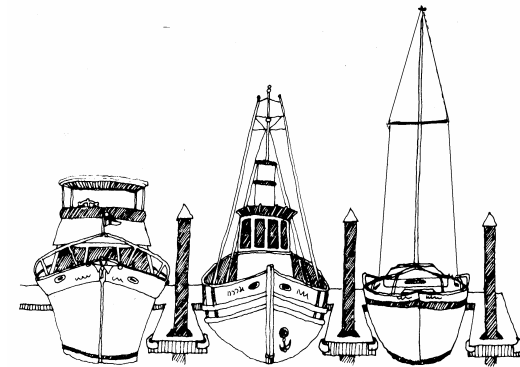

Santa Cruz Harbor

ORDINANCES

November 2010 (Rev. 1/11)



*Gateway to the Monterey Bay
National Marine Sanctuary*

Santa Cruz Port District

135 5th Avenue
Santa Cruz, CA 95062
(831) 475-6161
(831) 475-9558 FAX

Santa Cruz Port District

135 5th Avenue
Santa Cruz, CA 95062

ORDINANCES — November 2010 (Rev. 1/11)

The Santa Cruz Port District is a municipal corporation and a political subdivision of the State of California. It is governed by a Board of Commissioners; the policies are administered through an executive officer, the Port Director.

The responsibilities and authority of the Board of Commissioners are prescribed in the California Harbors and Navigation Code, Part 4.

2011

BOARD OF COMMISSIONERS

Reed Geisreiter	Chairman
Dennis L. Smith	Vice-chairman
Bill Lee	Commissioner
Toby Goddard	Commissioner
Jeff Martin	Commissioner

Officers of the Municipal Corporation

Lisa Ekers	Port Director
Chuck Izenstark	Harbormaster
Marian Olin	Administrative Services Manager
Kurt Fouts	Facilities Manager

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ARTICLE "I"

GENERAL PROVISIONS

SECTION 100 - Definitions and General Provisions

The words, terms and phrases hereinafter in this section defined shall whenever used herein, have the meaning set forth in this section, unless the context requires a different meaning:

(a) PERSON means and includes an individual, receiver, a trustee, a co-partnership, joint adventurers, a society, a trust, a private corporation, an unincorporated association, a syndicate, a club, a commission, a school district, a water district, a utility district, a political subdivision, and a drainage, irrigation, levee, reclamation, flood control, or water conservation district, whether acting for himself or itself, or in any representative capacity.

(b) VESSEL includes ships of all kinds, steamboats, steamships, canal boats, barges, sailing vessels, houseboats, floating homes, watercraft of any structure designed to be, adapted to be, or capable of being navigated or operated on water from place to place for the transportation of merchandise, persons, or any other purpose.

(c) FLOAT includes any floating platform normally used for the mooring or securing of vessels.

(d) SANTA CRUZ MARINA AREA is hereby defined as all waters and lands bordering these waters owned or leased by the Port District for use as the Santa Cruz Small Craft Marina.

(e) BUSINESS includes all professions, trades, occupations and callings carried on for a profit or livelihood, including every kind of commercial enterprise, and including the operation of games, machines, or mechanical devices.

(f) MOORING means any weight, chain, rope, floating object, structure or appliance used alone or together for the purpose of holding a vessel in a particular place and which is not carried on board such vessel as regular equipment when under way.

(g) BOAT TRAILER means any movable cradle, structure, or device on wheels used for moving boats into or out of the water, or for the storage of boats thereon.

(h) TURNING BASIN means that portion of any channel within the Santa Cruz Marina area which has been designated by appropriate governmental authority as an area wherein vessels are permitted to turn around or otherwise alter their course of direction.

(i) SAILING CRAFT means any vessel whose only means of propulsion is by sail.

(j) MOTORBOAT means any vessel whose only means of propulsion is by internal combustion, electric, or mechanical engine, either inboard or outboard.

(k) AUXILIARY means any vessel which may be propelled by sails or by means of an inboard or outboard engine. While under sail only, an auxiliary shall be subject to rules governing sailing craft; while under power, either with or without sails, an auxiliary shall be subject to the rules governing motorboats.

(l) SLIP means a vessel's berth alongside a float.

(m) PIER means a structure built out into the water with piles for use as a landing place.

(n) BERTH means a place to tie a vessel assigned by Port District authority.

(o) DOCK means a waterway extending between two piers for the reception of vessels; specifically, a landing pier for boats; a wharf.

(p) QUAY means a stretch of paved bank or solid artificial landing place beside navigable water.

(q) SHORELINE means the line of the tide at any given time.

(r) OWNER as used throughout these ordinances and any slip license agreement or addendum or modification thereto, means the individual or individuals, as the case may be, signing said agreements as Owner. The Owner shall be the licensee.

(s) MUST APPROVE as used throughout these ordinances, where the Port District, Port Commission, Harbormaster or Port Director "must approve" some action, use or document, means that no action, use or document shall be valid until approval is granted. The person seeking such approval must obtain approval prior to proceeding with

such use. The use of the words "must approve" is not intended to, and shall in no way limit or restrict the Port District, Port Commission, Harbormaster or Port Director in the exercise of its discretion in determining whether or not to grant or deny such approval being sought.

SECTION 101 - Scope

The provisions of this ordinance are intended to augment the existing laws of the State of California by authority of Sections 6309, 6309.2, 6309.4 and 6309.6 of the California Harbors Navigation Code.

SECTION 102 - Applicability

The provisions of this ordinance and any rules and regulations adopted pursuant thereto shall be applicable to and upon all persons or property upon real property owned or leased by the Santa Cruz Port District, know as the Santa Cruz Small Craft Harbor, or the Santa Cruz Marina Area.

SECTION 103 - Invalidity of Provisions

If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, the remainder of the ordinance, and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SECTION 104 - Authority of the General Manager

Under the supervision and control of the Port District Commission, the General Manager shall have authority to enforce all lawful regulations affecting the Santa Cruz Marina Area. In conjunction with the General Manager, or in his absence his duties shall be exercised by the Harbormaster, or any assistant, deputy or duly authorized employee of the Port District designated by the General Manager for such purposes.

(a) It shall be the duty of the General Manager:

1) to carry out the orders of the Port District commission and to enforce all regulations and ordinances of the District and state or federal laws affecting the navigable waters in the Santa Cruz Marina Area;

2) to assign moorings to vessels within designated areas;

3) to assign berths or landing places to vessels coming alongside of wharves and piers;

4) to order any vessel improperly moored or berthed to change its position to such a one as he may reasonably designate; and, in case his orders are not complied with, to cause such vessel to be so moved and to collect the cost thereof from said vessel, or owner thereof;

5) to report promptly to the proper authorities any violation of the laws of the United States for the protection of navigation and the preservation of navigable waters or any violation of the state or local laws or ordinances; to so report any encroachment on the waterway by the building of illegal structures, illegal filling, or dumping of material of any sort into the waterway, or the throwing overboard or setting adrift or allowing to be set adrift anything that is or might become obstructive or dangerous to navigation or a menace to public health or safety;

6) The General Manager may keep a current record of the number, size and kind of vessels using the navigable waters in the Santa Cruz Marina Area and the number of passengers carried. The owners, masters or persons in charge of any vessel using such waters are hereby required to furnish the General Manager or his authorized deputy with any reasonable information requested and to allow him upon demand to examine their papers, including their manifest.

SECTION 105 - Authority of the Harbormaster

In the absence of the appointment of a Harbormaster, the duties of the Harbormaster shall be exercised by the General Manager or any assistant, deputy, or employee of that official designated by him for such purpose. The Harbormaster, acting under the orders and jurisdiction of the General Manager shall have full authority in the enforcement of all lawful regulations affecting the Santa Cruz Marina and all orders and instructions given by him in the performance of his duties shall have the same effect as if issued by the General Manager.

SECTION 106 - Other Authority for Enforcement

The sheriff of Santa Cruz County, the Santa Cruz Police Department, or any duly appointed and acting peace officer shall have full authority in the enforcement of all laws, ordinances and regulations affecting the use of Port District facilities including the power of arrest for the violation of the provisions of said laws, ordinances, and regulations; and all orders and instructions given by them in the performance of their duties shall have the same force as if issued by the General Manager.

