

SECTION NO. 4.08 – REGULATION OF VESSELS – ANCHORAGES

(a) Purpose

California law (San Diego Unified Port District Act, Harbors and Navigation Code, Appendix I, Sections 55 and 56) requires the Board of Port Commissioners to regulate and control the anchoring, mooring, towing and docking of vessels, and to make and enforce all necessary rules and regulations governing the use and control of navigable waters within the District. The purpose of this Section of the San Diego Unified Port District Code is to implement that responsibility within the anchorages of San Diego Bay.

(b) Definitions

Certain words and phrases used herein are defined as follows, unless the context requires a different meaning:

1. “Anchorage” – Any portion of the anchorages which has been designated by competent authority for the anchoring of vessels.
2. “America's Cup Harbor Moorage” -That body of water lying northeast of Shelter Island Drive, southeast of Scott Street, south of Harbor Drive, and northwest of an imaginary line drawn from the Shelter Island Launching Ramp breakwater and the Naval ASW School Piers.

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3. “Bay Bridge Roadstead Anchorage” – That body of water within San Diego Bay lying between Stations 529 and 531-A on the combined U.S. Pierhead-Bulkhead Line as established by the Army Corps of Engineers in 1969, on the east, the City of San Diego-City of Coronado adjudicated boundary line on the north, the State of California northerly right-of-way line for the San Diego-Coronado Bay Bridge on the south, and Stations 529 and 531 on the former U.S. Pierhead Line, as established by the Army Corps of Engineers in 1963, on the west.
4. “Embarcadero Moorings” – Those Mediterranean moorings located between the north side of Grape Street Pier No. 1 and the United States Coast Guard Station in the City of San Diego within the areas bounded by the face of the wharf and extending bayward a distance of 200 feet.
5. “Laurel Street Roadstead Anchorage” – That body of water located between the safety zone of the United States Coast Guard on the north, the commercial piers at the foot of Hawthorn Street on the south, and the pierhead line on the west.
6. “Shelter Island Roadstead Anchorage” – Those areas included within that body of water within San Diego Bay, triangular in shape, containing 1,066,337 square feet of 24.5 acres of water-covered

area lying between Stations 429 and 435 on the combined U.S. Pierhead-Bulkhead Line as established by the Army Corps of Engineers in 1965, on the west, the southeasterly prolongation of Stations 435 and 437 of the said combined U.S. Pierhead-Bulkhead Line, on the north, the westerly limits of an easement (P.A. Permit No. 4716.9) granted by the State of California to the City of San Diego in 1972, on the east, more particularly described as follows: Anchorage 1a generally being that area lying southeasterly of Shelter Island and between boundary markers A and B; Anchorage 1b generally being that area lying southeasterly of Shelter Island and southwesterly of the existing boat launching facilities and between boundary markers C and D; and Anchorage 1c generally being that area lying southeasterly of Shelter Island and northeasterly of the existing boat launching facilities and between boundary markers E and F.

7. “Anchoring” – Attachment of a vessel to the bottom or the shore of San Diego Bay, using equipment, lines, rope, chain or cable which is carried onboard the vessel as regular equipment when underway.
8. “Ark” – A vessel which is incapable of navigating over the surface of the high seas, as defined herein, or which is incapable of getting

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underway; or which does not have proof of Coast Guard safety inspection and registration; or which does not have a Department of Motor Vehicles registration; or which has no propulsion system, as defined herein.

9. “Dinghy” – A small boat propelled by oars, sails or motor which is capable of being carried aboard the vessel and which does not exceed Twelve (12) feet in length, provided, however, upon prior written authorization from the Executive Director of District or his designated representative, said dinghy may be longer than said Twelve (12) feet.
10. “Dinghy Dock” – A dock designated for tie up of dinghies.
11. “District” – The San Diego Unified Port District.
12. “Dock” – A non-floating structure designed and constructed for the mooring of vessels, includes wharf or pier as defined in this Section.
13. “Executive Director” -Executive Director of San Diego Unified Port District or his authorized designee.
14. “Fire Access” – A clear zone on either land or water which is set aside for the accommodation of firefighting vessels or equipment.
15. “Floating Residence” – An ark with liveaboards.

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16. “Gray Water” – Shower water that does not have any toilet, sewage, waste or polluted bilge water within it
17. “High Seas” – Those waters outside of San Diego Bay beyond an imaginary line between Zuniga Jetty Light "Z" and Point Loma Light.
18. “Inland Waters” – Those waters of San Diego Bay lying northerly and easterly of an imaginary line drawn between Zuniga Jetty Light "Z" and Point Loma Light.
19. “Landing” – A portion of the shore, unimproved, or improved with marine structures, floats, or otherwise designated as a place for small boats to land.
20. “Liveaboard” – Any person who shall occupy a vessel with the intent that such vessel shall be his or her sole residence.
21. “Major Repairs or Maintenance” – Welding or spray painting on the exterior of a vessel, exterior sandblasting, and any work beyond repair or replacement of electrical equipment, mechanical or hydraulic components, or repair and adjustment to machinery which remains onboard the vessel.
22. “Marine Sanitation Device” – Toilet equipment (United States Coast Guard Approved) designed to receive human waste onboard the vessel.

