder of the municipal code and rules and regulations, and as such warrant being the “first phase” in the overall rules and regulations revision/update.

## **DISCUSSION**

Chapter 15.04 of the Morro Bay Municipal Code (MBMC) is the section addressing the majority of harbor and ocean regulation definitions, while “live bait receivers” is defined in MBMC 15.24.040, MBMC 15.40 addresses liveaboard definitions and “operable and seaworthy” are defined in the Harbor Rules and Regulations.

It is staff’s preference to review the current Morro Bay harbor-related definitions and identify areas or items that the Board, staff or public identify as warranting updating, revising, adding or deleting. While input and direction on said sections will be taken, including suggested language or content revisions, it is staff’s intent to note input received and later craft revisions accordingly with legal and other input.

Prepared By: EE

Dept. Review: EE

At the next Board meeting or meetings staff will bring back the next phase or phases, which are the various other sections of the Harbor Rules and Regulations and MBMC identified at the November 2014 Board meeting as being worthy of consideration for revision. Once input on the entirety of the Harbor Rules and Regulations and Chapter 15 of the MBMC is completed, staff will bring the revisions to the City Council for review, input and approval.

### **CONCLUSION**

Staff is seeking public and Harbor Advisory Board input on the Harbor Department Rules and Regulations document and Morro Bay Municipal Code Chapter 15 for possible definition revisions. Any proposed revisions will be brought to the City Council for consideration at a future date.

A copy of the pertinent Morro Bay definitions are included with this staff report. Also included for reference and consideration are pertinent excerpts from the Santa Barbara Municipal Code as it relates to harbor definitions, definition excerpts from various other west coast harbors and marinas as previously compiled by member Ron Reisner and the current Morro Bay Harbor Rules and Regulations.

## **Excerpted from Morro Bay Municipal Code Chapter 15**

### **Chapter 15.04 - DEFINITIONS**

#### **15.04.010 - Generally.**

For the purposes of this title, the words and phrases herein defined shall, unless the context clearly indicates otherwise, have the meanings set forth in this chapter.

**15.04.020 - Anchorage area.** "Anchorage area" means any portion of Morro Bay which has been so designated.

**15.04.030 - City.** "City" means city of Morro Bay.

**15.04.040 - City council.** "City council" means the city council of the city of Morro Bay.

**15.04.050 - Commercial mooring operator.** "Commercial mooring operator" means any person or persons who rents or holds out for rent, moorings within an established commercial mooring zone, and who has contracted with the city for use of such zone.

**15.04.060 - Fire chief.** "Fire chief" means the fire chief of the city of Morro Bay.

**15.04.070 - Harbor director.** "Harbor director" means the harbor director appointed by the city administrator.

**15.04.080 - Harbor patrol.** "Harbor patrol" means any and all city employees who are designated and employed by the city as such and who, although not peace officers, do have limited powers to arrest pursuant to Section 836.5 of the California Penal Code for the purpose of issuing citations to appear in court for violation of this chapter.

**15.04.090 - Houseboat.** "Houseboat" means a watercraft on or in the water of Morro Bay, floating or non-floating, which is designated, intended and fitted out as a place of habitation and is not principally used for transportation.

**15.04.100 - Mooring.** "Mooring" means any appliance used to secure a vessel in the city of Morro Bay, other than to a pier, which is not carried aboard such vessel as regular equipment when under way.

**15.04.110 - Motorboat.** "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the appropriate federal agency.

**15.04.120 - Pier.** "Pier" means any fixed or floating structure for securing vessels, loading or unloading persons or property or providing access to the water, and includes wharf, dock, float or any other landing facility.

**15.04.130 - Turning basin.** "Turning basin" means that portion of any channel which has been so designated for the purpose of permitting vessels to turn around or permitting their course or direction to be altered therein.

**15.04.140 - Vessel.** "Vessel" includes every description of watercraft which is designed and principally intended for use as a means of transportation on water and which is capable of being navigated from place to place. (Ord 119 § 1 (part), 1974: prior code § 9401.1(j))

**15.04.150 - Vessels of a commercial nature.** "Vessels of a commercial nature" means vessels for which the state of California, Department of Fish and Game has issued a current commercial fishing license, and whose owner or operator holds a current commercial fishing license, and which, within the current calendar year, has been actively used for commercial fishing activities. Such use shall be evidenced by proof that the vessel has grossed a minimum of one thousand dollars for each net ton capacity of the vessel, with a minimum of five thousand dollars or that the vessel has fished at least ninety days in the calendar year. Gross earnings or fish sales shall be evidenced by state of California, Department of Fish and Game commercial fish receipts or by the official commercial fish receipts of other west coast states. Proof of ninety days fishing shall be established as provided for in Resolution 90-85 or as may be amended by the city council, except that use of float plans for qualification purposes is eliminated.

**15.04.160 - Water of Morro Bay.** "Water of Morro Bay" means all water within the city limits of the city of Morro Bay in which the tide ebbs and flows, whether or not the ordinary or mean high tide line of the Pacific Ocean has been fixed by ordinance, statute, court action or otherwise, and whether or not the lands lying under the tidal water are privately or publicly owned.

**15.24.040 - Live bait receivers defined.** A "live bait receiver" is an object for confining live bait which is afloat in the water of Morro Bay or the Pacific Ocean, either moored to a pier, bulkhead or seawall, or moored by means of an anchor or other weight to the bottom of the bay or ocean; provided, however, that a live bait receiver shall not be deemed to be a "structure" within the meaning of Chapter 15.20 of this title.

## **Chapter 15.40 - VESSEL HABITATION**

### **15.40.020 - Definitions**

For the purposes of this chapter the following definitions shall apply:

A. For the purposes of this chapter, "Morro Bay Harbor" shall be the tidelands and submerged lands granted to the city of Morro Bay as successor to the county of San Luis Obispo under Chapter 1076 Statutes of 1947 of the State of California.

B. Liveaboard—Individual(s) and/or Vessel(s).

1. A "liveaboard" is defined as any person(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 "liveaboard vessel" is any vessel which is moored in Morro Bay Harbor for more than sixty days in any twelve-month period and is occupied by a liveaboard. Liveaboard 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 director" means the harbor director or his/her designate.

D. "Off-shore mooring" means any site where a vessel is secured within Morro Bay 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. "Shore-side mooring" means any site where a vessel is secured within Morro Bay Harbor which is 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.

F. "Sewage" means that portion of the wastewater from toilets or any other receptacles containing human or animal excreta and urine, commonly known as blackwater.

G. "Sewage holding tank" means a permanently installed receptacle on a vessel which is used to retain sewage.

H. "Sewage pump-out" means a mechanical device which is temporarily connected to a vessel for the purpose of removing sewage from its holding tank.

I. 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 Morro Bay Harbor.

## **Excerpted from Morro Bay Harbor Department Rules and Regulations**

**Operable** means capable of maneuvering under a vessel's own power to the Harbor entrance or to an inspection site designated by the Harbor Director and back to its berthing location.