SECTION 107 - Appeal to Port District

(a) Appeal to Port District

The order of any Port District official, or the issuance of any regulation, notice of violation, notice of revocation of slip, or notice to do or cease the doing of any act alleged to be in violation of the provisions of this ordinance or any section thereof, may be appealed to the Port District Commission by the person affected, provided that within fifteen (15) days after such order or notice is served in writing upon the person by the General Manager or other Port District official, such person files with the General Manager a written application for hearing before the Port District Commission, shall set the time and place of hearing within thirty (30) days, and pending such hearing, further action of the General Manager or Port District official under the provisions of said notice, shall be stayed. Written notice of such hearing shall be given to the applicant at the address stated on his notice of appeal or written application for hearing. The majority of the Port District Commission shall constitute a quorum for the hearing of such appeal and the decision of a majority of members of the Commission shall be final.

(b) Form of Notice

In addition to the service upon the person affected of a written notice of violation, notice of revocation of slip, or notice to do or cease the doing of any act, as in Section 107(a), provided there shall be personally served upon the affected person or persons the following notice:

Section 107(b), continued

NOTICE

You have been accused of a violation of a Santa Cruz Port District ordinance or regulation, namely a violation of Section _____ -

. You have the right, in accordance with Section 107(a) of said ordinance to appeal the order of finding of the General Manager or other Port official, to the Santa Cruz Port District Commission and your failure to do so within fifteen (15) days of the service upon you of this notice may result in the loss of your slip license, the loss of your right to keep your boat in the Santa Cruz Small Craft Harbor, or any other penalty referred to in the Section violated. You may represent yourself in this appeal or, if you wish, you may seek the advice of an attorney.

PROOF OF SERVICE

I served the foregoing notice upon _____, the LICENSEE or one of the LICENSEES of Record of slip # _____, Santa Cruz Small Craft Harbor.

_____ By personally handing a copy of said notice to said licensee at:
_____ (address)
_____ (location of service)
on _____ (date).

_____ By personal service of a copy of said notice on _____ (date)
and by mailing a copy of said notice certified mail, return receipt requested to:
_____ (name)
_____ (address)
on _____ (date).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed at Santa Cruz, California, on _____ (date).

(Signature)

**REQUEST FOR HEARING BEFORE
SANTA CRUZ PORT DISTRICT COMMISSION**

I, _____
(name), Licensee of slip # _____ wish to appeal to the Santa Cruz
Port District Commission the order or notice of your Port District official
and request a hearing pursuant to Section 107(a) Santa Cruz Port
District ordinances.

My mailing address for receipt of written notice of the time set and place
of hearing on said appeal is as follows:

(Date)

(Signature of Appellant)

mailed to all contractors for the category of work to be bid, as shown on
the list developed in accordance with Section 108 (b), and to all
construction trade journals as specified by the California Uniform
Construction Cost Accounting Commission ("Commission") in
accordance with Section 22036 of the Public Contract Code. Additional
contractors and/or construction trade journals may be notified at the
discretion of the Port Director when soliciting bids, provided however:

1) If there is no list of qualified contractors
maintained by the District for the particular category of work to be
performed, the notice inviting bids shall be sent only to the construction
trade journals specified by the Commission.

2) If the project or service is proprietary in nature
such that it can be obtained only from a certain contractor or contractors,
the notice inviting informal bids may be sent exclusively to such
contractor or contractors.

d) Award of Contracts. The Port Director is
authorized to award informal contracts up to twenty-five thousand dollars
(\$25,000.00) pursuant to this Section.

SECTION 108 - Contracting

(a) Informal Bid Procedures

Public projects, as defined by the Act and in accordance with the limits
listed in Section 22032 of the Public Contract Code, may be let to
contract by informal procedures as set forth in Section 22032, et seq., of
the Public Contract Code.

(b) Contractors List

A list of contractors shall be developed and maintained in accordance
with the provisions of Section 22034 of the Public Contract Code and
criteria promulgated from time to time by the California Uniform
Construction Cost Accounting Commission.

(c) Notice Inviting Informal Bids

Where a public project is to be performed which is subject to the
provisions of this ordinance, a notice inviting informal bids shall be

ARTICLE "II"

GENERAL REGULATIONS

SECTION 200 - Liability

(a) Any person using the facilities within the limits of Port District property or maritime facility shall assume all risk of damage or loss to his property and the District assumes no risk on account of fire, theft, act of God, or damages of any kind to vessels within the harbor, waterway or maritime facilities.

(b) The Port District conducts dredging operations with certain dredging equipment, including but not limited to, a dredge, barges, pipelines, and related dredging machinery and equipment (together, the "dredging equipment"). Because of the natural conditions existing at the harbor, including but not limited to, hard-breaking surf, the weather and the continued buildup of silt (both in the harbor entrance and inner harbor), and because of the nature of the dredging operations, the Port District cannot protect boats or persons using the harbor from damage or injury to persons and/or property resulting from the dredging operations, the dredging equipment, or the related condition of the harbor. To the full extent permitted by law, the Port District shall not be liable or responsible for any claims, demands, damages, debts, liabilities, obligations, costs, expenses, liens, and actions or causes of action of any kind whatsoever, resulting 1) from any collision with any of the dredging equipment or any boat, 2) from any collision or contact with the bottom of the harbor or any obstructions on the bottom of the harbor, 3) from any collision or contact with the jetties or surrounding beaches, or 4) from, or in any way related to, the dredging operations or lack of dredging operations, including, but not limited to, the closure of the harbor entrance for any reason or any circumstances whatsoever.

(c) Without in any way limiting the generality of the foregoing provision, the Port District shall, to the full extent permitted by law, specifically have no liability or responsibility for the conditions of the beach, the availability of ingress to or egress from the waters of the Monterey Bay or the harbor, the conditions of the jetties and entrance channel leading to the harbor, or damage caused to any vessel by such conditions. Such non-liability and non-responsibility shall include, without limitation, any failure by the Port District to dredge any portion of the harbor, regardless of the length of time during which the Port District may have failed to dredge.

SECTION 201 - Permits, Suspensions or Revocations

All permits granted under the authority of this ordinance shall be valid only for such a period as may be designated therein. A violation of the provisions of this ordinance or any other applicable ordinance by any permittee shall be ground for suspension or revocation of such permit or permits.

SECTION 202 - Damage to Harbor, Waterway, Maritime Facility or Other Property

It shall be unlawful for any person to willfully destroy, damage, disturb, deface or maliciously interfere with any float, life preserver, sign, signal notice, control device, or any other public or private property whatsoever not owned by him within the harbor, waterway, or maritime facility.

SECTION 203 - Tampering with or Boarding Vessels without Permission

It shall be unlawful to willfully injure, break, remove or tamper with any part of any vessel in the harbor, any waterway or maritime facility, and to climb into or upon any vessel without the consent of the owner, unless in the performance of official duties or to protect life and/or property.

SECTION 204 - Obstruction of Facilities

It shall be unlawful at any time for a person to obstruct the free and easy access to and departure from any portion of any landing, pier, berth, float or other facilities of a harbor waterway or maritime facility.

SECTION 205 - Place of Abode

It shall be unlawful for any person other than one specifically authorized by permit, license, or lease from the District to camp, lodge, sleep or tarry overnight upon any public portion of the harbor, waterway, or maritime facility or to erect, maintain, use or occupy any tent, lodge, shelter, structure, house trailer, trailer coach, or conveyance used as a place of abode.

SECTION 206 - Obedience of Authorized Signs, Buoys, Etc.

It shall be unlawful to willfully fail to obey any sign, notice, signal, control device or buoy placed or erected by authorization of the Port Director.

SECTION 207 - Horns, Signals and Unnecessary Noise

It shall be unlawful to unnecessarily sound horns, bells, loudspeaker systems, or other signals, or to create disturbances of a nature which will disturb other tenants using the Santa Cruz Marina Area.

SECTION 208 - Derelict and Stray Vessels

All stray vessels, skiffs, rowboats, sunken or dilapidated vessels, or vessels on unauthorized moorings or other structures, timbers, or floats found within the Santa Cruz Marina Area, not in the lawful possession or control of some person, shall be immediately delivered to the possession of the Harbormaster or the Port Director. The possession and custody of such properties shall remain in possession of the Port Director until claimed by the property owners or until such property is disposed of according to law. If the owner claims such property prior to disposition thereof, he shall pay all reasonable expenses incurred in connection therewith, including charges for raising, keeping and storing the same.

