

AVALON MUNICIPAL CODE ABSTRACTS  
SECTIONS REGULATING MOORING OWNERSHIP & HARBOR ACTIVITIES

Pertaining to, but not limited to:

**Sec. 10-2.101 (m) “Length”.** Length as applied to vessels and boats shall mean the measurement set forth in the manufacturer’s specification for such vessel or boat. Where the vessel has been modified, the Harbor Master shall determine the length of the vessel using any reasonable method. Detachable swim steps and bow pulpits shall not be included in determining length.

**Sec 10-2.101 (n) “Long Term Vessel”** shall mean any vessel as defined herein which is moored in City waters during the storm season (November 1<sup>st</sup> through March 30<sup>th</sup>) and during such time is required to pay a service charge for mooring use for fourteen (14) days or more consecutive days or for a total of twenty (20) days in any thirty (30) day period.

**SEC 10-2.106 HARBOR MASTER: POLICE POWERS.** The Harbor Master and his assistants are hereby invested with police powers.

Article 2. Anchoring and Mooring

**SEC. 10-2.201 MOORING PLACES: PERMITS REQUIRED.** It shall be unlawful for any person to place, erect, or construct a mooring in City waters before a revocable permit shall have been issued by the Harbor Master.

**SEC. 10-2.202 MOORING PLACES: APPROVAL.** It shall be unlawful to moor or anchor a vessel in City waters until such anchorage or mooring place shall be been first approved by the Harbor Master. It shall be unlawful for any mooring permittee to lease or sublet his mooring for use by any boat other than his own.

**SEC. 10-2.203 MOORING PLACES: SPECIFICATIONS.** It shall be unlawful to erect or construct any mooring unless the mooring shall substantially conform to the following specifications:

(a) The Harbor Master shall have the right and duty of allocating a number to each mooring in the waters of the City. There shall be painted on the mooring buoys, and be legible at all times, the number allocated to the mooring by the Harbor Master.

(b) Painters, chains, and fastening on buoys shall be kept in good and serviceable condition at all times and shall be so arranged that when dropped they will immediately sink, except in cases of double moorings when it shall be permissible to connect the two (2) painters with a line having floats to keep the line afloat at all times.

**SEC. 10-2.204 MOORING PLACES: SPECIFICATIONS: APPROVAL.**  
No revocable permit shall be issued by the Harbor Master for a mooring until plans and specifications for such mooring have been submitted to him by the applicant showing the construction of the proposed mooring and the location thereof. Such plans, specifications, and

location shall first be approved in writing by the Harbor Master.

**SEC. 10-2.205 Moorings: Lifting: Equipment.** It shall be the duty of the Harbor Master to require that moorings be lifted by the permittee for inspection and replaced in good condition. The Harbor Master shall require moorings to be lifted by the permittee for inspection annually. Such inspection and repairs, as required, shall be completed prior to May 25 of the year in which they are required and written evidence of an order for repair and installation service shall be filed with the Harbor Master on or before March 1 of each year. Mooring gear shall, at all times, conform to the following specifications:

Boats up to forty feet, zero inches (40'0") in length, as specified herein, shall have not less than two thousand five hundred (2,500) pounds mooring weight on the bow, and not less than two thousand five hundred (2,500) pounds on the stern, connected to the surface with not less than three-quarters (3/4") inch chain.

Boats measuring between forty feet one inch (40'1") and fifty feet, eleven inches (50'11") in length, as specified herein, shall have not less than five thousand (5,000) pounds mooring weight on the bow, and not less than five thousand (5,000) pounds on the stern, connected to the surface with not less than three-quarters (3/4") inch chain.

Boats fifty-one feet, zero inches (51'0") in length, as specified herein, and over shall have not less than five thousand (5,000) pounds mooring weight on the bow, and not less than five thousand (5,000) pounds on the stern, connected to the surface with not less than one (1") inch chain.

The Harbor Master, at his discretion, may require additional weight and chain for boats of excessive weight.

Chains for vessels measuring fifty feet zero inches (50'0") or less in length shall be changed every four (4) years for moorings inside Avalon Harbor and every three (3) years for moorings in Descanso and Hamilton Coves.

Chains for vessels measuring fifty feet one inch (50'1") and over shall be changed every six (6) years.

