

CITY OF AVALON
APPROVED ENTITY POLICY
FOR MOORING OWNERSHIP TRANSFERS

Mooring Fee Rules and Regulations Pursuant to Avalon Municipal Code Sections 10-2.206 and 10-2.210

Purpose: The City of Avalon’s Municipal Code contains several provisions pertaining to moorings and their ownership and transfer. Section 10-2.206(f) provides that “in the event the permittee does not own a boat which is registered with the City for use of the mooring, and such lack of registered ownership continues for a period of one hundred twenty (120) days, the permit shall be revoked...” Section 10-2.210 provides authority for the establishment of procedures and guidelines for the transfer of moorings, it discusses fees for such transfers and provides in part that mooring permits may be transferred to one “person or approved type of entity as set forth in regulations issued by the Harbor Department.” The purpose of this policy is to harmonize these two sections and codify regulations to establish clarity for implementation of the mooring permit transfer process and the requirement of similar ownership of the mooring and attached boat.

Definitions:

Approved Entity includes corporations, limited liability companies, limited partnerships, general partnerships, limited liability partnerships and other business that must be registered with the California Secretary of State, as well as trusts.

Authorized Mooring Representative is the named individual who serves as the signatory and designated representative on the City’s Mooring Permit and is the person deemed the “owner” of the Mooring Permit. The Authorized Mooring Representative must also be an individual named in any documents that the Approved Entity files with the California Secretary of State. Only one Authorized Mooring Representative for each mooring may exist.

Authorized Boat Representative is the named individual who is designated by the Authorized Mooring Representative as the owner of the boat and is deemed owner of the boat for purposes of Section 10-2.206. The Authorized Boat Representative must be an individual named in any documents that the approved entity files with the California Secretary of State. Only one Authorized Boat Representative for each boat may exist.

Mooring Transfers Between Individuals:

- If the mooring transfer is from an individual to that individual’s spouse or domestic partner, as shown in evidence presented to the satisfaction of the Harbor Master, there is no mooring transfer fee.
- If the mooring transfer is from an individual to that individual’s child, step-child or sibling, as shown in evidence presented to the satisfaction of the Harbor Master, the mooring transfer fee is Two Hundred Dollars (\$200.00), plus Twenty Dollars (\$20.00) per lineal foot of the purchased mooring classification. This same fee is applicable to a mooring transfer between an individual and a sole proprietorship in that individual’s name.

- For all other mooring transfers from an individual to another named individual, the mooring transfer fee shall be the greater of five percent (5%) of the sales price for the mooring or Two Hundred Dollars (\$200.00) plus the sum of Twenty Dollars (\$20.00) per each linear foot of the purchased mooring classification.

Mooring Transfers Between Individuals and Approved Entities:

- If the mooring transfer is between an individual and an Approved Entity, and the Authorized Mooring Representative of that Approved Entity is that individual's spouse or domestic partner, child, step-child, or a sibling, (or him or herself), as shown in evidence presented to the satisfaction of the Harbor Master, the mooring transfer fee is Two Hundred Dollars (\$200.00), plus Twenty Dollars (\$20.00) per lineal foot of the purchased mooring classification.
- For all other mooring transfers between an individual and an Approved Entity, the mooring transfer fee shall be the greater of five percent (5%) of the sales price for the mooring, or Two Hundred Dollars (\$200.00) plus the sum of Twenty Dollars (\$20.00) per each linear foot of the purchased mooring classification.

Mooring Transfers between Approved Entities:

- If the mooring transfer is between Approved Entities, and the Authorized Mooring Representative of the Approved Entity purchasing or transferring the Mooring is the spouse, domestic partner, child, step child, or a sibling, (or him or herself), of the Authorized Mooring Representative of the Approved Entity purchasing or receiving the mooring, the mooring transfer fee is Two Hundred Dollars (\$200.00), plus Twenty Dollars (\$20.00) per lineal foot of the purchased mooring classification.
- In all other instances in which the mooring transfer is between Approved Entities, the mooring transfer fee shall be the greater of five percent (5%) of the sales price for the Mooring, or Two Hundred Dollars (\$200.00) plus the sum of Twenty Dollars (\$20.00) per each linear foot of the purchased mooring classification, whichever is greater.

Ownership of Boat or Mooring

- The individual identified as the Authorized Boat Representative and Authorized Mooring Representative must be the same individual. If not, revocation pursuant to Section 10-2.206(f) will occur.

Annual Registration:

- Within ten (10) days of transfer or change of Mooring Permit, the boat, the Authorized Boat and Mooring Representative or ownership of an Approved Entity, the Authorized Boat and Mooring Representatives shall notify the City of such transfer or change and pay the required fee. Each year, when the Mooring Permit is renewed, the Authorized Mooring Representative shall certify and identify the Approved Entity and Authorized Boat and Mooring Representatives and provide any document demonstrating such identities.