**Seaworthy** shall mean the vessel's hull, keel, decking, cabin, and mast are structurally sound and generally free from structural rusting, delamination, or dry rot.

## Excerpted from Santa Barbara Municipal Code Chapter 17

### **17.04.010 Definitions.**

The following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

**A. ANCHOR.** A heavy metal device, fastened to chain or line, designed to help hold a vessel in position. (Ord. 5386, 2006.)

**B. ANCHORING EQUIPMENT.** An Anchor, line or chain and associated gear that is retrievable, stowable, non-permanent ground tackle designed to engage the seafloor and through its resistance to drag maintain a vessel within a given radius. (Ord. 5386, 2006.)

**C. BERTH.** A water surface area, delineated by either floating or fixed dock structures, intended for the purposes of embarking, disembarking and the wet storage of boats. A Berth is also known as a "Slip." (Ord. 5386, 2006.)

**D. CITY-APPROVED MOORING INSPECTOR.** An individual who, by satisfactorily demonstrating appropriate qualifications, has been included on a City-approved list of inspectors eligible to install, inspect and repair ground tackle for Mooring Permittees in the Santa Barbara Mooring Area. (Ord. 5386, 2006.)

**E. CITY PIER.** The City Pier is located adjacent to the Breakwater at the Southeastern end of Harbor Way in the Santa Barbara Harbor formerly known as the "Navy Pier." (Ord. 5386, 2006; Ord. 4757, 1992.)

**F. DINGHY.** A small boat used as a tender to a larger vessel. A Dinghy is also known as a "Skiff." (Ord. 5386, 2006.)

**G. DISCHARGE.** To spill, leak, pump, pour, emit, empty, dump, deposit, or throw. (Ord. 5386, 2006; Ord. 5282, 2003.)

**H. DOCK.** A platform, either floating or fixed, provided in a marina for the wet storage of a boat and pedestrian access to and from the boat. (Ord. 5386, 2006.)

**I. DOCKAGE.** The daily rate assessed a vessel which ties up to any wharf or pier in the Harbor. (Ord. 5386, 2006; Ord. 4757, 1992.)

**J. FLOAT.** A wharf, pier, quay or landing. (Ord. 5386, 2006; Prior Code §24.1.)

**K. GROUND TACKLE.** All equipment used for Mooring or anchoring a vessel securely to the seafloor. (Ord. 5386, 2006.)

**L. HARBOR.** The area depicted on Exhibit "A" attached to Chapter 17.20 generally bounded by and including Stearns Wharf on the east, the Breakwater on the south, the seawall abutting Harbor Way and the Harbor commercial area on the west, the concrete walkway and seawall along

currently-designated Marinas 2, 3 and 4 and including the area commonly known as West Beach on the north. (Ord. 5386, 2006; Ord. 4757, 1992; Prior Code §24.1.)

**M. HARBOR DISTRICT.** The entire Waterfront of the City, including all navigable waters and all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide, bounded by the limits of the City as now fixed or hereafter may be extended. (Ord. 5386, 2006; Ord. 4757, 1992; Prior Code §24.1.)350-1 rev. 12/31/07

**N. HARBORMASTER.** The person designated by the Waterfront Director as the division manager of the Operations Division of the Waterfront Department. (Ord. 5386, 2006; Ord. 4757, 1992.)

**O. HARBOR PATROL SUPERVISOR.** The person designated by the Waterfront Director as the supervisor of the Harbor Patrol Officers in the Operations Division of the Waterfront Department. (Ord. 5386, 2006; Ord. 4757, 1992.)

**P. LIVE-ABOARD.** The use or occupancy of a vessel for habitation on any four (4) nights during a seven (7) day period. The term does not include the vacation use of a vessel, as defined in Section 17.18.090, by its registered owner and the owner's guests. (Ord. 5386, 2006; Ord. 4757, 1992; Ord. 4387, 1986.)

**Q. MARINA.** A connected system of slips in the Harbor. (Ord. 5386, 2006; Ord. 4757, 1992.)

**R. MARINE SANITATION DEVICE.** Equipment on board a vessel that is designed to receive, retain, treat, process, or discharge sewage. (Ord. 5386, 2006; Ord. 5282, 2003.)

**S. MINIMUM GROUND TACKLE SPECIFICATIONS.** The specifications for Ground Tackle used to moor a vessel, attached as Attachment "A" to the Resolution of the Council of the City of Santa Barbara Establishing Minimum Ground Tackle Specifications and Procedures for Installing, Inspecting and Repairing Moorings in the Santa Barbara Mooring Area, as may be amended from time to time by the Harbor Commission, with which all vessels intending to moor in the City of Santa Barbara Mooring Area must comply. (Ord. 5386, 2006.)

**T. MOORING.** An Anchor, chain, buoy, pendant, snubber, chafing gear and associated equipment, not typically stowed or carried aboard a vessel when underway, used to engage the seafloor and through its resistance to drag maintain a vessel within a given radius. (Ord. 5386, 2006; Ord. 4757, 1992; Prior Code §24.1.)

**U. MOORING INSPECTION REPORT.** A City form on which a City-Approved Mooring Inspector provides the results and recommendations of a Mooring Inspection. (Ord. 5386, 2006.)

**V. MOORING PERMIT.** An annual non-transferable Mooring Site rental agreement issued by the Waterfront Director to a Mooring Permittee to place a Mooring and vessel in a Mooring Site in the Santa Barbara Mooring Area. (Ord. 5386, 2006.)

**W. MOORING SITE.** A designated location within the Santa Barbara Mooring Area assigned by the Waterfront Director through a Mooring Permit to a Mooring Permittee for purposes of Mooring a vessel. (Ord. 5386, 2006.)

**X. OPERABLE.** A vessel's ability to maneuver safely under its own power from any place in the Harbor District to the open waters of the Pacific Ocean and back to its point of origin. (Ord. 5386, 2006.)

**Y. RODE.** All gear, collectively, that lies between a boat and its Anchor. (Ord. 5386, 2006.)

**Z. SANTA BARBARA MOORING AREA.** The area located in the City of Santa Barbara tidal waters east of Stearns Wharf as depicted on the reference map attached as Exhibit "A" to Chapter 17.20. (Ord. 5386, 2006.)

**AA. SEASONAL ANCHORAGE.** The area depicted on the reference map attached as Exhibit "A" to Chapter 17.20. (Ord. 5386, 2006.)

**BB. SEWAGE.** Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste. (Ord. 5386, 2006; Ord. 5282, 2003.)

**CC. SLIP.** A docking space for a vessel within the Harbor. (Ord. 5386, 2006; Ord. 4757, 1992.)

**DD. SLIP FEE.** The monthly license fee paid by a slip permittee for berthing privileges in the Harbor, including the monthly fees paid for live-aboard privileges if applicable. (Ord. 5420, 2007.)

**EE. SLIP PERMIT.** A slip rental agreement issued by the Waterfront Director to a Slip Permittee to berth a vessel in a slip in the Santa Barbara Harbor. (Ord. 5386, 2006; Ord. 4757, 1992.)