SECTION 209 - Restricted Hours

No person shall be allowed within the harbor area, in or upon the piers or slips, or in or about the parking areas between the hours of 10:00 p.m. and 6:00 a.m., excepting only those persons actually maintaining a vessel within the harbor area, either permanently or temporarily, or the guests, invitees or business visitors of such persons.

SECTION 210 - Suitable Boats

Boats for which a berthing license or permit is granted and maintained must be operable, in a seaworthy condition and of a design suitable for operation on the waters of the Monterey Bay.

"Operable" means capable of safely maneuvering under its own power, whether it be sail or engine, from the berth to open waters of the Monterey Bay and back into its berth. In cases where a vessel does not

leave its berth for a long period of time and the question of operability arises, the Harbormaster may request a demonstration of the vessel's operability. At least thirty (30) days' advance written notice must be given to the vessel's owner for such a request. In cases where a vessel remains inoperable despite reasonable time being granted to effect repairs, the slip license of said vessel shall be subject to revocation. This section is not intended to apply to the brief periods of repair common to most vessels.

"Seaworthy" shall mean that the vessel's hull, decking, cabin and mast are structurally sound and generally free from dry-rot. If a dispute over the seaworthiness of a vessel arises, the opinion of a qualified independent marine surveyor may be obtained. When the determination is made that a vessel is unseaworthy, reasonable time shall be granted to repair the vessel. If after a reasonable period of time, no significant improvements have been made to make the vessel seaworthy, the slip license of said vessel shall be subject to revocation.

All vessels which qualify for a slip license must be able to be safely navigated, in the range of sea conditions common to the Monterey Bay, as would any prudent and experienced boater with a similarly sized vessel. The design of the vessel should not include structures or modifications which limit the ability of the vessel to safely operate in typical ocean conditions. When considering the suitable design for a vessel obtaining a slip license, the Harbormaster shall consider such features as structures that would limit a proper lookout, the stability of the vessel, that the vessel have adequate propulsion for its size and a steering system that can be safely controlled by the operator. The Harbormaster shall have the authority to inspect the vessels of slip license applicants and approve or deny the application based on the criteria set forth above.

Berthing of boats such as houseboats, barges, floating homes, or other vessels not designed for or safely capable of navigating open waters shall be prohibited. Any vessel used exclusively as a place of abode shall be considered a houseboat, regardless of its design.

In cases where determination of operability, design and/or seaworthiness is in dispute, the Port Commission will hear the case at a public meeting and its decision based on majority vote shall be final.

Nothing herein contained shall be applicable to skiffs, yacht tenders, or day sailors not normally occupying a slip as such.

SECTION 211 - Aircraft

No pilot of any aircraft shall land the same on, or take off from the waters of the Santa Cruz Marina Area.

SECTION 212 - Vessels as Abodes

A person or persons may use a vessel as a place of abode within or upon the waters of the Santa Cruz Marina in accordance with regulations specified in connection with such use by the General Manager and upon obtaining a permit therefore from the General Manager. Any such regulations shall first be approved by the Santa Cruz Port Commission. Such permit shall be conditioned upon compliance with the regulations established and the maintenance within said area of sanitary conditions, orderliness, and the preservation of public health, safety, peace and welfare and convenience in the use of such area for its established purpose. One copy of such regulations, so approved, shall be filed in the office of the General Manager. Another copy shall be kept posted conspicuously within the Santa Cruz Marina Area. Violation of such regulation shall be cause for revocation of any permit of occupancy within said area.

SECTION 213 - Refuse

(a) Sanitation - Discharge of Refuse, Sewage or Waste Matter in Santa Cruz Marina Area

No person shall throw, discharge, deposit or leave refuse, sewage or waste matter of any description upon or into the navigable waters of Santa Cruz Marina Area, nor shall any person discharge or deposit material of any kind on the banks, walls, sidewalk, or beach within the boundaries of the Santa Cruz Marina Area or in any other location where the same may be washed into the Santa Cruz Marina Area, either by tides, storm, floods or otherwise.

(b) Removal of Rubbish - Cost

No person shall allow vessels, boats, materials, garbage, refuse, timber, or waste matter of any description to wash upon or remain upon the shorelines of the Santa Cruz Marina Area. The Port Director may remove materials, garbage, refuse, timber or waste matter at his discretion. The reasonable expense of removing such material shall be paid by the party responsible for the deposit of same on the shorelines of the Santa Cruz Marina Area. The foregoing shall not apply to any vessel or boat upon the shoreline of the Santa Cruz Marina Area when such

vessel or boat is placed upon, and secured to, a sand dolly or trailer at a location for which a valid permit has been obtained.

(c) Rubbish on Wharves and Approaches

No person shall pump or discharge into the waters of the Santa Cruz Marina Area, oil, paint, varnish, spirits, or any inflammable liquid or deposit any rubbish, refuse matter or articles of any offensive character therein or upon any pier, wharf, road, street leading to a wharf, or in any place other than the refuse cans provided for such purpose.

(d) Oils

No person shall discharge or deposit, or pass in or into the waters of the Santa Cruz Marina Area, any coal, tar or refuse or residuary product of coal, petroleum, asphalt, bitumen, or other carbonaceous material or substance.

(e) Fish

No person shall place or leave dead animals, fish, shellfish, bait, or other putrefying matter on or along the seawalls, harbor structures, floats, piers, sidewalks, or beaches of the Santa Cruz Marina Area, or throw or deposit such material in the waters of such area.

(f) Cleaning Fish

It shall be unlawful to clean fish on the seawalls, harbor structures, floats, piers, sidewalks, beaches, or in the waters of the Santa Cruz Marina Area or at any other point within the Santa Cruz Marina area except at the fish cleaning stations provided therefore.

(g) Fishing

No person shall fish in the channel between jetties or in any other areas within the Santa Cruz Marina Area where fishing activities would interfere with boating or safety on floats or where signs may be posted prohibiting fishing.

(h) Water Skiing

No person shall engage in water skiing, aquaplaning or motorboat racing within the Santa Cruz Marina Area.

SECTION 214 - Wharves, Floats and Piers

(a) Floats and Piers

No person shall, without a permit, build, construct, erect, extend or locate within, upon, or over the waters of the Santa Cruz Marina Area any float, pier, land wharf, open pile structure or device, or structure of whatsoever kind or nature.

(b) Public Piers - Control of Use

The Port Director is hereby vested with the authority over, and control of, all floats, wharves, docks and other facilities owned, leased, controlled, constructed, or maintained by the Port District in the Santa Cruz Marina Area.

(c) Obstruction of Piers

It shall be unlawful to obstruct the free and easy access to and departure from any portion of any public landing, pier or wharf at any time.

(d) Motorbikes, Bicycles and Skateboards

It shall be unlawful to:

- ride or park motorbikes or motorcycles on any floats;
- ride skateboards on any floats, wharves or piers;
- ride bicycles on any float; or leave them on any floats,

wharves, or piers in such a manner that the bicycle creates an obstruction to pedestrian traffic or berthing.

(e) Construction of Harbor Structures

It shall be unlawful to erect or maintain any privately owned wharf, pier, landing, bulkhead, seawall, or structure of any kind whatsoever, or make any filling of any description, or to dredge or excavate within the limits of the harbor for the benefit or use of any private person.

(f) Removal of Debris

In the event debris of any nature owned by a lessee or slip tenant shall, with knowledge of said lessee, fall into the waters of the Santa Cruz Marina Area, it shall be the duty of said lessee or slip tenant to remove such material from the waters of said Marina Area. Failure to do so shall constitute a violation of Section 213(a) hereof.

(g) Commercial Product Off-Loading Permit

It shall be unlawful for any wholesale fish or marine product buyer to purchase and transport, for wholesale purposes, any fish product or marine harvest from any vessel across any wharf, float, pier or dock in the Santa Cruz Marina Area, without first obtaining an "off-loading" permit from the Santa Cruz Port District.

SECTION 215 - Dangerous Vessels, Sunken Vessels, or Obstruction of Channels

(a) Whenever a vessel is sunk, accidentally or otherwise, it shall be the duty of the owner of such vessel to mark it immediately by a buoy or beacon by day and by a lantern or light by night and to maintain such marking until the sunken vessel or obstruction is removed, and the neglect or failure of such owner to do so shall be unlawful. The owner of such sunken vessel shall immediately commence removal of said vessel and prosecute the removal diligently to completion.