- 23. “Moorage” – Any portion of anchorages which has been designated by competent authority as a place for vessels to moor.
- 24. “Moor (verb)” – To fix a floating vessel to the bottom in one location, temporarily or permanently, by the use of cable, lines, chains, or other equipment remaining attached to the bottom at all times.
- 25. “Mooring Permit” – A document conferring the right to use the buoy or mooring device described and identified in said Mooring Permit for a prescribed period.
- 26. “Permittee” – The legal owner, operator or individual in possession of a vessel, using a mooring by authority of the District, under a Mooring Permit.
- 27. “Pier” – A structure built upon pilings driven into the bay bottom, designed and outfitted for the mooring of vessels
- 28. “Propulsion System” – A system which is designed to propel a vessel through the water. A propulsion system may include, but is not limited to sails, internal combustion engines, steam reciprocating or turbine engines, gaseous or liquid jets.
- 29. “Seaworthy” – Describes a vessel in good material condition which is not likely to sink or become a menace to navigation or a nuisance, and which is capable of getting underway and navigating over the surface of international waters or high seas.

- 30. “Sewage” – Human body waste, either treated or untreated.
- 31. “Slip” – A vessel's mooring space.
- 32. “Transient Vessel” – As applied to mooring; migratory means remaining for a short and indefinite time – as between ports on a voyage – temporary and irregular. As applied to a mooring permit, a vessel applying to stay in San Diego Bay for up to Thirty One (31) days.
- 33. “Vessel” – A structure designed to float upon the surface of a body of water.
- 34. “Waste” – Sewage and all other waste, substances associated with human habitation; or human or animal waste.
- 35. “Wharf” – A non-floating structure constructed parallel to the shoreline, designed and outfitted for the mooring of vessels.

(c) Authority of Executive Director

The Executive Director of District or his designated representative shall have authority to enforce the provisions of this ordinance and all lawful regulations and laws affecting the anchorages. It shall be the duty of the Executive Director or his designee to:

- 1. Carry out and enforce the orders of the Board of Port Commissioners of District, the provisions of this ordinance, and all regulations and laws affecting the anchorages.

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2. Assign moorings to vessels within the anchorages.
 3. Execute, on behalf of the District, Mooring Permits for the assignment of moorings to vessels within the anchorages.
 4. Order any vessel improperly moored, anchored, or in violation of any provision in this Section or any applicable ordinance, to change its position to one he shall designate, or to remove same from the anchorages, and in the event his orders are not complied with, to cause such vessel to be moved and to collect the cost thereof from such vessel, Permittee, or owner.
 5. Report promptly to the proper authorities any violation of the laws of the United States for the protection of navigation or any violation of the State or local laws or regulations.
 6. Insure through inspection that all vessels mooring in the anchorages are in compliance with all navigational, maritime, Federal, State, local and District laws and regulations, including but not limited to those mentioned in this Section.
- (d) Removal of Vessel – Upon the expiration of a Mooring Permit or the sooner termination as herein provided, the owner, after receiving notification by Certified Mail, will remove within Thirty (30) days the vessel, debris, and other materials from the water area forming a part of or adjacent to the mooring, so as to leave the same in as good condition as

when first occupied. If any said vessel, debris, and other material shall not be so removed within Thirty (30) days, District may remove the same at the expense of the owner; and the District will charge the owner the cost of such removal.

(e) Mooring Assignment

1.

- a) No person (including the owner, master, operator or person in legal control and custody of a vessel) shall moor or anchor a vessel at or in the anchorages without first having secured a Mooring Permit from the District in the form and manner provided therefor. Proof of vessel ownership shall be presented upon application for a mooring permit; provided, however, a person who notifies the District, in writing, that the vessel is not presently owned but is being acquired or purchased by that person, and proof of ownership of the vessel in the name of such person will be provided to the District within Sixty (60) days, may file such an application and pay the application fee, provided further if such proof of ownership of the vessel is not provided within Sixty (60) days after such filing, the application shall be void and the

application fee shall be retained by the District. In addition, the person's name shall be removed from the waiting list.