Mooring hawsers shall be of polypropylene or equivalent and changed annually. All mooring buoys shall be of a non-metallic fiberglass type in construction, including alphabet row and the deep water moorings as technology presents itself. All mooring buoys shall be painted annually. The foregoing specifications shall be required:

- (a) When a mooring is transferred. Transfers shall not be approved unless the foregoing specifications are met; and
- (b) Upon annual inspection in accordance with this section.

#### **SEC. 10-2.206 MOORING PLACES: PERMITS: CONDITIONS.**

(a) The Harbor Master, in his discretion, may permit vessels to use an unoccupied mooring for guest vessels.

(b) The permittee shall notify the Harbor Master before midnight of the night before the day the permittee intends to use the mooring assigned to him. Failure to do so shall place the Harbor Master under no obligation to remove a guest vessel.

(c) No vessel shall be placed at a mooring classified and/or equipped for a smaller vessel without the written consent of the Harbor Master.

(d) No vessel less than fourteen (14') feet shall be placed at a mooring other than as provided at the City transient dinghy dock unless such vessel less than fourteen (14') feet is tied off a larger vessel and such larger vessel has been permitted by the Harbor Master to use that mooring space.

(e) Notwithstanding subsection (d) above, a vessel less than fourteen (14') feet may, with the written consent of the Harbor Master, be left at a mooring space which has been assigned to a larger vessel, from sunrise to sunset.

(f) In the event the permittee does not own a boat which is registered with the City for the use of his mooring, and such lack of registered ownership continues for a period of one hundred twenty (120) days, the permit shall be revoked, and the former permittee shall sell or remove the mooring hardware within thirty (30) days next following a written demand by the Harbor Master, and, in the absence of compliance with such demand by the owner, the title to the mooring hardware shall vest in the City.

**SEC. 10-2.207 Mooring Places: Permits: Fees.** The owner of a vessel shall pay to the City, for the use of Avalon Harbor and its facilities and services, a permit fee of an amount specified by resolution of the City Council pursuant to Section 10-2.218 per month per lineal foot of overall length of the vessel. The provisions of this section shall apply to open water moorings and shall be in effect as long as the boat owner has a permit from the City, or its agents, to moor in Avalon Harbor. Such permit fee shall become due and payable on January 1 of each year and shall be payable in advance.

**SEC. 10-2.208 MOORING PLACES: PERMITS: FEES: DELINQUENCIES.** The revocable mooring permit shall provide that if the permit fee set forth in a resolution duly adopted by the City Council pursuant to Section 10.-2.218 is not paid on or before January 1, there shall be a added thereto a penalty equal to ten percent (10%) of the amount due and that if, on or before February 1, the permit fee and any penalty are not paid in full, the permit shall not be renewed. Upon the non-renewal of such permit, it shall be the duty of the former permittee to immediately remove the mooring hardware. If the former permittee fails, neglects, or refuse to do so within ten days after written notification is mailed to him by the

Harbor Master, the Harbor Master may remove the mooring hardware and the cost thereof shall be paid by the permittee. Such costs may be collected in any court of competent jurisdiction. As the option of the Harbor Master, any mooring hardware which is not timely removed shall become the property of the City.

**SEC. 10-2.209 MOORING PLACES: PERMITS: REVOCATION.**

Mooring permits may be revoked for:

(a) Use of harbor facilities in violation of City ordinances, harbor regulations or other applicable laws;

(b) Violation of conditions of any mooring permit;

(c) Failure or refusal of the mooring owner to consent to dye testing of a vessel's marine sanitation facilities pursuant to Section 10-2.503(h); and

(d) Discharge of contaminating wastes into City waters in violation of Section 10-2.503.

The mooring permit shall provide that such permit shall be revocable for such violations (excluding nonpayment of permit fees) at any time by the Harbor Master upon giving five (5) days' written notice to the permittee. Upon such permit being revoked, it shall be the duty of the former permittee to immediately remove the mooring hardware forthwith. If he shall fail, the costs thereof shall be paid by the occupant of the mooring place. Such costs may be collected in any court of competent jurisdiction. At the option of the Harbor Master, the mooring hardware, if not removed forthwith, shall become the property of the City.