(b) Whenever the navigation of any waters within the harbor area shall be obstructed or endangered by any sunken vessel or other obstruction, and the removal thereof is not diligently prosecuted as in Section 215(a) required, the vessel or obstruction shall be subject to removal, sale, or other disposition by the Port Director and may be treated as abandoned or unclaimed property and subject to the provisions of the California Code of Civil Procedure. The owner or owners of such vessel or property causing such obstruction or damage shall be liable to the Port District for all costs incident to said removal and disposition and shall further be liable to any person who may be damaged as a proximate cause of said sunken vessel or other obstruction. Neither the Port District, nor its employees, agents or officers, shall be liable for damages of any nature whatsoever arising out of or in any way connected with the removal, sale or disposition of such sunken vessel or other property.

SECTION 216 - Duty upon Collision

(a) The operator of any vessel involved in a collision with any other vessel or with any other object within the harbor shall immediately notify the owner of the struck vessel of the name and address of the operator and/or owner of the striking vessel and shall further immediately report the incident and furnish the same information to the Harbormaster. Failure to render both said notice and said report shall be a violation of this Article.

(b) The rendering of the notice and report aforementioned in this section shall be in addition to such notices and/or reports required by state law.

SECTION 217 - Prohibited Operations upon Waters of the Harbor

Except upon written permission of the General Manager, which may be given for special events, no person shall:

(a) Tow, ride upon, or otherwise operate water skis or aquaplanes;

(b) Operate a hydrofoil craft, seaplane, or air-propeller-driven watercraft;

(c) Use, or cause to be used, on any vessel under his control, a spinnaker sail of any type except where such use is made necessary by an emergency;

(d) Swim within the waters of Santa Cruz harbor except while performing hull maintenance in the area immediately next to one's boat;

(e) Swim in the catamaran launch area on days between April 1st and October 1st, when the Port District lifeguard is on duty and the "no swimming" area is marked.

SECTION 217.1 - Restrictions for Vessel Traffic in Harbor Waterways

(a) Sailboats may tack across the channel, even if such tacking places such vessel in violation of the "keep-to-the-right" rule. When tacking across the harbor channel onto the side of the channel that places the sailboat in violation of the "keep-to-the-right" rule, sailboats shall yield to oncoming vessels so as not to cause an oncoming vessel to alter speed or course.

(b) All vessels that are not propelled by sail shall, unless unsafe to do so, or unless otherwise directed by Port District personnel, stay to the right side of the harbor channel. Any vessel choosing to be on the opposite side of the channel for reasons of safety, must comply with yield and avoidance provisions of section 217.1(a).

(c) Every vessel directed by another vessel to stay out of the way of such other vessel shall, to the extent possible, immediately take such steps as are necessary to keep well clear in order to avoid a collision.

(d) No vessel in the harbor waters shall exceed 5 miles per hour under any circumstances. Vessel speed shall be further reduced if necessary so that at no time shall any vessel cause a significant wake. The 5 mile per hour zone is defined as the area beginning immediately at the harbor entrance and continuing up the entire length of the channel and throughout the harbor.

(e) Any vessel overtaking another vessel shall yield to the vessel being overtaken so as not to cause such vessel being overtaken to alter speed or course. If the vessel being overtaken changes course or speed, then the vessel overtaking such vessel shall yield so as to stay out of the way of such vessel, and avoid a collision.

(f) All vessels crossing the main harbor channel, or leaving a fairway, shall yield to any vessel transiting the main channel so as not to alter the speed or course of such vessel. Vessels crossing the fairway when leaving slips or docks shall yield to any vessel transiting the fairways so as not to alter the speed or course of such vessel.

(g) All vessels in the harbor waters shall yield to law enforcement vessels displaying a blue flashing light so as not to alter the speed or course of such vessel.

SECTION 218 - Abandoned Vessels

Any vessel of any nature moored, secured or in any manner placed within the confines of the Santa Cruz Marina Area, whether ashore or in the water for an excess of 72 hours without first obtaining a license, permit or required permission therefore, shall be considered to have been abandoned.

SECTION 219 - Disposition of Abandoned Vessels

Any vessel of any nature abandoned within the confines of the Santa Cruz Marina Area as defined by Section 100, whether registered with the California Department of Motor Vehicles, documented, or not marked or registered in any apparent manner, shall be placed in storage or protective custody by the Port Director at a daily storage rate to be set by resolution by the Port District Commission and shall thereafter be subject

to lien sale under the provisions of Sections 500 through 505 of the Harbors and Navigation Code of the State of California.

SECTION 220 - Electrical Use on Unattended Boats

The Port District Commission shall set fees for unattended vessels using or connected to shore power. These fees shall be reviewed from time to time and may be amended as needed by the Commission.

The use of heat lamps, sun lamps, or portable space heaters on unattended vessels is prohibited. The use of more than 800 watts at any time by an unattended vessel is prohibited. Should a vessel be found to be using more than 800 watts, the Port District will notify the boat owner by telephone or mail that he is in violation of this ordinance. The boat's electrical consumption will be rechecked seven (7) days after the first check. If the boat is still using more than 800 watts, the boat will be disconnected from shore power.

For the purpose of this section, Port District approved liveaboard vessels will be considered "attended" whether or not anyone is aboard.

SECTION 221 - Animal Control

It shall be unlawful for pets to roam freely anywhere on harbor property. This includes commercial areas, docks, beaches and roadways. When not confined to a vessel, vehicle, or building, the animal must be on a leash no more than six (6) feet long and controlled from defecating planted areas, roadways and private property kept within the harbor.

It shall be unlawful for pets to cause excessive noise or disturb the peace. Pets are not to be allowed or placed on private property within the harbor without express permission of the property owner.

Liveaboards shall not keep pets in residence anywhere within the harbor boundaries. Pets kept by persons who have continuously lived aboard since August 25, 1980, shall be exempted from this regulation but only for the life of that specific animal.

SECTION 222 - Surfing Prohibited

There shall be no surfing of any type at any time on waves which break across the entrance to Santa Cruz Harbor. Additionally, the presence of surfers in the entrance area shall constitute an obstruction to the free navigation of vessels entering or exiting Santa Cruz Harbor, whether or

not those vessels are immediately present. Such obstruction shall also be illegal under this section.

The harbor entrance area is defined as the area geographically bounded by a line starting at the southernmost tip of the western harbor entrance jetty, then extending 200' due south, then extending from that point due east to a point 50' east of the easternmost edge of the east Santa Cruz Harbor jetty, extending again from that point due north to a point 50' east of the south-eastern edge of the east Santa Cruz Harbor jetty, and then extending from that point due west to the west Santa Cruz Harbor jetty, and including all waters within that described boundary. This definition of Santa Cruz Harbor entrance area shall be graphically depicted and publicly posted at the Santa Cruz Port District office.

SECTION 223 - Charter Boat Operations

For passengers-for-hire charter boat operations, it shall be unlawful to load or unload passengers inside Santa Cruz Marina, except with prior approval from the Port District Commission. With Commission approval, the Port Director shall issue a written permit which states the magnitude, duration, and any other special considerations required of the charter boat owner/operator. Violation of this section will be cause for a citation to be issued to the owner or operator of the charter business. Continued violation of this section will be grounds for the cancellation of all berthing privileges within Santa Cruz Marina for the charter boat(s) in violation of this section.

This section will not apply to bare-boat charter operations.

SECTION 224 - Skateboarding Regulated

It shall be unlawful for persons to rollerskate or skateboard on harbor property in such a manner that, in the opinion of a peace officer, an injury may occur to a member of the public. Skateboarding shall also be prohibited if, in the opinion of a peace officer, damage is occurring, or likely to occur, from the skating activity.

SECTION 225 - Commercial Fish Buying Activities by Permit Only

The physical transfer of fish or fish product from commercial fishermen to wholesale fish buyers or their employees or representatives within Santa Cruz Harbor property shall be allowed only by Harbormaster permit issued to buyers who apply for, and qualify for, and obtain such a permit.

All other purchasing and transference of fish or fish product to wholesale buyers shall be illegal. The Port District Commission shall set such permit requirements and fees as they deem reasonable and subject to periodic review.