- b) Mooring Assignments shall be made from a separate chronological waiting list for each District anchorage. The list is available at the District Clerk's office. There shall be a separate non-refundable mooring application fee for each waiting list equal to One-Half (1/2) of the mooring fee established for a One (1) calendar month period. Said application fee shall be applied as payment towards the monthly mooring fee. Persons requesting a consecutive mooring assignment in the same mooring area shall not be required to submit an application. A vacant mooring will be offered first to that person highest on the list for that size mooring, and then, if refused, in sequence to those next on the list. Notifications of available vacant moorings will be made by mail and applicant must respond and execute a Mooring Permit within Ten (10) working days or their name shall be removed from the waiting list. The application fee shall be forfeited if the applicant withdraws his/her name from the waiting list or refuses to accept a vacant mooring within the response period provided to the applicant.

- c) No more than One (1) Mooring Permit shall be issued to any owner, master, operator or person in legal control and custody of One (1) or more vessels. Once a mooring buoy is assigned for a Twelve (12) Month period, the Director of Marine Operations, or his authorized designee, shall have the authority to reassign the Permittee to another buoy after the District notifies the Permittee by Certified Mail of such reassignment. Notwithstanding, on an emergency basis as determined by the District, reassignments without notice can be made by the District.
 - d) After Thirty One (31) days of continuous permitted use, a given transient vessel will have at least a Fourteen (14) day wait period before being considered for a mooring assignment.
 - e) District may assign up to Twelve (12) temporarily unassigned moorings for use by transient vessels for up to Thirty One (31) days.
2. In order to receive a mooring assignment, the execution of a Mooring Permit is required. In addition, verification of ownership, verification of registration, verification of insurance, and inspection for seaworthiness, sanitary facilities, waste containers, safety and

fire suppression equipment and other safety and health-related equipment required by existing laws is required.

- 3. Vessels must have a propulsion system and be able to get underway on demand and navigate upon the high seas.
 - 4. Mooring assignments are for One (1) vessel only and cannot be transferred to another party or vessel without the written approval of the Executive Director. Only One (1) transfer per year of a Mooring Permit from one vessel to another vessel is allowed. Such transfer must be under the same ownership and occupy the same mooring buoy.
 - 5. A mooring assignment must be accepted within Ten (10) working days of notification, by payment of applicable fees and deposits.
- (f) Mooring Purposes Only – A Mooring Permit shall authorize the holder thereof to use the facilities for mooring purposes only and grants no further rights, privileges or uses. Additional or varying uses shall not be allowed except as provided in the ordinances and regulations of the District.
- (g) Reassignment of Mooring Space – The District may, from time to time, require the reassignment of mooring space to Permittee. Permittee will be notified by Certified Mail of such reassignment by the District and shall, within Thirty (30) days of receipt of such notice, move its vessel to such

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reassigned space. Failure to so move a vessel, within the Thirty (30) day period, shall be cause for revocation of the Mooring Permit and Permittee's vessel may be removed thereafter by District. Such failure shall also be a violation of the District Code, Section 4.07.

- (h) Notice of Cancellation of District – Permittee shall give the District Thirty (30) days notice of cancellation of the Mooring Permit. Mooring Permit fees will be prorated to the date of cancellation so given. Any remaining prepaid fees shall be returned to Permittee within Thirty (30) days following such cancellation.
- (i) Refusal to Issue Mooring Permit – District shall have the right at all times to refuse to issue or reissue a Mooring Permit to any vessel unless it is seaworthy, properly maintained, and does not present a danger to District's property or other vessels.
- (j) Mooring Fees – Mooring fees and charges for Mooring Permits shall be adopted by resolution of the Board of Port Commissioners.
- (k) Payment of Mooring Fees – The first month's mooring fees and other charges are payable in full at the time of issuance by District of the Mooring Permit. All mooring fees and charges for use of slip for less than Thirty One (31) days shall be payable at the time of the issuance of the Mooring Permit by District. Mooring fees and charges for use of a slip for a period greater than Thirty One (31) days shall be payable before the Tenth

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(10th) day of the month. A Fifteen Dollar (\$15.00) late fee shall be due and payable if a mooring account remains due and unpaid after the Ninth (9th) day of the month.

- (l) Security Deposit – For long-term Mooring Permits, more than Thirty One (31) days, the District shall charge, in addition to the above fee for a Mooring Permit, a security deposit which shall be a sum equal to Two (2) month's mooring fees, or the total amount of the fees charged if the time for fee is less than Two (2) months. The Mooring Permit shall provide for this method of such deposit.
- (m) Change of Mooring Fees -The District reserves the right to change the mooring fees upon Thirty (30) days notice, by depositing such notice in the United States Mail, directed to the Owner or Operator of the vessel as shown on the front page of the Mooring Permit.
- (n) Tampering With or Boarding Vessels – It shall be unlawful for any person to willfully injure, break, remove or tamper with any part of any vessel in the Anchorages, any waterway or facility thereof, or to climb into or upon any vessel without the consent of the owner unless in the performance of official duties or to protect life or property.
- (o) Vessel Inspection – The District reserves the right as provided by law to inspect any vessel moored, or requesting moorage, for proper safety, sanitation, mechanical, or other devices or equipment as may be

prescribed by law. The District will give reasonable notice to the owner of any vessel of such inspection authorized by the District for the purpose of health and welfare concerns.