**FF. SPECIAL ACTIVITY MOORING PERMIT.** A Mooring Permit issued by the Waterfront Director to individuals, organizations and governmental entities found to be operating research, scientific, clean-up or other functions necessary to the long-term health and operation of the Harbor District and marine environment, or critical to the safety, welfare and protection of persons and assets within the Harbor District. (Ord. 5386, 2006.)

**GG. STEARNS WHARF.** The wharf structure and all of its improvements located at the foot of State Street. (Ord. 5386, 2006; Ord. 4757, 1992; Ord. 4272, 1984.)

**HH. TRANSFER FEE.** The fee charged to transfer a Slip Permit. (Ord. 5420, 2007; Ord. 5386, 2006; Ord. 4757, 1992.)

**II. WATERFRONT.** The Harbor, Stearns Wharf, West Beach and all City-owned or -operated parking lots and related structures and facilities along Cabrillo Boulevard or Shoreline Drive within the City of Santa Barbara. (Ord. 5386, 2006; Ord. 4757, 1992; Ord. 4272, 1984.)

**JJ. WHARFAGE.** The hourly rate assessed any vessel which uses or is tied up to any structure in the Harbor for the loading or unloading of merchandise, excluding the products of commercial fishing. (Ord. 5386, 2006; Ord. 4757, 1992.)

**KK. YEAR-ROUND ANCHORAGE.** The area depicted on the reference map attached as Exhibit "A" to Chapter 17.20. (Ord. 5386, 2006.)

**17.20.005 Slip Assignment Policy.**

**K. VESSELS IN THE HARBOR MUST BE OPERABLE.**

**1. Vessels Assigned to a Slip Permit Must be Maintained as Operable Vessels.** Vessels assigned to a Slip Permit must be continuously maintained in an Operable condition. If, at any time, based upon the appearance of the vessel, inspection by the Waterfront Director, or other facts, the Waterfront Director determines that a vessel is not Operable, the Waterfront Director shall give notice to the slip permittee requiring the slip permittee to demonstrate that the vessel is Operable within fifteen (15) days of the date of the notice. If the slip permittee does not demonstrate Operability of the vessel within the fifteen (15) day period, the Slip Permit may be terminated and the vessel shall be removed from the Harbor.

**a. Exception - Vessels Not Operable.** Vessels that had assigned slips in the Santa Barbara Harbor on September 9, 1980, and which, on that date, were not Operable, shall be exempt from the operation of this section until transfer of the Slip Permit, after which time the Operability is required.

**2. Vessels in the Harbor Must be Operable.** Vessels in the Harbor must be continuously maintained as Operable Vessels. It shall be unlawful to berth a vessel in the Harbor that is not Operable.

**17.20.020 Unseaworthy Vessels Not to be Moored.**

The Waterfront Director has the authority to determine if a sunken, submerged, or badly deteriorated vessel, or property of any kind is unseaworthy or is a menace to navigation. Any vessel or property in such condition will be declared to be a public nuisance and shall be considered abandoned property and subject to sale in the manner prescribed in Chapter 9.88. (Ord. 4757, 1992; Prior Code §24.5.)

**Excerpted from various harbor/marina provisions compiled by Ron Reisner**

A. "Vessel" means every description of watercraft used, or capable of being used, as a means of transportation on the water, or a craft designed to float on the water, and any other watercraft berthed or moored in the waters of the City of Morro Bay.

B. Waters of the City of Morro Bay means all waters of Morro Bay and Estero Bay that are owned, leased, managed, or controlled by the City of Morro Bay, whether or not a mean high tide line of the Pacific Ocean has been fixed by Ordinance, statute, court action, or otherwise.

### C. Fit for Service – (“Seaworthy”)

(i) Vessels moored or berthed in City of Morro Bay waters, or waters controlled by the City of Morro Bay, must, at all times, be completely without hazardous conditions, must be fit for the vessel’s intended service, and be ready for immediate cruising in local waters in safety, and with no significant probability of requiring assistance.. These requirements are the sole responsibility of the vessel owner and/or vessel operator. The City may ask vessel owners to prove or demonstrate the fit for service condition of the vessel. However, the City of Morro Bay does not undertake to enforce workplace safety standards aboard vessels moored or berthed in City waters, or in waters controlled by the City.

(ii) Vessel owners must grant permission when requested for an on-board examination of his/her vessel by: the City of Morro Bay; law enforcement agencies; the U.S. Coast Guard; the U.S. Coast Guard Auxiliary; or other parties as may be designated by the City of Morro Bay.

(iii) Vessels which because of their size, construction, and/or condition are deemed by the City to be hazardous to property or other vessels in City waters or water controlled by the City may be denied moorage or berthing, and may be asked to depart those waters. Moorage or berthing may be denied or terminated if a vessel deteriorates to the point that it is deemed a hazard to property or other vessels.

(iv) The City of Morro Bay reserves the right, at the vessel owner’s expense, to take all actions necessary, including hauling the vessel out of the water, if the City believes a vessel moored or berthed in City waters or waters controlled by the City is in immediate danger of sinking, polluting, or damaging other property. The City is not, however, obligated to inspect vessels, nor does the City warrant or guarantee, the condition, seaworthiness, or fitness for service of any vessel.

### D. Vessel Maintained in Operable Condition

(i) Vessels moored or berthed in City of Morro Bay waters, to include vessels to which a liveaboard permit has been issued, shall be kept in good repair and in an operable condition. The obligation for vessels to be in such condition is the sole responsibility of the vessel owner and/or vessel operator. However, The City of Morro Bay reserves the right to conduct, or have conducted, a Courtesy Safety Check of any vessel moored or berthed in City of Morro Bay waters, which check may include the operable condition of the vessel’s: masts; rigging; propulsion systems; mechanical systems; plumbing systems; electrical systems; and navigation systems; as well as the vessel’s structure to include but not be limited to hull, decks, superstructure, and keel.

(ii) Additionally, vessels moored or berthed in City of Morro Bay waters, may, at the sole discretion of the City of Morro Bay and as a condition of moorage or berthing, be asked to demonstrate the vessel’s ability to leave the moorage or berth, and successfully operate in terms of making way and maneuvering for a period of time to be designated by the City, as well as demonstrating the vessel’s ability to anchor and to moor.

## EXHIBIT "A"

### CITY OF MORRO BAY - HARBOR DEPARTMENT RULES AND REGULATIONS FOR VESSELS USING CITY PIERS, DOCKS AND OFFSHORE MOORINGS

#### INTRODUCTION

The City of Morro Bay directly operates 2 piers, approximately 50 slips and 70 individual moorings. The City also provides a floating dock and anchorage area for transient vessels. City-managed individual mooring sites are in the A2, A1-1 and A1-2 mooring areas as shown in the attached map. The City leases out the A1-3 and A1-4 mooring areas to the Morro Bay Yacht Club and Morro Bay Marina respectively which manage individual mooring assignments in those areas. Most Embarcadero slips and the State Park Marina slips are privately operated with rules and regulations set by the operator. Following are rules and regulations for City-managed facilities and general operation of the Harbor within City limits. The Harbor Department shall mean the Harbor Director, or any designated employee of the City of Morro Bay Harbor Department.