**Sec. 10-2.210 Mooring Places: Permits: Transfer.** Unless otherwise provided in the permit, transfers of revocable permits pursuant to which permittees are assigned and hold mooring spaces in Avalon Harbor, shall be permissible provided:

(a) The purchaser pays to the City a transfer fee as set by resolution of the City Council. In the event such fee shall not be paid within ten (10) days after written demand made by the City upon the purported transferee, the permit to use such mooring may be revoked;

(b) The transfer is approved in writing by the Harbor Master; and

(c) In the case of a revocable permit or permits, the fee for which is established by resolution pursuant to Section 10-2.207 of this article, the transfer is to no more than one person or approved type of entity as set forth in regulations issued by the Harbor Department from time to time; if a commercial use is proposed, such person or entity has obtained a business license; the transfer will not change the then present use of the mooring or moorings held pursuant to the permit or permits; and the provisions of subsections (a) and (b) of this section and the length limitations set forth below have been complied with. Otherwise, such permit or permits shall not be transferred without prior Council approval.

(d) Except as set forth in subsection (e) below, a transfer shall not be approved by the Harbor Master if the vessel to be registered to the mooring exceeds the following Council approved limitations:

(1) Alphabet row shall be limited to powerboats or retractable-keel sailboats which are thirty feet, eleven and ninety-nine hundredths inches (30'11.99") or less in length.

(2) The first row seaward of the in-shore fairway, beginning with mooring No. 1, shall be limited to boats measuring not more than thirty feet, eleven and ninety-nine hundredths inches, (30'11.99") in length.

(3) Rows 2 and 3 shall be limited to boats measuring not more than forty feet, eleven and ninety-nine hundredths inches, (40'11.99") in length.

(4) Rows 4 and 5 shall be limited to boats measuring not more than fifty feet, eleven and ninety-nine hundredths inches, (50'11.99") in length.

(5) Row 6 shall be limited to the capacity of the individual moorings therein.

(6) Row 7 shall be limited to the capacity of the individual moorings therein.

(7) Row 8 shall be limited to the capacity of the individual moorings therein.

(e) Notwithstanding the foregoing:

(1) Where a boat registered to a mooring as of August 1, 2002 exceeds the length limitation set forth above, the permit issued therefor may continue to be renewed by the holder thereof; however, upon transfer of the mooring all length limitations must be met unless the mooring and vessel are transferred at the same time to the same person or entity. Upon replacement of any vessel which exceeds the foregoing length limitations for the mooring to which it is registered, then all length limitations shall be met.

(f) Where the Harbor Master determines that a boat requires more or less mooring space due to its special design, construction or equipment, he may classify such boat into a footage that he deems appropriate.

**SEC. 10-2.211 MOORING PLACES: NUMBER LIMITED.** No person shall maintain at any one time more than one mooring in Avalon Harbor, except under the following circumstances:

(a) A noncommercial owner of more than one boat may maintain more than one moorage provided that for any such facilities in excess of two (2) special authority from the Council first shall be obtained.

(b) An owner of a boating business duly licensed to do business in the City may maintain commercial moorages in excess of those for which he has obtained a business license by authority of the Council first had and obtained.

The location of each moorage maintained pursuant to the provisions of this section shall be approved by the Harbor Master. For each additional mooring the rate shall be Twenty-Five and

no/100th (\$25.00) Dollars per year in addition to the annual footage fee. All moorings used as moorings for rental boats as permitted pursuant to the provisions of this section shall be paid for at the full annual rate.

**Sec. 10-2.212 Mooring Places: Use of by Guests, Long Term Use Permit Requirements, Fees.**

(a) *Use of Moorings by Guests, Fees.* Except as hereinafter provided, it shall be unlawful for any person to use a mooring other than his or her own except by permission of the Harbor Master and except after payment to the Harbor Master of a service charge in an amount specified by resolution of the City Council pursuant to the provisions of Section 10-2.218. The mooring assigned to a guest vessel is not guaranteed and such guest vessel may have to relocate on a daily basis as directed by the Harbor Master.