- (p) District may accept proof of successful completion of a United States Coast Guard Auxiliary Courtesy Marine Examination as evidence of fulfilling this requirement in Section (o), above.
- (q) Insurance – Permittee shall maintain insurance satisfactory to the District and in the form and amounts to be determined by the District. Permittee shall be required to hold harmless and indemnify the District.
- (r) Port's Right Upon Nonpayment or Abandonment – In the event moorage charges or any other charges due to the San Diego Unified Port District become delinquent or if the vessel is deemed abandoned, the District may, at its option, secure and take possession of the vessel so that it cannot be removed from District facilities until all charges then owing and any charges which shall thereafter accrue are fully paid. Measures taken by the District shall give notices as required by law prior to securing vessels; however, no prior notice of such action is required in the case of transient vessels or abandoned property. After Sixty (60) days the boat or other property may be sold at public auction. The District shall give such notices as are required by law.

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- (s) Address Changes – Permittee is responsible for notifying the District of all changes. All notices shall be deemed properly mailed to Permittee when mailed to the last address provided to the District in writing by the Permittee.
- (t) Refuse
 1. No person shall throw, discharge or deposit from any vessel or from the shore or float, or in any other manner, any refuse matter, sewage, waste, fish parts, polluted bilge waters, or garbage of any kind whatsoever into or upon the water of the anchorages, or in, or upon the banks, walls, sidewalks, parking area, or any waters within the boundaries of the Harbor.
 2. No person shall dump or discharge oil, spirits, flammable liquid or polluted bilge water into the anchorages. All garbage shall be deposited in receptacles.
 3. No person onboard any vessel moored in the anchorages shall use the toilet onboard such vessel unless it is equipped with a suitable marine sanitation device or other approved device for sewage retention that is in proper working order.
 4. No person shall place or leave dead animals, fish, shellfish, bait, or other putrefying matter on or along seawalls, harbor structures,

floats, piers, sidewalks or parking areas of any anchorages or throw or deposit such materials in the waters of such areas.

- 5. Pets shall not be allowed to commit any nuisance within any anchorages and the owners of said pets shall be responsible for cleaning up any nuisances or mess left by said pet. Dogs and other pet animals shall not be allowed on any dock, pier or on any anchorage grounds except while on a leash.

(u) Wharves, Floats and Piers

- 1. All vessels must be secured so that no part, including bowsprit, boom, boomkin or equipment shall extend into any portion of the access lane.
- 2. As defined in this Section, major repairs or servicing of a vessel in any anchorage is prohibited except upon the prior written authorization of the District. Vessel maintenance work shall be limited to that required to maintain a vessel seaworthy and in operable condition.
- 3. No person shall engage in exterior spray painting in any anchorage except as is authorized by the Executive Director or his authorized designee. The sanding of surfaces shall be by hand or small power sander only; and all persons sanding surfaces and/or painting shall

make all necessary efforts to control all sand, paint and dust and keep the same out of the anchorages.

4. No person shall display on any vessel a "For Sale" sign in excess of One Hundred Fifty (150) square inches on the face.
5. At such time as it may become necessary to perform work onboard a vessel involving use of welding or burning equipment, every person intending to engage in welding or burning onboard a vessel shall notify the District of the nature and extent of the proposed work, the workman or company doing the work, and the date and time the work shall be performed. This notification shall be given to the District prior to the start of the work and, whenever practical, at least One (1) day before the work is to be performed. All such work of welding or burning shall be performed only at an appropriate location or special anchorage. No person shall engage in welding or burning onboard a vessel in any location.
6. All construction materials, refuse, spare parts, surplus equipment or any other such material not needed for the direct operation of the vessel or the reasonable accommodation of the crew or passengers of the vessel shall be stored within an enclosed space on the vessel. Lighter vessels, barges or similar floating conveyances are prohibited.

7. Mooring lines shall be provided by the Permittee using a slip and shall be of sufficient number, strength and size to insure that vessels remain securely moored under all conditions.

(v) Uses Prohibited

1. No business or commercial enterprise, including charters and vessels carrying passengers for hire, shall be conducted.
2. The tying/lashing of boats, dinghies or other small craft to any vessel, dock, wharf, pier or float, is prohibited except by written permission of the owners of said device, or the District, whichever is appropriate. No more than Two (2) dinghies or other small craft used for transportation to or from a vessel shall be permanently tied or lashed to a vessel without the written permission of the District.
3. No mooring space shall be used for a floating residence or ark at any time.

(w) Fishing

1. No person shall engage in fishing from the shore improvement walkways, fingers, or floats of any anchorage.

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