#### 1. MORRO BAY HARBOR DEPARTMENT - GENERAL REGULATIONS

No person shall anchor, moor or secure a vessel or any object within the City of Morro Bay except in designated areas and locations set by the Morro Bay Harbor Department and the Morro Bay Municipal Code. Any vessel or object moored, anchored or secured in violation of this section may be declared a hazard pursuant to California Harbor and Navigations Code Section 523 and shall be relocated to a safe anchorage or berthing location by the Harbor Patrol. The owner will be charged for all costs associated with such relocation and may be subject to impoundment at the fee shown in the Master Fee Schedule. No vessel may exceed 5 MPH speed limit within the Morro Bay City limits with the exception of governmental agencies in the performance of duties. Discharge of sewage is strictly prohibited. No person may liveaboard a non-transient vessel in excess of 4 days without first obtaining a permit as provided for in Morro Bay Municipal Code, Section 15.40.

To use or occupy City docks, City moorings, City Piers, the A1-5 anchorage area or City floating dock a vessel must be registered with the Harbor Department including submission of a signed RENTAL AGREEMENT or transient berthing agreement card.

#### 2. CITY SLIPS

##### A: General

City slips shall be assigned to commercial fishing vessels as defined in Morro Bay Municipal Code 15.04.150 and Resolution 23-91 of the City of Morro Bay. Rental agreements for use of City slips are not transferable. If a vessel is sold or ceases to qualify for a slip, the agreement is terminated. No city slip agreement holder may allow the use of any city slip by another vessel without the prior permission of the Harbor office. The City may rent any unoccupied slip on a temporary basis.

A commercial fisherman with a qualified commercial fishing vessel, as defined, occupying a City slip may, at the fisherman's discretion, occupy said slip with a second qualified commercial fishing vessel owned by the fisherman in place of the first vessel provided that said second vessel is of an appropriate size for said slip, and that both vessels remain qualified commercial fishing vessels as defined. This allowance will in no way be used by said fisherman for the purposes of transfer of the slip to a second owner or owners of either vessel in order to bypass the commercial slip waiting list by the

second owner or owners. (Resoluiton 60-13)

Berthing space behind head floats on City slips will be designated as "head float berth" in the City's Master Fee Schedule and may be assigned to qualified commercial fishing vessels which will be charged at the monthly commercial slip rate. Vessels other than skiffs or qualified commercial fishing vessels desiring to use the "head float berth" will be charged as set forth in the City Master Fee Schedule. This "head float berth rate" may be adjusted annually by the City Council. Head Float Berth spaces will be assigned on a first come, first serve basis with prior approval of the Harbor Department.

**B: Waiting List Procedures And Assignment Of Vacant Slips**

The City has established a Commercial Slip Waiting List with a refundable fee as set forth in the City Master Fee Schedule and a Recreational Slip Waiting List with a refundable fee as set forth in the City Master Fee Schedule. When a slip vacancy occurs, the slip will be assigned to the next eligible vessel on the commercial slip waiting list. It is the responsibility of all waiting listees to keep the Harbor Office informed of current address and contact numbers. If no response is received after two attempts to contact waiting listee at the address and/or phone number on record with the Harbor Office, then the waiting listee will be passed over until such time as they recontact the Harbor Department.

A vessel and the vessel's owner must meet the definition for commercial fishing vessels to be placed on the commercial slip waiting list and must qualify for the year in which they are offered a permanent slip. A vessel owner may substitute a different vessel and maintain the same position on the list up to one time in any three-year period. Anyone on the commercial slip waiting list for more than 5 years will have to re-qualify as a commercial vessel to remain on the list. Failure to re-qualify the vessel will result in removal from the list and a refund of the deposit.

The recreational slip waiting list would be used in the event the City develops new slips for recreational boaters.

**C: Temporary Cancellation Of City Slips And Slip Subleasing**

Any City slip agreement holder may, by giving City notice at the Harbor Office of a pending absence and vacation of the slip in excess of 30 days, have their slip fees reduced to 25% of the regular monthly fees listed in the Master Fee Schedule. If the slip holder returns to the slip in a period less than the 30 days and another vessel is occupying the slip under a sublease, the slip holder will have to dock at the T-Piers as space is available. Vessels on the Commercial Slip Waiting List will have priority for subleases. The City will maintain a slip sublease waiting list and will make the vacated slip available to the next available qualified vessel on the slip sublease waiting list if there is no vessel on the Commercial Slip Waiting List which desires a sublease. If a vessel or person on the sublease waiting list declines a slip sublease assignment or if the City is unable to contact the person after two attempts; then that person's name shall be removed from the waiting list. The City may assign any vessel to a vacated slip on a daily basis at the daily transient fee but no subleases will be allowed for a period less than one month. No vessel will be allowed to use any vacated slip either on a transient daily fee or monthly sublease basis without paying in advance. As long as there are vessels on the sublease waiting list, there will be a 3-month maximum for any one vessel to remain in a sublease slip. If there are no suitable vessels on the sublease waiting list or commercial waiting list, a vessel may remain in a sublease slip in excess of 3 months.

If a vessel on temporary cancellation does not occupy the assigned slip for a period of at least 3 months in any 24-month period then the City may terminate the berthing agreement and assign the slip to the next qualified vessel on the commercial slip waiting list.

### **3. OFFSHORE MOORINGS**

#### **A: Moorings - General**

Moorings are allowed only in designated locations within the outlined mooring zones or as approved by the Harbor Director and allowed by the Morro Bay Municipal Code. Some mooring locations have tackle and gear owned and installed by the City; most mooring locations have tackle and gear owned and installed by the private party. Each mooring is for one vessel and its associated tender. Floating docks or arrangements other than mooring tackle and gear as outlined and approved by the Harbor Department are prohibited.

Moorings sites A2-0-21A and A1-2-7A were assigned when previous unpermitted floating docks were removed off these moorings. The Harbor Department at its sole discretion shall set maximum vessel size limits for these moorings. Mooring sites A2-0-21A and A1-2-7A are owned by Jim Entwisle and Associated Pacific Constructors respectively and may not be sold, transferred or assigned to new parties. Should Jim Entwisle or Associated Pacific Constructors no longer desire to use mooring sites A2-0-21A or A1 - 2-7A then these moorings shall be removed.

Assigned mooring agreement holders must at all times keep the Harbor Department notified of the vessel which is currently using the mooring site.

If an offshore mooring agreement is terminated for non-payment of rent or failure to inspect mooring gear, the City may take possession of the location and any personal property as outlined in Chapter 15 of the Morro Bay Municipal Code. In such case the Harbor Department may either take the mooring location out of service or install City owned mooring tackle and gear on the location.