(b) *Payment of Fees.* All service charges shall be paid prior to departure from the assigned mooring. Failure to pay all or any portion of a service charge which is due and owing prior to departure from the assigned mooring shall result in a penalty in the amount equal to the service charges owing, in addition to payment of any service charge owing. The Harbor Master shall have the authority to waive the penalty where the person in charge of the vessel first advises the Harbor Master of the need to remove the vessel from the mooring for repair or of the vessel owner's desire to move the vessel outside City waters in order to avoid additional mooring fees, provided the owner has entered into an agreement for payment of outstanding fees. No person shall be permitted to pay outstanding fees under a payment plan more than once in any twelve (12) month period. There shall be added to any mooring fees that are more than fourteen (14) days past due, interest at the rate of one-half of one percent (1/2%) per month. Except when small craft or gale warnings are in effect, the Harbor Master shall have the authority to deny use of a mooring in city waters, if there are any outstanding fees as provided under this Title owed to the City by the owner or person in charge of such vessel.

(c) *Reduced Fees During Specified Time Period.* During the period from October 15<sup>th</sup> through Palm Sunday, after payment of the service charge set forth in this subsection for the first two (2) consecutive nights a mooring is used, such user shall be entitled to the use of such a mooring for an additional consecutive period up to and including five (5) days without charge, provided moorings are available, and provided, further, no portion of the five (5) day period falls on Palm Sunday. If a boat remains unattended during this period for more than seven (7) consecutive days, a service charge shall be paid on the regular nightly basis.

(d) *City-Owned Moorings.* Commercial boats which are essential to the operation of the harbor and boats owned by residents of Avalon who have lived continuously on a boat in the harbor for six (6) months, and who maintain the boat in the harbor as their only residence, may be given priority on the application list for obtaining a City-owned mooring, provided residents who vacate the mooring or fail to reside in the boat for more than eighteen (18) days in any calendar month shall forfeit the mooring. Moorings made available on a priority basis shall be allocated to vessels of conforming size on a first-come, first-serve basis. No more than twenty (20%) percent of City-owned moorings may be allocated under this priority process. Nontransferable revocable permits for the use of City-owned moorings may be issued by the

Harbor Master under a Council-approved list application procedure on a yearly rental basis in an amount set by resolution of the City Council pursuant to Section 10-2.218.

(e) *Vessels Less than Fourteen Feet.* The rules governing the mooring of vessels less than fourteen (14') feet shall be as provided in Section 10-2.206.

(f) *Long Term Vessel Permit Required.* Except as provided herein, the owner or operator of a long term vessel as defined in this Article shall be required to obtain a permit from the Harbor Master by the fifteenth consecutive day of being moored in City waters during the applicable period as a condition of continued use of City moorings. A permit shall not be required of vessel owners and/or operators holding a revocable mooring permit or operating the vessel pursuant to a Waterside Permit. Long Term Vessel Permits will be issued beginning on November 1<sup>st</sup> for a 30-day period and will be automatically renewed the 1<sup>st</sup> day of each month up and to including March 30<sup>th</sup> of each year unless the Harbor Master gives notice the permit holder that he/she has become ineligible to be granted an extension for failure to comply with the conditions thereof.

The permit shall issue only if all of the following conditions exist:

(1) All fees and service charges provided for in this Title are current or payments under a payment plan are current;

(2) The Harbor Master has inspected the vessels and the owner and/or operator has demonstrated that it complies with Section 10-2.512.

(3) If the permittee, within the previous three years, has entered into a payment plan for the payment of outstanding mooring fees or other Harbor Department charges, the permittee shall also be required to pay, in addition to the applicable mooring fee(s), of a security deposit in a sum equal to the following one (1) month's mooring fees, refundable upon expiration of the permit, less any fees owed to the City at the time of expiration of the permit.

(4) The vessel is equipped with a functioning marine sanitation device which complies with U.S. Coast Guard regulations where all through-hull valves are properly closed to prevent illegal discharge and/or dumping while in city waters.

(5) Proof of insurance as described in Section 10-2.219.

The permittee shall comply with all applicable county, state, and federal laws, the provisions of the Avalon Municipal Code and any resolutions adopted by the City Council, and all terms and conditions of the permit. Failure to comply with these laws, ordinances, resolutions, or policies shall constitute grounds for revocation of the permit and may result in the loss of use of City moorings. If the Harbor Master finds a permittee has violated any term or condition of the permit, harbor regulations or other applicable harbor related laws, the Harbor Master may suspend or revoke the permit. A decision by the Harbor Master to suspend or revoke a Long Term Mooring permit pursuant to this section shall be appealable to the City Council. Any such appeal must be filed in writing with the City Clerk within 10 days of the

date of suspension or revocation. The suspension or revocation shall be stayed while the appeal is pending. The appeal shall be filed in writing and shall specify all of the grounds for the appeal. If the appeal is denied, suspension or revocation shall become effective three (3) days following the City Council's decision.