SECTION 226 - Vessel Use as Overnight Rented Accommodations

Vessels berthing within Santa Cruz Harbor may be rented as temporary accommodations only with advance written permission from the Port District Commission.

ARTICLE "III"

BERTHING REGULATIONS

SECTION 300 - Berthing Permit Required

All berthing in the Santa Cruz Harbor, excepting certain berths under control of concession lessees, shall be assigned by the Harbormaster by license upon receipt of preset rents or fees. A license for permanent berthing must be in the name of an individual or group of individuals. Notwithstanding the preceding sentence, licenses for the following entities may be in the name of either an individual or in the name of the business that will benefit from the license: (1) a business operating under Section 302(e) – Business Use of Slips; (2) a non-profit corporation except that if the non-profit corporation desires to use a business name instead of an individual's name, then such corporation must first obtain the Port District's approval. Only one slip license per individual or married couple will be provided. Licensees must be at least 18 years old to sign a license agreement. Any vessel mooring, tying, or otherwise occupying the harbor without a permit or license is in violation of this section, excepting temporary tying for periods of less than fifteen (15) minutes while obtaining a permit.

The requirement contained in this section that slip licenses be in an individual's name (subject to certain exceptions listed above) is not applicable to licensees who as of January 1, 1987, have already been issued a license in the name of a business.

SECTION 301 - Classes of Berthing Permits and Licenses

Berthing will be assigned according to one of the following classes:

- (a) Regular License - indefinite tenure
- (b) Interim Use Permit - 30 days to 6 months
- (c) Visitor Berthing - 1 to 14 days

SECTION 302 - Regular License Berthing Regulations

Waiting List

All regular license slip assignments will be made from a chronological waiting list. A vacant slip will be offered first to that person highest on the list for that size and then, if refused, in sequence to those next on the

list. Acceptance of a slip must be indicated within two weeks of notification by payment of rent and deposit and execution of a slip license and indemnity agreement and a statement of ownership and registration.

Vessel Size

Boats which are granted permanent slip licenses must be no shorter than six feet under the slip size. For boats larger than the berth, the maximum size vessel measured for length and/or beam, is as follows:

Slip Size	Maximum Boat Length	Minimum Boat Beam	Maximum Boat Beam
20'	22'	-	10'0"
24'	27'	-	11'0"
25'	28'	-	11'6"
30'	35'	-	12'0"
35'	40'	-	13'0"
40'	47'	-	13'6"
Wide 45'	47'	14.5'	16'0"
50'	58'	-	16'6"
60'	70'	-	16'6"

Multi-hull – Harbormaster’s Approval

For the purpose of this section, and for the determination of slip rent, the vessel measurement shall include all functional structures such as, but not limited to, bow sprits, self-steering vanes, davits, swimsteps, rudders, and outboard motors. Oversized vessels shall be tied in the slip so that no more than one foot of any structure projects over the walkway.

A new licensee must occupy his slip with an appropriately sized vessel within three months of slip acceptance. For boat replacement, a continuing licensee’s new boat must fit the above listed size limitations. A licensee shall have a maximum of six months to make his own arrangements for a suitable slip. The Port District is in no way responsible for providing a new slip for an over or undersized boat. The Harbormaster, at his discretion, may refuse to grant any interim berthing in the slip if the new boat is so oversized as to obstruct the walkway or significantly reduce the navigable waterway.

The above-cited regulations notwithstanding, certain dock areas are recognized to be situated in such a manner as to allow for even larger boats than listed. For these special areas as determined by the Harbormaster, prior written application must be made to the Port District and approval granted before placing a boat in the slip which exceeds the maximum lengths or beams of this regulation. The vessel size

limitations described in this section shall not apply to slip licensees who have received Port District approval for an over-sized vessel prior to the adoption of this section.

Violation of the provisions of this section will result in the cancellation of the slip license.

(a) Slip Use and Slip Leaves

A licensee must occupy their slip with a boat owned and currently registered (or documented) to them within three months of the date of assignment. Any extensions of the time limit must be obtained from the Harbormaster or Port District Commission, and any request for extensions must be accompanied by written proof of the reason for the delay in occupying the slip.

Slips must be occupied by the licensee's boat as shown in the Port District's registration statement for at least six months out of any twelve-month period.

Slip licensees who desire to vacate their slip in excess of 12 months and who want to preserve their right to return to the harbor and obtain another slip of the same type and size without undue delay, may do so through a "slip leave." The procedure for such a leave is as follows:

- 1) Licensee notifies the Harbormaster in writing that they desire a "slip leave." No reason or justification is required;
- 2) Licensee releases the slip back to the harbor for reassignment and thereafter has no rights respecting such slip;
- 3) Licensee must pay a "slip leave" fee. This fee would be paid annually in advance for each year the "slip leave" is maintained (prorated, if applicable, to the date the licensee once again resumes payment of full slip license fees per item 5) below);
- 4) When the licensee on "slip leave" desires to return, such licensee must notify the Harbormaster in writing that the licensee desires to license a slip;
- 5) Once notified, the Harbormaster will provide the first available, suitable slip of the same size as the slip licensed before the slip leave.

(b) Slip License Non-transference

A licensee shall not transfer, voluntarily or involuntarily, all or any portion of his rights under his slip license. A slip license shall be deemed transferred in the event the licensee transfers all or any interest in the legal or record ownership of the boat occupying the slip to which the license pertains. The licensee shall inform the Harbormaster of any such transfer by the licensee or any other licensee in violation of this provision of which he has knowledge.

Nothing in this Section 302(b) shall be deemed to prevent or otherwise affect a transfer by a slip licensee of an ownership interest in his vessel pursuant to the provisions of Section 302(h).

Upon suspicion of a slip license transfer in violation of this Section 302(b), the Harbormaster may require the licensee to establish that a slip license transfer has not occurred by presenting the following documents to the Port District:

- 1) Books and records reflecting the expenses of berthing, maintaining, using, insuring (if any insurance is obtained), and paying taxes on the boat; and
- 2) Receipts, cancelled checks or other evidence documenting payment of the expenses outlined in subparagraph (1) above.

If the foregoing documents do not, in the discretion of the Harbormaster, substantiate the licensee's maintenance of the requisite ownership interest in the boat occupying the slip for which the license is held, the licensee may, at his option, present copies of federal and state income tax returns which reflect any income earned through use of the boat and deductions available with respect to the boat, such as personal property taxes paid on the boat and interest paid on loans secured by the boat. Failure of the licensee to demonstrate he maintains the requisite ownership interest in the boat may result in revocation of his slip license. The licensee shall have the right to appeal the Harbormaster's decision to the Port District Commission pursuant to Section 107 of these ordinances. All personal financial information received by the Port District will be used only for the purposes of enforcing these ordinances and will be kept confidential. The Port District will not disclose any personal financial information without the prior written consent of the individual to whom the information pertains, except as otherwise required or authorized by law. Consent to use of such personal financial information in any hearing before the Port District Commission shall be implied from the appeal by the licensee made pursuant to Section 107, but such consent shall be implied with regard to only those matters

relevant to the determination of those issues before the Port District Commission. The Port District shall return all personal financial information received by the Port District under paragraphs (1) and (2) above to the licensee upon the earlier of (A) determination by the Harbormaster that retention of such information is no longer necessary, or (B) termination of the slip license by revocation, voluntary surrender, or otherwise.

In the event the Harbormaster determines that the documentation submitted by the licensee pursuant to the foregoing paragraph does not conclusively establish that slip license transfer has not occurred, then in lieu of immediate revocation of the slip license, the Harbormaster may require the licensee to establish to the reasonable satisfaction of the Harbormaster the licensee's own personal continued use of the boat on a regular basis. For purposes of these ordinances, "own personal continued use on a regular basis" is defined to mean that the licensee must personally and physically be present on the boat each time during the taking of the boat out of the slip and harbor for any length of time on at least ten separate days during any twelve month period. The licensee must be able to establish such personal usage for each and every twelve month period selected by the harbormaster occurring after the date on which the Harbormaster requires the licensee to be able to establish such usage.

In the event the Harbormaster shall determine a licensee has failed to continue use of the boat on a regular basis in accordance with this Section 302(b), the slip license for the boat shall be subject to suspension or revocation.

Slip Trades

It is permissible for two regular licensees to trade slips if mutually agreeable and approved by the Harbormaster. Harbormaster approval shall include the determination that both slip renters wishing to trade shall have had their slip for longer than it takes to get the desired slip through the regular waiting list. In this way the trade shall have no effect on the waiting list.