#### **B: Moorings - Tackle And Gear Privately Owned**

Moorings locations where a private party owns the mooring tackle and gear shall be held under a monthly rental agreement. Said agreement may be assigned to another party, subject to approval of the City of Morro Bay, by making written request to the Harbor Department. The City reserves the right of approval of any assignment and may not approve such assignment if the mooring agreement holder or assignee is in violation of these rules and regulations or has a past due account with the City or if the proposed use of the mooring will violate these rules and regulations or the Morro Bay Municipal Code or safe boating practices as determined by the Harbor Director. The rental agreement shall have a month-to-month term and fees shall be set forth in the Master Fee Schedule under Offshore Moorings.

#### **C: Moorings - Tackle And Gear City Owned**

The City will rent City owned moorings on a daily or monthly agreement at fees set forth in the Master Fee Schedule under City Owned Moorings. City owned mooring agreements are not assignable or transferable or to be subleased.

The City may set up a waiting list for City moorings with no fee or deposit required. It is the responsibility of the person on the waiting list to provide the City with a current

mailing address and phone number at all times. If a phone number is disconnected and/or the mail comes back as undeliverable, the person shall be removed from the waiting list. If a person is offered a mooring and refuses it, they shall be removed from the waiting list.

**D: Mooring Tackle And Gear Maintenance**

The offshore mooring holder shall maintain the tackle and gear to the specifications set by the Harbor Department including biennial inspections meeting the requirements set by the Chief Harbor Patrol Officer. The City will maintain and inspect City owned moorings. Moorings leased to the Morro Bay Yacht Club and Morro Bay Marina will be maintained and inspected by those lessees to meet the specifications set by the Harbor Department.

**4. T-PIERS, FLOATING DOCK OR ANCHORAGE AREA**

The T-Piers, floating dock or anchorage area shall be available to registered transient vessels on a first come first serve daily basis at fees established in the Master Fee Schedule, except that no vessel may use the anchorage area or floating dock for more than 30 days in any six month period. To maintain safe and efficient Harbor operations, the Harbor Department may relocate vessels or designate specific sites for certain vessels at these facilities at any time.

**5. HARBOR DEPARTMENT RESPONSIBILITY TO PROTECT SAFE AND EFFICIENT OPERATION OF CITY-MANAGED FACILITIES**

When a vessel enters a mooring or docking facility or anchorage area in the waters of the City of Morro Bay, it immediately comes under the jurisdiction of the City and may be moored or docked or anchored at the direction of the Harbor Department. The Harbor Department may refuse use of City-managed facilities to any vessel or vessel operator who represents, in the opinion of the Harbor Department, a potential to pollute or that potentially threatens the safety and security of City facilities.

When a vessel or vessel operator, who has been denied use of City facilities, continues to use those facilities without permission, that vessel or vessel operator shall be subject to impoundment under Morro Bay Municipal Code 15.56.010 and/or fines for violation of Section 525 of the Harbor and Navigations Code.

Any vessel using City-managed facilities shall operate under its own power and be seaworthy and maintained in good and safe condition as determined by the Harbor Department. Any vessel that requires Harbor Patrol emergency assistance to pump out, take under tow or otherwise care for the vessel more than once in any 12-month period will be subject to termination of its use of City facilities and/or its berthing agreement.

All vessels at City-managed facilities including piers, moorings, docks and wharves must be operable and seaworthy.

**Operable** means capable of maneuvering under a vessel's own power to the Harbor entrance or to an inspection site designated by the Harbor Director and back to its berthing location.

**Seaworthy** shall mean the vessel's hull, keel decking, cabin, and mast are structurally sound and generally free from structural rusting, delamination, or dry rot.

If a vessel at any City-managed facility is determined to potentially be not seaworthy or inoperable, at the sole determination of the Harbor Department, then the Harbor Department shall provide the owner of the vessel a 30-day written notice. The notice will either require the owner to prove the vessel is operable as described above, or it may require the owner to prove the vessel is seaworthy by obtaining the opinion of a qualified independent marine surveyor as to the seaworthiness of the vessel at the owner's expense.

If the vessel owner fails to successfully respond to the notice within the 30-day period, the vessel owner will be granted an additional 120 days to make repairs for seaworthiness or to prove the vessel is operable as defined above.

If after this period of time the vessel cannot successfully complete the required test, the mooring or slip agreement shall be terminated or the vessel will be denied further use of City-managed facilities and the vessel may be subject to citation and impoundment as outlined herein or in Morro Bay Municipal Code, Section 15.56.

## **6. FEES**

Fees for use of City-managed facilities shall be set in the City's Master Fee Schedule. All fees are due and must be paid in advance. The Harbor Department may allow billings for qualified and registered vessels with current account status at the discretion of the Harbor Department. Transient fees must be paid in advance provided that the Harbor Department may allow 48 hours after arrival for any vessel to make payment or acceptable arrangements for payment. Transient Vessels not complying with this section within 48 hours of arrival shall be subject to impoundment as specified in Chapter 15, Section 15.56 of the Morro Bay Municipal Code.

The City will refund upon request any prepaid unused transient fees in excess of \$20. Unused prepaid transient fees of less than \$20 may be held as a credit to payee's account. City slips and moorings will be billed on a monthly basis in advance, will be delinquent and subject to a late payment penalty if not paid by the 10th day of the month, whether the tenant receives a bill or not. After a City slip or offshore mooring assignment is made and until the mooring or slip agreement is cancelled or assigned with prior approval of the Harbor Department, the agreement holder shall be responsible for payment of all fees whether the agreement holder occupies the slip or mooring or not. All fees will be adjusted annually as set forth in the Master Fee Schedule. Slip fees shall include electricity services but T-Pier fees shall not and the harbor patrol will limit electric service on the piers to those vessels, which pay the daily use fees. The established electric use fee will be for one vessel only and must be paid prior to use.

The Harbor Department may terminate any vessel's use of City-managed facilities and/or their berthing rental agreement for violation of these requirements or of any other section hereof.

## **7. DAMAGE TO CITY PROPERTY**

Any vessel that causes damage to City property will be responsible for repaying the cost of repair to such damage as determined by the Harbor Department and submitted in a written statement itemizing costs.

## **8. EMERGENCY MEASURES, CITY HELD HARMLESS**

In the event of severe storm or tidal wave, the vessel owner, operator and/or agreement holder will provide preparation and damage prevention protection for their property. The vessel owner or their agent is solely responsible to take all emergency measures possible, and the City does not assume any responsibility for said protection and or damages to the vessel from storm or tidal wave action. The City assumes no responsibility for the safety of any vessel using City-

managed facilities, and will not be liable for fires, theft, loss or damage to said vessel, its equipment, or any property in or on said vessel.

Tenant expressly and by their use of City-managed facilities agrees to hold City and its officers and employees harmless from any claim tenant or any of tenant's crew, guests or agents have against City for damage to the vessel or other property or for personal injury arising from tenant's use of City property or facilities.