#### **SEC. 10-2.213 Liability for Damage to Mooring Equipment**

Whenever any vessel secures to a mooring in City waters, with or without the permission of the Harbor Master, and thereafter does damage to such mooring or any other mooring in City waters, the owner and/or operator of such vessel shall be liable for the cost of the repairs to such mooring so damaged. The amount of such cost of repairs, together with reasonable attorney's fees, may be recovered by the City in any court of competent jurisdiction in the State.

**SEC. 10-2.214 DINGHY DOCKS: SIZE LIMIT.** Except as hereinafter provided; and as provided in Section 10-2.206, it shall be unlawful for any person to keep a vessel less than fourteen (14') feet on a mooring other than as provided at City transient dinghy dock;

(a) The owner of a vessel fourteen (14') feet and under may keep such vessel at the mooring provided the vessel is tied off a larger vessel and the larger vessel is registered for that mooring.

(b) Vessels fourteen (14') feet and under shall not be secured at the City transient dinghy docks for a period in excess of seventy-two (72) consecutive hours.

(c) Vessels over fourteen (14') feet shall not be secured at the City transient dinghy docks.

**SEC. 10-2.217 APPEALS.** Any order of the Harbor Master issued pursuant to the provisions of Sections 10-2.201 through 10-2.503 of this chapter may be appealed to the Council by the person affected if, within fifteen (15) days after such order shall have been served upon a person by the Harbor Master, such person shall have made a written application to the City Clerk for a hearing. In the event of such appeal, the matter shall be set for hearing for the next Council meeting, for which the Agenda has not been closed, to be held in Council Chambers at City Hall in Avalon. The majority of the Council shall constitute a quorum for the hearing of such appeal, and the decision of the majority of the Council in attendance at such meeting shall be final in the matter.

**SEC. 10-2.218 FEES SET BY RESOLUTION.** The Council may from time to time, by resolution, set new and different rates and fees pursuant to Section 10-2.402, Section 10-2.207, Section 10-2.210, Section 10-2.212 and Section 10-2.217 of the Avalon Municipal Code.

**SEC.. 10-2.219 Insurance Requirements.** All vessel owners and/or operators holding a revocable mooring permit and/or operating a vessel pursuant to a Waterside Permit, and any person using a mooring as a guest or anchored in City waters for more than fifteen consecutive days during the period from November 1 to March 30, or who departs City waters and returns to City waters and uses a mooring or anchors within City Waters such that the total number of days moored or anchored in City waters is more that 15 days within any 30 day period of time or more than 60 days during a calendar year, or is moored or anchored in City water for more than thirty consecutive days during the period from April 1 to October 31, shall provide proof



of current and valid Protection & Indemnity (P & I) or Watercraft Liability Insurance with limits of at least \$300,000 which names the City of Avalon, its officials, employees, and volunteers as an additional insured, and which provides that coverage shall not be cancelled except after fifteen (15) days prior written notice has been given to the City. A provision allowing for cost recovery for salvage and pollution control shall be included in the P & I or Watercraft Liability Insurance.

**SEC. 10-2.304 SPEED OF VESSELS.**

(a) All vessels shall keep their speed wakeless or under five (5) knots, whichever is less, within the limits of the waters of the City.

**SEC. 10-2.306 OPERATION OF GENERATORS.** All generators shall be secured and shall not be operated between the hours of 10:00pm and 7:00am. The foregoing restrictions shall not apply in cases of medical emergency.

**SEC. 10-2.418 LOADING PASSENGERS AND FREIGHT: TIME LIMITED.** It shall be unlawful for any master, owner, agent, or other person having the charge or control of any boat, vessel, or watercraft to lay at or remain alongside the City facilities, or any float, landing stage, or approach thereto in use in connection therewith, for a longer period than ten (10) minutes; provided, however, if it is impossible to receive on board all the passengers or freight in waiting on the City facilities or float for such boat or vessel, or to discharge all the passengers or freight from any such boat or vessel during such period, by using all reasonable diligence so to do, such period shall be extended until all such passengers or freight are taken aboard or discharged, as the case may be.