Bequest of Slips

Upon the death of a slip licensee, a surviving spouse shall assume all the rights and obligations of the slip license.

A slip license may be transferred through bequest or intestate succession to another individual, upon inheritance of the vessel, for a limited time. The person inheriting the vessel may retain the slip license

only as long as he or she alone owns the inherited vessel; provided that such license will automatically terminate on December 31, 2006 for lower harbor slips, and December 31, 1996 for upper harbor slips. At that time, the slip will revert to the Port District for assignment. A slip license transfer under this section 302(b) may occur only once and only as long as the inherited vessel shall continue to be berthed in said slip. This ordinance shall apply to all past, present, and future inherited vessels and slip licenses in Santa Cruz Harbor. As of January 1, 1995, for upper harbor slips, and January 1, 2005, for lower harbor slips, persons inheriting a vessel may only have use of the slip for a maximum of two years after the death of the licensee, to allow time for the sale or other berthing arrangement of the vessel. Persons inheriting a vessel with a Santa Cruz Harbor slip shall be required to comply with all other Port District Ordinances.

(c) Use of Slips by Non-licensees

No licensee may sub-lease, sub-rent, or sub-license his slip to another person except through the Harbormaster's office and according to standard procedure set forth. The use of a slip by any boat other than the licensee must be approved by the Harbormaster.

Use of a licensee's vessel by any person other than the licensee, in the form of a charter, rental agreement, lease or any other arrangement, whereby some person other than the slip licensee is afforded the use of the licensee's slip, shall constitute a sub-lease of the slip and shall be subject to the provisions of this section. The details of such an agreement shall be notarized and filed at the Port District office.

Rented, chartered, or leased vessels may not be used as a liveboard dwelling, except by special permit from the General Manager.

(d) Compliance with Regulations; License Termination

The regular licensee shall have the use of a suitable slip as long as he complies with the harbor rules and regulations and pays slip rent. Slip occupancy licenses are terminable by licensees at will, but liability for payment of rent therefore shall terminate only upon notice of termination given to the General Manager.

(e) Business Use Of Slips

Berths in Santa Cruz Harbor may be used for marine business purposes. Such use may include, but is not limited to:

- Public chartering operations
- Boat brokerage

- Boat rental – livery service
- Boating education / instruction / lessons
- Marine research
- Boating services such as engine repair, boat maintenance, diving services
- Other marine businesses which the Port Commission determines at the time can be of benefit to the boating public

Approval of such proposals will be determined by deliberation of:

- 1) the benefit of proposed business to the public;
- 2) the impact of the proposed business on:
 - existing harbor operations;
 - traffic and parking;
 - environmental issues;
 - financial benefit or impact to the Port District.

The Port Commission shall be the sole judge in granting consent for a slip to be used for business use and its decision will be final.

Subsequent to Commission approval, each business use shall be reviewed yearly to assure that the objectives of the business use are being met.

All business use of slips will be subject to specific fees which will be set by the Port Commission, and amended from time to time.

Businesses making use of a slip for business purposes may not transfer a slip license upon the sale, lease, or partial sale of their business to any second party. The Port District regulations and their intent in governing the non-transference of slip licenses for individual slip shall also apply to a slip used for business purposes.

The Port Commission has the right to revoke any slip license if it is determined that business use of the slip is being used for purposes other than those approved.

(f) Declaration of Commercial Use

No slip shall be used for business purposes unless the licensee shall have first filed a declaration of commercial use on the District Ownership and Registration Statement form.

(g) Partnerships at the Time of Slip Assignment

If a boat is owned by more than one individual at the time of slip assignment, the joint owners shall designate one of such owners as their agent. Should a change in ownership occur, only the owners specified at the time of assignment may be granted a continuing slip license unless assigned from the waiting list. There shall be no more than four initial licensees per slip.

(h) Partnerships and Limited Liability Companies

No licensee may permit any other person(s) to use his/her slip through formation of a partnership or limited liability company in a boat (either by selling an interest in the licensee's boat which occupies the slip or buying an interest in another boat and moving it into the slip) unless use of the slip by the partnership or limited liability company is approved by the Harbormaster. In the event a partnership or limited liability company is formed which is not approved by the Harbormaster in accordance with this Section 302(h), the use of a boat slip by members of the partnership or limited liability company other than the licensee shall be grounds for suspension or revocation of the slip license in accordance with Section 201 above.

1) In order to obtain the approval of the Harbormaster of use of the slip by the partnership or limited liability company, as the case may be, the licensee who forms such partnership or limited liability company in a boat (either by selling an interest in his/her boat or by buying an interest in another boat) must show that s/he has kept or obtained an interest in the profits, losses, and liabilities of the partnership or limited liability company which shall own the boat to occupy the slip. Said interest shall be greater than, or equal to, that of each of the other partners or limited liability company members, but in no event less than 25 percent of the total interest in the partnership or limited liability company. There shall not be more than four partners in any such partnership or limited liability company. The requisite share of such partnership or limited liability company shall be shown by presenting the following documents to the District when the formation of the partnership or limited liability company is completed.

A) A notarized bill of sale and/or notarized contract of sale for each share of a partnership or limited liability company in a boat which sets forth the sale price paid or to be paid, and the terms of the payment. No portion of the sale price paid for any such share may be attributable to the value of the slip license to be used by the partnership or limited liability company. For example, if the sale price paid by any licensee for his/her share of the partnership or limited liability company in a boat is substantially less than the fair market value of the

share in the boat as reasonably determined by the Harbormaster, or if the sale price paid by any non-licensee partner or limited liability company member for his/her partnership share in a boat is substantially less than the fair market value of the share in the boat as reasonably determined by the Harbormaster, or if the sale price paid by any non-licensee partner or limited liability company member for his/her share in a boat is substantially more than the fair market value of the share of the boat as reasonably determined by the Harbormaster, the use of the slip by the partnership or limited liability company will not be approved by the Harbormaster. The Harbormaster shall not be obligated to obtain a professional appraisal of the fair market value of said share in the boat, but may use such evidence as is reasonably available without additional cost to the District. Notwithstanding the preceding sentence, where the Harbormaster determines that the fair market value of said share is different from that claimed by the licensee, the licensee shall be entitled to obtain, at his/her sole expense, a professional appraisal of the fair market value of the relevant share in the boat, and upon submission of the same to the Harbormaster, the Harbormaster shall weigh such appraisal as evidence of said fair market value in conjunction with all other evidence obtained by the Harbormaster.

B) A fully executed and notarized written partnership agreement or limited liability company operating agreement which provides for joint use of the boat by the partners or limited liability company members and sets forth (a) the share of each partner or member of liability for expenses, such as berthing, financing, maintenance, insurance and taxes, incurred with respect to the boat, and (b) the share of each partner or member of the profits and income upon sale, rental, or other income-generating use of the boat.

C) A receipt from the California State Board of Equalization which documents that the state sales tax has been paid on that portion of the boat that has been sold. For sales of interests in boats exempt from the state sales tax pursuant to Revenue and Taxation Code SS et seq., a cancelled check or other evidence of payment of the purchase price shall be presented to the District; and

D) A new California DMV registration or Coast Guard Document that reflects ownership of the boat by each and all of the partners and limited liability company members; and

E) A Partnership and Limited Liability Company Disclosure Statement completed by the licensee and his/her partner(s). The Harbormaster will review proposed partnership and limited liability company arrangements in boats and advise any licensee who desires to form a partnership in a boat of the licensee's compliance

with this section under the proposed arrangement, but such preliminary review and determination of compliance shall not bind the Harbormaster or District. If upon completion of the formation of a partnership or limited liability company respecting a boat the licensee fails to show s/he has kept or obtained the partnership share or limited liability company share in the boat to occupy the slip required herein, use of the slip by the partnership or limited liability company will not be approved by the Harbormaster, and the slip licensee shall have the right to appeal the decision of the Harbormaster to the Port District Commission pursuant to Section 107 of these ordinances.