#### **9. STORAGE AND SECURING OF VESSELS**

Tenders and skiffs will be stored on board larger vessels when possible and are not allowed at City slips and docks except as designated by the Harbor Department personnel. The water space between the shore and City docks shall be used primarily for the storage of tenders, skiffs or dinghies used to serve vessels occupying moorings in a non-commercial mooring zone. Each City mooring holder may berth one tender or skiff (as defined by the Harbor Department) in this manner at no charge. Other users may store tenders skiffs or dinghies on City docks at designated locations with the prior approval of the Harbor Department at a fee of \$1.00 per day. No dock boxes, steps or any other installations may be made to City slips, moorings or other facilities without prior permission from the City. No rafting or storage of more than one vessel on any slip, mooring or anchorage is allowed without the permission of the Harbor Department. Temporary storage of crab or fish receivers may be allowed with the prior written permission of the City. It is the responsibility of each vessel owner or operator to safely secure that vessel to its berthing. Vessels shall be secured in their berths, moorings or anchorage in a manner acceptable to the City or the Harbor Department personnel may adequately secure the vessel and assess a service fee.

#### **10. FISH UNLOADING OR SALES**

Fish may be unloaded off City piers and slips only by the owner or operator of the commercial fishing vessel which caught the fish. Operations including commercial truck loading by fish processors or fish buyers are prohibited from City piers and docks, including the boat launch ramp. Commercial unloading of any cargo or materials (including kelp) requiring special heavy vehicles (such as crane, boom or stake bed trucks) is prohibited without the prior permission of the Harbor Department. Permission by the Harbor Department may be contingent on provision of an insurance certificate and payment of a fee.

Commercial fishermen may sell their catch only from their vessels at city slips and docks provided they are in conformance with these rules and regulations, State and Federal law, providing that such sales shall not negatively impact the safe or efficient operation of the harbor, at the discretion of the Harbor Department. Signage shall be minimal and fish sold from vessels must be fish that was caught by the vessel owner.

#### **11. VIOLATIONS OF THE MORRO BAY MUNICIPAL CODE OR OF THE RULES AND REGULATIONS**

Violations of Chapter 15 of the Morro Bay Municipal Code, the Harbor and Navigations Code or these Rules and Regulations are punishable by fines as follows:

1. Violation of MBMC 15.12.010, prohibiting operation of a vessel in excesses of 5 MPH, or in a manner which causes damaging wake within Morro Bay Harbor. \$100 first offense, \$200 second offense and each offense thereafter.

2. Violation of MBMC 15.24.010, prohibiting discharge of waste or refuse from vessels and prohibiting allowing vessels materials waste or refuse to remain on shorelines within City limits. \$200 first offense, \$500 second offense and each offense thereafter.
3. Violation of MBMC, 15.32.010, establishing rules and regulations for City wharves, piers and docks by resolution of the City Council. Violation of Harbor Rules and Regulations: first offense \$100 second offense and each offense thereafter \$200.
4. Violation of MBMC 15.40.030, requiring a permit for occupying or owning a liveaboard vessel in Morro Bay Harbor. First offense \$100, second offense and each offense thereafter \$200.
5. Violation of Harbor and Navigations Code Section 525, prohibiting abandoning a vessel without the facility owner's permission: \$500 first offense, \$1500 second offense and each offense thereafter.

For any violation of the Morro Bay Municipal Code or these Rules and Regulations for which a citation is not issued, or for which a vessel is not impounded, the City may provide written notice to tenant to correct such violation. Failure to comply with such written notice may subject the tenant or violator to suspension of future use of City-managed facilities and or termination or cancellation of a mooring or berthing agreement. For example: use of sub standard electrical cords or equipment after one warning may result, at a minimum, in suspension from use of City-managed facilities for 30 days.

## **12. STORAGE AND ELECTRICAL SERVICE**

No storage of supplies, materials, accessories, fishing gear or debris will be allowed on piers or slips. No charcoal fires or open fires of any kind will be allowed on any City-managed facility. Electrical power cords must meet the standards of NFPA and the National Electric Code as determined by the Harbor Department. The Harbor Department may make exceptions during temporary supervised projects. No doubling off a unit is allowed.

## **13. OPERATIONS FROM CITY FACILITIES**

No sport fishing, tour boat, charter boat or rental business operation shall be conducted from any City slip, pier, street end dock, mooring, anchorage or other City facility or beach except as specifically allowed under a lease or license agreement. Occasional charters for environmental research or commercial fishing research related purposes by qualified commercial fishing vessels in an assigned City slip may be allowed only by prior approval of the Harbor Department and at the Harbor Department's sole discretion.

## **14. SOUTH T-PIER HOIST**

A. No fish, shellfish or seafood products are to be unloaded with the hoist except in the following cases:

1. All other commercial fish unloading facilities in the Morro Bay area are closed, overloaded, or unable to off-load the boat of the requesting party.
2. That the unloading by one of the commercial unloaders, in the Morro Bay area, would be untimely and cause extreme hardship or loss to the requesting party.

B. A key deposit of \$20 or a valid driver's license may be required.

C. A fee set by the Master Fee Schedule shall be by the hour for any part of an hour with a one-hour minimum.

D. No overweight use of the hoist is allowed and the Harbor Department may refuse use of the hoist to any party for any reason to insure proper safe and efficient use of Harbor facilities.

#### **15. TIDELANDS PARK SIDE TIE DOCK, STREET END DOCKS AND BOAT LAUNCH RAMP**

The Launch Ramp boarding floats are for temporary tie-up while launching and retrieving a vessel only. The Tidelands Park side tie dock shall be a 3 hour maximum tie up in any 24 hour period facility and may not be used for tie up from 10:00 p.m. through 4:00 a.m.. Vessels which exceed the three hour tie up limit in any 24 hour period, or are tied up to the Tidelands Park side tie dock between the hours of 10:00 p.m. through 4:00 a.m., shall be in violation of these Rules and Regulations and subject to citation and fines as outlined in Section 11 hereof. Tenders and skiffs assigned the inside portion of the Tidelands Park side tie dock under Section 9 hereof shall be exempt from the time limits above.

In an emergency or when all other available facilities are occupied, the City may, at the sole discretion of the Harbor Department, waive the 3-hour time limit on the Tidelands Park side tie dock. In that case, the Harbor Department shall issue a special permit at fees established in the City Master Fee Schedule for a period not to exceed 7 continuous days and said permit shall be displayed in open view on the permitted vessel.

No vehicle shall park or use any parking space in the boat Launch Ramp in excess of 72 hours. The Harbor Patrol shall monitor and enforce rules and regulation for the boat Launch Ramp parking lot to ensure that it is available for boaters. No storage or haul out is allowed in the Launch Ramp parking lot. Repairs and mechanical work are not allowed in the Launch Ramp parking lot except those minor immediately necessary jobs which will not result in any discharge or disposal of contaminants, as approved by the Harbor Patrol. Double stalls at the boat Launch Ramp are for trailers and towing vehicles only. Single vehicles without trailers attached using the double stalls shall be in violation of these Rules and Regulations. Double stalls shall be painted yellow. Parking time limits and regulations within the parking lot shall be appropriately signed and designated.