**SEC. 10-2.419 LOADING PASSENGERS AND FREIGHT AT PLACES OTHER THAN CITY FACILITIES.** It shall be unlawful for any captain, master, or other person having the charge or control of any boat, ship, or vessel to land or discharge freight or passengers upon or to take on board or receive freight or passengers, from any public street in the City or from any portion of the beach or waterfront of the City under the control of the City other than the City facilities.

**SEC. 10-2.420 VESSEL PASSENGERS TO USE CITY FACILITIES ONLY.** It shall be unlawful for any person to land, or attempt to land, from any boat, ship, or vessel carrying passengers for hire, upon any public street in the City or upon any portion of the beach or waterfront of the City under the control of the City other than the City facilities, or to go aboard any such boat, ship or vessel carrying passengers for hire from any public street in the City or from any portion of the beach or waterfront of the City under the control of the City other than the City facilities.

**SEC. 10-2.501 OBSTRUCTING LANDINGS AND FAIRWAYS.** It shall be unlawful for any person to obstruct the free and easy access to, and departure from, any portion of any public landing, pier, or wharf at any time. It shall be unlawful to obstruct the free and easy use of any designated fairway.

**SEC. 10-2.502 DAMAGING PUBLIC PROPERTY.** It shall be unlawful for any person to

willfully or carelessly destroy, damage, disturb, deface, or interfere with any buoy, float, life preserver, sign, notice, or any other municipal property under the jurisdiction of the City.

### **SEC. 10-2.503 CONTAMINATING WATERS AND BEACHES.**

(a) It shall be unlawful for any person to throw, discharge, deposit, or leave, or cause, suffer, or procure to be thrown, discharged, deposited, or left either from or out of any vessel or holding tank, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any description into the navigable waters of the City.

(b) It shall be unlawful for any person to discharge, or cause, suffer, or procure to be discharged or deposited, material of any kind in any place or on any banks of any navigable waters in the City where such discharged material shall be liable to be washed into the waters of the City either by ordinary or high tides, or by storms, floods, or otherwise.

(c) It shall be unlawful for any person to throw, place, or leave any dead animal or putrefying matter into the waters of the City or along the shore thereof.

(d) It shall be unlawful for any person to deposit, place throw or in any manner dispose of any cans, receptacles, bottles, papers, food, animal or vegetable matter, rubbish, trash, garbage, or any decaying or putrid matter, material, or substance which might decay, or which might become injurious to health or which might become a nuisance or offensive to the senses of any person coming in proximity thereto into the waters of the Pacific Ocean or into the Bay of Avalon or upon the beaches of the City, or any portion thereof.

(e) It shall be unlawful for any person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, ship, or barge to discharge, or cause to be discharged, any ballast water, bilge water or waste water containing or contaminated with any crude petroleum, refined petroleum, engine oil, or oily byproduct within the waters of the City unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.

(f) It shall be unlawful for any person to throw, place, bury, or deposit upon any public or private beach in the City any glass, glassware, crockery, or any bottle, cup, container, plate, or other vessel made of glass, glassware, or crockery, or any other material or substance which would cause, or might reasonably be presumed to cause, injury to patrons of such beaches. None of such materials shall be left on the beach by any person, but the same shall be deposited in receptacles provided by the City for the deposit thereof or shall otherwise be removed from the beach by the owner of such materials.

(g) The unauthorized dumping of any kind of material into the waterway, or the throwing overboard, or setting adrift, or permitting to set adrift of anything that is, or might become, obstructive or dangerous to navigation is hereby expressly prohibited.