2) A licensee who forms a partnership or limited liability company in a boat which shall occupy the slip to which the license pertains must show the District within 30 days after written request by the Harbormaster, that s/he has maintained the partnership share or limited liability company share in the boat required in Paragraph 1 above for the year (or portion thereof if the partnership or limited liability company has not yet had District permission to use the slip for an entire year) immediately preceding such request. The licensee's partnership share or limited liability company share in the boat for such year, or portion thereof, shall be shown by presenting the following documents to the District:

A) The books and records of the partnership or limited liability company reflecting the expense of berthing, maintaining, using, insuring (if insurance is obtained), and paying taxes on the boat and the allocation of those expenses among the partners or limited liability company members; and

B) Receipts, cancelled checks or other evidence of documenting which partners or limited liability company members paid the expenses outlined in subparagraph (A) above and how the partners or limited liability company members settled accounts between or among themselves, as necessary.

If the foregoing documents do not substantiate the licensee's maintenance of the requisite partnership share or limited liability company share in the boat during the preceding year, or portion thereof, at the discretion of the Harbormaster, the licensee and his/her partners or limited liability company members may, at their option, present copies of federal and state income tax returns for the partnership or limited liability company, and/or for the partners or limited liability company members, which reflect the allocation of any income earned through use of the boat and deductions available with respect to the boat, such as personal property taxes paid on the boat and interest paid on loans secured by the boat, among partners or limited liability company

members. Failure of the licensee to demonstrate s/he maintains the requisite partnership share or limited liability company share in the boat will result in revocation of the slip license. Upon receipt of notice or revocation of his/her slip license, the licensee shall have the right to appeal the Harbormaster's decision to the Port District Commission pursuant to Section 107 of these ordinances.

3) All personal financial information received by the District will be used only for the purpose of enforcing these ordinances and will be kept confidential. The District will not disclose any personal financial information without the prior written consent of the individual to whom the information pertains except as otherwise required or authorized by law. Consent for use of such personal financial information in any hearing before the Port District Commission shall be implied from the appeal by the licensee made pursuant to Section 107, but such consent shall be implied with regard to only those matters relevant to the determination of those issues before the Port District Commission. The District shall return all personal financial information received by the District under Paragraphs (1) and (2) above to the licensee and his/her partners or limited liability company members upon the earlier of (a) dissolution and termination of the partnership or limited liability company, or (b) termination of the slip license by revocation, voluntary surrender, or otherwise.

4) In addition to submitting the documentation required by Paragraphs (1) and (2) above, a licensee who forms a partnership or limited liability company in a boat (either by selling an interest in the licensee's boat or buying an interest in another boat and moving it into the slip) must demonstrate to the reasonable satisfaction of the Harbormaster his/her continued use of the boat on a regular basis. For purposes of this paragraph, "continued use upon a regular basis" is defined to mean taking the boat out of the slip and harbor at least one time for any length of time on at least ten separate days during any twelve-month period. Notwithstanding the preceding sentence, extended cruises or other lengthy absences from the harbor will be considered on a case-by-case basis by the Harbormaster as evidence of the licensee's continued use of the boat on a regular basis. Where it appears to the Harbormaster that any particular licensee is not continuing to use his/her boat on a regular basis, the Harbormaster may request that the licensee call ahead or check in at the harbor office prior to using the boat. Failure to take advantage of this procedure to substantiate use of the boat shall be considered as strong evidence of the licensee's failure to continue use of the boat on a regular basis. In the event the Harbormaster shall determine a licensee has failed to continue use of the boat on a regular basis in accordance with this

Section 302(h), the slip license for the boat shall be subject to suspension or revocation.

5) The original licensee must remain as agent for the partnership or limited liability company, receiving all billings and signing all agreements. The District will negotiate only with the licensee on all matters pertaining to the slip license.

6) If a partnership shall have been approved by the Harbormaster of the Port District prior to January 1, 1981, the licensee of said partnership shall not be required to obtain at least 25 percent interest in said partnership if his/her interest on said date shall be less than 25 percent, and said partnership shall be more than four partners on such date. However, said licensee and partnership shall be required to comply with all other aspects of this revised Section 302(h), including but not limited to the financial disclosure and minimum use provisions.

7) In the event a person (A) shall acquire an interest, either individually or as a member of a joint ownership entity, in a partnership or limited liability company which owns a boat berthed in the harbor and which partnership or limited liability company is not approved, or is originally approved and then later disapproved by the Harbormaster, and (B) such individual is also a member of the waiting list for berthing slips, then the waiting list sign-up date for said individual shall be advanced to a date which is later than the original sign-up date by a period of time equal to that during which such partnership or limited liability company berthed said boat in the harbor, or the period during which such individual was a member of said partnership or limited liability company, to legitimately lease a slip from the Port District for those individuals involved in either an authorized or a sham partnership or sham limited liability company which prematurely allowed such individuals the benefits of use of a slip.

SECTION 302.1 - Regular Use of Vessel

(a) The owner/licensee under any slip license agreement or addendum or modification thereto shall make continuous personal use of the vessel (vessel means the vessel as defined in the slip license agreement) on a regular basis. For purposes of these ordinances, "continuous personal use of the vessel on a regular basis" is defined to mean that the owner/licensee must personally and physically be present on the boat each time during the taking of the boat out of the slip and harbor for any length of time on at least ten separate days during any twelve month period. The owner/licensee must be able to establish such

personal usage for each and every twelve month period selected by the Harbormaster.

(b) Where it is provided in any slip license agreement or in any addendum or modification thereto, that the owner/licensee shall do, or not do, any act or thing, then the individuals identified as the owner/licensee shall personally do, or not do, that act or thing. For example, in paragraph 4(h) of the slip license agreement where it is provided, among other things, that "owner shall make continuous use of the vessel on a regular basis...", the personal and physical presence of the individual or individuals identified as the owner/licensee is required on the vessel during such use in order to satisfy the requirement of "continuous use on a regular basis" as defined in paragraph 4(h) of the slip license agreement.

SECTION 303 - Interim Use Permit Regulations

(a) Interim use permits may be granted for a maximum of six months in any twelve-month period. No right to continuing occupancy of a slip in the harbor or to higher waiting list priority shall result from such use. The financial obligation for the slip shall remain with the regular licensee. Reimbursement by the sub-renter to the licensee will be the responsibility of the two contracting parties. The sub-rental rate, however, shall not exceed the standard fee schedule currently used by the Port District. Individuals found to be profiting from this system will be subject to immediate slip revocation.

(b) Interim use permits will be issued by the Harbormaster on the basis of a joint agreement executed at the harbor office between regular licensee and interim permittee.

(c) Use of a slip by a boat other than the one registered must be reported to the harbor office regardless of duration of use.

SECTION 304 - Visitor Berthing

Short-term berthing permits for transient boats may be issued by the Harbormaster for periods from one to fourteen days subject to space availability and payment in advance. Upon expiration of the fourteen-day limit, a new permit may not be issued until the boat has vacated the harbor for a minimum of fourteen days. The Harbormaster may, however, grant extensions for boats suffering bona fide breakdown, because of weather and/or harbor entrance conditions, and during

periods when demand is less than 100 percent of available visitor berthing facilities.

SECTION 305 - Safe Mooring

It shall be unlawful to moor or permit any vessel to be moored in the Santa Cruz Marina Area except within an area designated for such purpose by the General Manager. No vessel shall be moored in any part of the Santa Cruz Marina Area unless the same be securely moored, fore and aft, and so as to prevent such vessel from swinging or drifting. No person shall anchor any vessel in the Santa Cruz Marina except in an emergency. Emergency pumping of boats and replacement of broken mooring lines by Port District personnel will be charged to the owner of that boat. Effort will be made to contact the boat owner before this action is taken.

SECTION 306 - Unsafe or Dangerous Mooring - Cost to Owner

No person shall moor any vessel in the Santa Cruz Marina Area in such a place or manner as to cause an unreasonable risk or danger to person or property. The General Manager may take such action as is reasonably necessary to relieve such danger and the reasonable cost thereof shall be paid by such person or vessel owner.

SECTION 307 - Non-liability of Port District

Removal of any vessel by the General Manager due to unsafe or dangerous mooring, or due to the vessel's being in an unsafe or dangerous condition shall be without liability of the Port District or its personnel.

SECTION 308 - Making Fast to Moored Vessels

No person shall make fast to or tie any vessel to a mooring occupied by another vessel, or make fast or tie to a vessel already occupying a mooring without approval of the master of that vessel and a berthing permit from the Harbormaster.