Use of floating docks at the end of Morro Bay Blvd., Harbor St. and Anchor St. and the Launch Ramp shall be limited to transient tie-ups by recreational boats. No overnight tie-ups will be permitted. Maximum duration of tie-ups at these docks shall be for a period not to exceed 3 hours per day. Shore fishing and angling shall not be permitted from the viewing platforms or the floating dock at the ends of Harbor St., Morro Bay Blvd., Marina St. and Anchor St.

The launch ramp docks are for temporary tie-up while launching and retrieving a vessel only. No vehicle shall park or use any parking space in the boat launch ramp in excess of 72 hours. The Harbor Patrol shall monitor and enforce rules and regulations in the boat launch ramp parking lot to ensure it is available for boaters. No storage or haul out is allowed.

#### **16. PRIOR CITY RESOLUTIONS**

##### **A. Incorporation of Prior Resolutions:**

City of Morro Bay Resolutions #112-89, 23-91 and 60-13 are incorporated into these rules and regulations by reference.

**B. Rescinding of Prior City Resolutions:**

Adoption of these rules and regulations shall serve to rescind City of Morro Bay Resolutions # 115-67, #30-74, #1-75, #66-78, #85-80, #86-80, #09-81, #27-82, #72-82, #123-82 #124-82, #19-83, #58-83, #59-83, #60-83, #95-83, #122-83, #8-84, #125-84, #90-85, #61-86, #85-87, #11-89, #76-89, #104-92, #83-97, #115-98.



AGENDA NO: C-2

MEETING DATE: December 4, 2014

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** November 24, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities

### **RECOMMENDATION**

Receive and file.

### **DISCUSSION**

The Marine Services Facility/Boatyard Ad-Hoc Committee will be presenting an oral update on their activities and progress, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-3

MEETING DATE: December 4, 2014

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** November 24, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update from the Capital Improvement Planning Ad-Hoc Committee on Committee's Recent Activities

### **RECOMMENDATION**

Receive and file.

### **DISCUSSION**

The Capital Improvement Planning Ad-Hoc Committee will be presenting an oral update on their activities, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: D-1

MEETING DATE: December 4, 2014

# Staff Report

**TO:** Harbor Advisory Board

**DATE:** November 24, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Tsunami Event Protocols and Public Safety Information

## RECOMMENDATION

Receive and file.

## BACKGROUND

Having had several tsunamis and/or tsunami warnings over the past decade in Morro Bay, the Harbor Advisory Board recently declared a Future Agenda item to hear what the City's tsunami warning protocols were for vessels and vessel owners on Morro Bay waters.

## DISCUSSION

There currently exists no set protocol for the Harbor Department or City to contact and notify vessels and/or vessel owners on Morro Bay waters in the event of a tsunami event. As every emergency incident is different, action plans are generally designed and executed in response to and in accordance with the nature of the incident and potential threats involved. Thus, there is no "one size fits all" approach. There are, however, certain protocols in place in the event of a tsunami event threat in Morro Bay.

There are four levels of tsunami danger levels:

<u>Warning</u>	Inundation wave possible – Full evacuation suggested
<u>Advisory</u>	Strong currents likely – Stay away from the shore
<u>Watch</u>	Danger level not yet known – Stay alert for more information
<u>Information Statement</u>	Minor waves at most – No action suggested

Attached to this staff report is a Tsunami Danger Levels Guide with complete information, in addition to a copy of Cal EMA's "How to Survive a Tsunami" brochure.

In the event of an Advisory or Warning the City of Morro Bay's Emergency Operations Center (EOC) would be activated. Depending on the nature and gravity of a Watch, the EOC could be activated in the event of a Watch as well. Once the EOC is activated, the City's safety (Police, Fire and Harbor) and governance personnel would gather, assess the threat, create appropriate action plans and set to execute those plans with the various City departments and other assisting

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agencies and organizations. In the event of a true tsunami threat, those plans would primarily consist of safety and evacuation notices and action plans of all areas identified as being in the inundation zone or other threat areas for the immediate life safety of our citizens and visitors. Of secondary importance would be the safety of key and critical infrastructure, equipment and facilities.

Obviously, of primary concern is our boaters and other water users – commercial and recreational fishermen, liveaboards, general recreational boaters, kayakers/canoists, stand-up paddlers and surfers – in the water at the time leading up to and during an actual tsunami event. How to warn and evacuate those users would depend largely on how much time there was until the tsunami arrived and available personnel and equipment to execute it. The method used would be simple face-to-face contacts by patrol boat and by land.

If time allowed and it was safe to do so, other boat owners could be notified in order that they be able to take their vessels out to sea beyond the tsunami threat.

### **CONCLUSION**

This information is being presented an informational item with no requested or recommended action.

## Tsunami Danger Levels Guide

There are four tsunami danger levels. From MOST to LEAST severe, the danger levels are:

- **Warning** – Inundation wave possible – Full evacuation suggested
- **Advisory** – Strong currents likely – Stay away from the shore
- **Watch** – Danger level not yet known – Stay alert for more information
- **Information Statement** – Minor waves at most – No action suggested

**Tsunami Warning** – A tsunami warning is issued when a potential tsunami with significant widespread inundation is imminent or expected. Warnings alert the public that widespread, dangerous coastal flooding accompanied by powerful currents is possible and may continue for several hours after arrival of the initial wave. Warnings also alert emergency management officials to take action for the entire tsunami hazard zone. Appropriate actions to be taken by local officials may include the evacuation of low-lying coastal areas, and the repositioning of ships to deep waters when there is time to safely do so. Warnings may be updated, adjusted geographically, downgraded, or canceled. To provide the earliest possible alert, initial warnings are normally based only on seismic information.

**Tsunami Advisory** – A tsunami advisory is issued due to the threat of a potential tsunami which may produce strong currents or waves dangerous to those in or near the water. Coastal regions historically prone to damage due to strong currents induced by tsunamis are at the greatest risk. The threat may continue for several hours after the arrival of the initial wave, but significant widespread inundation is not expected for areas under an advisory. Appropriate actions to be taken by local officials may include closing beaches, evacuating harbors and marinas, and the repositioning of ships to deep waters when there is time to safely do so. Advisories are normally updated to continue the advisory, expand/contract affected areas, upgrade to a warning, or cancel the advisory.

**Tsunami Watch** – A tsunami watch is issued to alert emergency management officials and the public of an event which may later impact the watch area. The watch area may be upgraded to a warning or advisory - or canceled - based on updated information and analysis. Therefore, emergency management officials and the public should prepare to take action. Watches are normally issued based on seismic information without confirmation that a destructive tsunami is underway.

**Tsunami Information Statement** – A tsunami information statement is issued to inform emergency management officials and the public that an earthquake has occurred, or that a tsunami warning, watch or advisory has been issued for another section of the ocean. In most cases, information statements are issued to indicate there is no threat of a destructive tsunami and to prevent unnecessary evacuations as the earthquake may have been felt in coastal areas. An information statement may, in appropriate situations, caution about the possibility of destructive local tsunamis. Information statements may be re-issued with additional information, though normally these messages are not updated. However, a watch, advisory or warning may be issued for the area, if necessary, after analysis and/or updated information becomes available.