(h) In order to enforce the provisions of this section and to safeguard and protect City waters from contamination, the owner and/or other person in charge of any boat or vessel entering City waters shall, as a condition of entering and/or remaining the City waters, allow City personnel to board the vessel and place dye tablets into the vessel's marine sanitary device, and to perform a test

or tests to ensure that the marine sanitary device is in such a condition as to prevent any contaminants from being discharged into City waters. It shall be unlawful to any person to deny City personnel access to a vessel for purposes of placing dye tablets in the marine sanitary device, to refuse or interfere with testing of the marine sanitary device by City personnel, to tamper with or remove while in City waters any dye tablet placed in a marine sanitary device by City personnel, or to place any substance in the marine sanitary device with the intent to interfere with the enforcement of this section. Violation of the provisions of this subsection shall be punishable as a misdemeanor. In addition to the penalties prescribed herein and in subsection (i), the Harbor Master shall have the authority to order any owner or person in charge of any boat or vessel upon which any act or omission specified herein has occurred, to immediately remove such vessel from City waters.

(i) In the event that the Harbor Department observes or received information that any vessel is discharging into City waters any liquid or solid material from or through its marine sanitation device, marine holding tank or related or connected equipment in violation of this section, as evidenced by the discharge of dye placed into the facility pursuant to subsection (h) of this section, or has tampered with or removed dye tablets placed in the sanitation device, or if the owner or person apparently in charge does not permit or interferes with the placing of dye tablets or performance of any testing of the marine sanitation device by the Harbor Department required by this section, then the Harbor Master or any harbor patrol officer shall locate, if present on the vessel, the owner or person in apparent control of possession of the vessel and present the evidence of discharge, tampering or removal, refusal or interference and offer that person the opportunity to respond to or rebut the evidence. The conference shall be informal. If, after the informal conference, the Harbor Master or harbor patrol officer concludes that the discharge emanated from the subject vessel, or that tampering or removal of the dye tablets has occurred, or that the placing of dye tablets or testing of the marine sanitation device has been refused or interfered with, the Harbor Master or harbor patrol officer shall issue an order barring the vessel and the person owning and/or in possession of the vessel from entering City waters on the subject vessel and any other vessel under the person's ownership or control. In the case of discharge, the order shall be for a period of one(1) years, effective immediately. In the case of tampering or removal of dye tablets or performance of testing, the order shall be for a period of two (2) years, effectively immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered. The order may be appealed pursuant to the provisions of Section 10-2.217.

**SEC. 10-2.511 UNATTENDED VESSELS.** Persons using moorings other than their own and those anchored in City waters shall not cause or permit a vessel which they control or for which they are responsible to be unattended. As used herein, unattended means that the vessel owner or the owner's agent is not aboard the vessel or fails to promptly respond when contacted by the Harbor Master to care for the vessel. Where the Harbor Department is able to reach the owner, it shall be the owner's responsibility to find another person if the owner is not able to promptly respond to the Harbor Department's directive. An owner may designate in writing with the Harbor Department no more than two (2) agents and shall provide contact telephone

numbers for each agent. In no event shall the Harbor Department or the City be responsible for damage to the vessel because of the failure to contact the owner or the agent in the event of weather or other conditions.

**SEC. 10-2.512 MOVEMENT OF VESSELS.** No vessel except those moored in the harbor as a result of bona fide emergency, shall be permitted or maintained on a mooring place or in the anchorage in City waters unless the vessel has the ability to operate in open waters of the Pacific Ocean and back to the mooring or anchorage under its own mechanical power, which power is operational and can be placed and operated in neutral, forward, and reverse. If the vessel is a sailboat, it must have functioning auxiliary power that is capable of propelling and steering the sailboat in a safe manner. If a vessel owner or operator disputes the Harbor Master's determination that the vessel does not comply with this section, the owner or operator may perform a sea trial consisting of maneuvering the vessel out of the Harbor and back to the vessel's mooring or anchorage.

**Sec. 10-2.515 Maintenance of Vessels** All vessels moored or anchored in city waters shall be sound and properly maintained so as not to create or present a danger to public safety or cause damage to city property or other vessels or persons aboard such vessels. No materials shall be stored or permitted on the vessel which result in noxious odors. Halyards and other equipment shall be secured so as to prevent unnecessary noise. Decks must be kept clear of any clutter, rubbish, debris, or parts and/or equipment relating to the marine environment so as allow clear passage and access by emergency personnel.

**Sec. 10-2.516 Utility Connections Prohibited** Except as specifically authorized pursuant to a Waterside Permit granted pursuant to this Title, no vessel or floating structure which is moored or anchored in city waters shall be physically connected to any utility lines, including but not limited to sewer, water, electricity, telephone or cable.