SECTION 309 - Obstructing Vessels

No person shall tie up, moor, or operate a vessel in the Santa Cruz Marina Area in such a manner as will prevent or obstruct the passage of other vessels or voluntarily or carelessly sink any vessel in any channel, or float loose timbers, logs or piles in any channel in such a manner as to obstruct, impede, or create a menace to navigation.

SECTION 310 - Dock Boxes, Boarding Platforms, Etc.

No structure, including dock boxes, boarding platforms, etc. may be erected or placed upon any pier or float without approval of the General Manager.

SECTION 311 - Construction and Extensive Maintenance of Boat in Berth

No person shall engage in other than minor maintenance of boats except in the boatyard area. Activities specifically prohibited are:

- a) Spray painting;
- b) Construction on a boat resulting in debris creating a nuisance to other persons;
- c) Construction activities on floats that create a nuisance or block passageways.

SECTION 312 - Stowage of Dinghies, Skiffs and Gear

No person shall stow or maintain dinghies, skiffs, boxes, materials, boat equipment or other personal property, exclusive of hoses and shore power connections, on piers, floats, brows or in or upon any other area within the Santa Cruz Marina which is subject to general public use, including those areas immediately adjacent to the licensee's slip.

SECTION 313 - Registration or Documentation

All vessels must remain currently United States documented or registered by the State to retain slip license.

SECTION 314 - Board Sailing

Board sailing is prohibited in the harbor during the daylight hours of each weekend day and all federally-observed holidays.

SECTION 315 - Stray Current Corrosion and Connecting Cords

Stray current corrosion shall be defined as the corrosion that results when a current from a battery or other external electrical source (AC or DC) causes a metal, in contact with an electrolyte, to become anodic with respect to another metal in contact with the same electrolyte.

No boat shall transmit stray current. Compliance with this requirement will be satisfied when the electrical resistance is more than 100,000 ohms as measured between the water adjacent to the boat and all of the three alternating current conductors at the dock end of the shore power cord. This cord, at the time of measurement, is to be connected to the boat's alternating current terminals. The boat's alternating current circuit shall be switched to the "on" position and connected as for normal dockside operation.

If a vessel is found to be producing stray current, notice shall be given to the owner and a reasonable amount of time provided to correct the problem. The preceding sentence notwithstanding, officials of the Port District shall have the authority to disconnect the vessel from shore power immediately if the level of stray current being produced poses a real and immediate threat to personal safety or the rapid corrosion of the vessel and/or its neighboring vessels/structures. If the vessel is unplugged upon discovery of the stray current, every effort will be made to promptly notify the vessel's owner as to the action taken. The Port District, however, shall assume no liability whatsoever for any losses or damage suffered from the denial of shore power to a vessel producing stray current.

If the problem is not corrected in a reasonable amount of time, the Port District will have the right to disconnect the vessel from shore power until corrective action is taken. If the vessel is reconnected by the licensee without being fixed, for any other purpose than stray-current testing, the Port District may revoke the slip license.

Shore power cords shall be of the three-wire type including a functioning ground wire with insulation types SO, ST or STO and with a wire thickness in accordance with the National Electric Code. Cords that are found to be a significant hazard to personal safety will be unplugged immediately.

ARTICLE "IV"

PARKING AND VEHICLE CODE REGULATIONS

SECTION 400 - Authority

Pursuant to Section 21113 of the California Vehicle Code, the following regulations are adopted.

SECTION 401 - Parking Permits

It shall be unlawful to park motor vehicles upon Port District property, excepting in metered spaces or subject to a permit issued by the Harbormaster. Permits shall be non-transferable and limited to those vehicles capable of and actually used for transportation to and from the harbor on a daily basis. Trailers, inoperable automobiles or trucks, or vehicles not currently registered are not eligible for District parking permits.

Port District permits do not authorize long-term storage of vehicles, operable or not. Boaters who wish to store and not move a vehicle for more than 72 consecutive hours must apply to the Harbormaster for a special permit. Vehicles which are stored for more than 72 hours without a special permit will be in violation of this section.

SECTION 402 - Regular Slip Licensee Permit

The Harbormaster or his agent may issue parking sticker permit(s) to slip licensees of record, as follows:

- a) Parking sticker permits must be properly displayed, in accordance with instructions issued by the Harbormaster each year;
- b) Parking sticker permits will expire annually on a date to be determined each year by the Harbormaster.

SECTION 403 - Temporary or Guest Permits

Temporary or guest permits may be used for special events.

SECTION 404 - Excepted Vehicles

The following vehicles need no permits;

- a) Port District vehicles;
- b) Commercially licensed vehicles in the act of picking up or making deliveries;
- c) Official emergency vehicles - fire, police, etc.

SECTION 405 - Launch Ramp Parking

It shall be unlawful to park a vehicle and/or trailer in the launch ramp area without a launching permit. The permit tag must be displayed on the dashboard.

SECTION 406 - Launch Ramp Use

It shall be unlawful to launch or retrieve from the launch ramp without a valid permit, regular slip licensees excepted.

SECTION 407 - Vehicles as Place of Abode

It shall be unlawful to use a vehicle as an abode except upon the following conditions:

- a) Vehicles must be self-contained motor homes or camper vehicles. Trailers of any type are prohibited;
- b) No external hookups permitted;
- c) No external discharge or sewage or waste water permitted;
- d) Vehicles must park within authorized space and overall length must not exceed space;
- e) Vehicles must have a valid parking permit.

SECTION 408 - Obedience to Signs

No vehicle shall be operated or parked upon Port District property in violation of signs erected by the District.

SECTION 409 - Obstructing Traffic

No vehicle shall be parked so as to obstruct a road, driveway, gate or other public access.

SECTION 410 - Areas Marked with Red Curbs

No vehicle shall park in areas marked with red curbs.

SECTION 411 - Motorcycles

Motorcycles and motor driven cycles are subject to all other permit requirements and shall not be parked on any pier or float.

SECTION 412 - Parking Meters

- a) Operational procedures to be followed:

Immediately after occupancy of a parking meter space, the operator of a vehicle shall deposit a coin of the United States in said parking meter and, if necessary, turn a crank, knob or handle in accordance with the instruction posted on the face of the parking meter to activate the parking meter and indicate the parking time limit achieved by the coin deposited therein.

- b) Unlawful to park after meter time has expired:

No operator of any vehicle shall permit said vehicle to remain parked in any parking space during any time that the meter is showing a signal indicating that such space is illegally in use other than such time immediately after the original occupancy as is necessary to operate the meter to show legal parking.

- c) Unlawful to leave vehicle parked after receipt of parking meter violation citation:

No operator of any vehicle shall permit said vehicle to remain parked in a metered parking space after receipt of violation citation for exceeding the parking time limit, without again following the operational procedure described in Section 412(a).

Violation of this section will incur after the passage of the second time limit only of the metered parking space as recorded by the initial violation citation.

- d) Deposit of coins in meter by unauthorized person:

No person, other than the owner or operator of a vehicle shall deposit any coin in any parking meter without the knowledge or consent of said owner or operator of the vehicle using the parking space immediately adjacent to said meter.

- e) Improper use of meter:

No person shall deposit, or cause to be deposit, in any parking meter any defaced or bent coin, or any slug, device or metallic substitute for a coin of the United States or deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

- f) Parking meters and parking standards not to be used for certain purposes:

No person shall attach anything to or allow a bicycle, newsrack, or any other article or thing to lean against a parking meter or a parking meter standard.

- g) Parking space indicated:

The Port District shall have lines or markings painted or placed upon the curb or street adjacent to each parking meter, designating the parking space for which said meter is to be used and each vehicle parked adjacent or next to any parking meter shall park within the lines or markings so established. No person shall park any vehicle in such a position that the same shall not be entirely within the space designated by such lines or markings.

SECTION 413 - Parking Space Indicated

The District shall have lines or markings painted or placed upon the curb or street adjacent to each parking space, designating each individual space. Each vehicle parked adjacent or next to any such parking space

shall park within the lines or markings so established. No person shall park any vehicle across any such line or marking or park a vehicle in such a position that the same shall not be entirely within the space designated by such lines or markings.

SECTION 414 - Handicap Parking

It is unlawful for any person to park, or leave standing, on Port District property any vehicle in a stall or space designated for physically handicapped persons, unless the vehicle displays a placard issued pursuant to Section 22511.5 of the California Vehicle Code.