## IF YOU FEEL A STRONG EARTHQUAKE WHILE NEAR THE COAST:

### 1. PROTECT yourself during the earthquake



- If indoors, DROP under a sturdy table or object, COVER your head and neck and HOLD ON.
  - If outdoors, move to a clear area if you can safely do so - away from trees, beach cliffs, signs and other hazards - and drop\* to the ground.
- \* If you have mobility impairments that prevent you from getting up on your own, do not drop to the ground but do cover your head and neck and hold on.

### 2. MOVE to High Ground



- As soon as it is safe to move, go to higher ground. DO NOT WAIT for an official tsunami warning.
- Avoid downed power lines and weakened overpasses.
- If you are outside of a tsunami hazard zone, stay where you are.

### 3. STAY There



- Remain on high ground. Waves from a tsunami may arrive for eight hours or longer.
- Return to the coast only when officials have announced that it is safe to do so.

## THINGS YOU SHOULD KNOW ABOUT TSUNAMIS

- A tsunami is a series of waves or surges most commonly caused by an earthquake beneath the sea floor.
- An unusual lowering of ocean water, exposing the sea floor, is a warning of a tsunami or other large wave. This "draw back" means the water will surge back strongly.
- Beaches, lagoons, bays, estuaries, tidal flats and river mouths are the most dangerous places to be. It is rare for a tsunami to penetrate more than a mile inland.
- Tsunami waves are unlike normal coastal waves. Tsunamis are more like a river in flood or a sloping mountain of water and filled with debris.
- Tsunamis cannot be surfed. They have no face for a surfboard to dig into and are usually filled with debris.
- Large tsunamis may reach heights of twenty to fifty feet along the coast and even higher in a few locales. The first tsunami surge is not the highest and the largest surge may occur hours after the first wave. It is not possible to predict how many surges or how much time will elapse between waves for a particular tsunami.
- The entire California Coast is vulnerable to tsunamis. The Crescent City Harbor on California's North Coast suffered significant tsunami damage as recently as 2006. A dozen people were killed in California following the 1964 Alaska earthquake.

### ADDITIONAL RESOURCES

**About tsunamis:** <http://wcatwc.arh.noaa.gov/>

**Identifying natural hazards in your neighborhood**  
[www.myhazards.calema.ca.gov](http://www.myhazards.calema.ca.gov)

**Preparing for earthquakes and tsunamis**  
[www.earthquakecountry.org](http://www.earthquakecountry.org)

**The California Geological Survey** [www.consrv.ca.gov/cgs](http://www.consrv.ca.gov/cgs)

**Or contact your county Office of Emergency Services.**

Prepared by: **California Emergency Management Agency Earthquake and Tsunami Program**  
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Concept and partial text from the Redwood Coast Tsunami Work Group.

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# How to Survive a Tsunami

- Protect yourself during the earthquake
- Move to high ground or inland as soon as you can
- Stay there

Prepared by:



**Cal EMA**  
CALIFORNIA EMERGENCY  
MANAGEMENT AGENCY

## TWO WAYS TO FIND OUT IF A TSUNAMI MAY BE COMING

### 1. NATURAL WARNING

Strong ground shaking, a loud ocean roar, or the water receding unusually far exposing the sea floor are all nature's warnings that a tsunami may be coming. If you observe any of these warning signs, immediately go to higher ground or inland. A tsunami may arrive within minutes and may last for eight hours or longer. Stay away from coastal areas until officials announce that it is safe to return.



### 2. OFFICIAL WARNING

You may hear that a Tsunami Warning has been issued. Tsunami Warnings might come via radio, television, telephone, text message, door-to-door contact by emergency responders, NOAA weather radios, or in some cases by outdoor sirens. Move away from the beach and seek more information on local radio or television stations. Follow the directions of emergency personnel who may request you to evacuate beaches and low-lying coastal areas. Use your phone only for life-threatening emergencies.



**Natural and official warnings are equally important.**  
Respond to whichever comes first.

## WHEN SHOULD I EVACUATE?

Evacuation should not be automatic. Before evacuating you should determine if you are in a hazard zone and consider possible hazards that may exist along your evacuation route.

- Know if you live, work, or play in a tsunami hazard zone.
- **COUNT** how long the earthquake lasts. If you feel more than 20 seconds of very strong ground shaking and are in a tsunami hazard zone, evacuate as soon as it is safe to do so.
- If you are on the beach or in a harbor and feel an earthquake—no matter how small—immediately move inland or to high ground.
- **GO ON FOOT.** Roads and bridges may be damaged.
- Avoid downed power lines.
- If evacuation is impossible, go to the third or higher floor of a sturdy building or climb a tree. This should only be used as a last resort.
- If you hear that a tsunami warning has been issued but did not feel an earthquake, get more information. Listen to the radio, television or other information sources and follow the instructions of emergency personnel.
- If you are outside of a tsunami hazard zone, take no action. You are safer staying where you are.



## PREPARE NOW

How you prepare will affect how you recover. And being prepared for earthquakes and tsunamis prepares you for all kinds of disasters.

- Know if you live, work, or play in a tsunami hazard zone.
- Learn what the recommended tsunami evacuation routes are in your city, county and region. Identify safety zone(s) near you, and decide on your primary and secondary evacuation routes.
- If you live or work in a tsunami hazard zone get a NOAA weather radio with the public alert feature for your home and office. It will alert you even if turned off.
- Assemble a small evacuation kit with essential documents, medications, a flashlight, a portable NOAA weather radio and batteries, water, snacks and warm clothes. Include a silver "space blanket" in your kit – it can be used to signal your location to air search teams. Keep your evacuation kit by the door so you can "grab & go".
- Walk your route – consider what you would do at night or in stormy weather.
- Make a reunification plan with your loved ones. Decide when and where you will meet if you are separated, and what out of state relative or friend you will call if it is not possible to meet at your pre-designated reunification spot.
- Discuss plans with family, coworkers and neighbors.
- Make plans for how to address any functional needs or disabilities you might have. If you need help evacuating, prearrange assistance from neighbors including transport of mobility devices and durable medical equipment. If you are mobility impaired, account for the extra time that you may need.
- Decide on the best strategy for protecting your pets.
- Prepare to be on your own for several days or longer.
- Consider joining your Community Emergency Response Team ([www.csc.ca.gov/cc/cert.asp](http://www.csc.ca.gov/cc/cert.asp))

## WHERE SHOULD I GO?

All California coastal counties have tsunami hazard guidance maps and are in the process of posting tsunami hazard zone signs. These signs and maps will show you what areas are safe and what areas may be at risk. Use them to guide you to a safe area.

If no maps or signs are available, go to an area 100 feet above sea level or two miles inland, away from the coast. If you cannot get this far, go as high as possible. Every foot inland or upwards can make a difference.

