

**SECTION NO. 4.38 - REGULATION OF VESSELS IN THE A-1 ANCHORAGE, A-5 ANCHORAGE, A-9 ANCHORAGE, AND SHELTER ISLAND GUEST DOCK**

(a) Purpose:

California law (San Diego Unified Port District Act, Harbors and Navigation Code, Appendix 1) 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 A-1, A-5, A-9 Anchorages, and Shelter Island Guest Dock.

(b) Definitions:

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

1. "A-1 Anchorage" – In North San Diego Bay, the Shelter Island (La Playa Cove) Yacht Basin Anchorage, the water enclosed by a line beginning at latitude 32°42'56.7"N., longitude 117°13'47.1"W.; thence southwesterly to latitude 32°42'53.6"N., longitude 117°13'51.3"W.; thence northwesterly to latitude 32°43'01.3"N., longitude 117°13'59.1"W.; thence northeasterly to latitude 32°43'02.6"N., longitude 117°13'55.5"W.; thence southeasterly to latitude 32°42'59.8"N., longitude 117°13'50.4"W.; thence southeasterly to the point of beginning.

2. "A-5 Anchorage" – In Central San Diego Bay, the Glorietta Bay Anchorage, the water enclosed by a line beginning at latitude 32°40'42.2"N.,

longitude 117°10'03.1"W.; thence southwesterly to latitude 32°40'41.2"N., longitude 117°10'06.6"W.; thence northwesterly to latitude 32°40'46.2"N., longitude 117°13'15.6"W.; thence northeasterly to latitude 32°40'46.7"N., longitude 117°10'14.1"W.; thence southeasterly to the point of beginning.

3. "A-9 Anchorage" – In North San Diego Bay, the "Cruiser" Anchorage, the water enclosed by a line beginning at latitude 32°43'35.9"N., longitude 117°11'06.2"W.; thence southwesterly to latitude 32°43'31.5"N., longitude 117°11'13.2"W.; thence southeasterly to latitude 32°43'28.9"N., longitude 117°11'11.0"W.; thence southeasterly to latitude 32°43'25.9"N., longitude 117°11'07.7"W.; thence northeasterly to latitude 32°43'34.8"N., longitude 117°11'03.2"W.; thence northwesterly to the point of beginning.

4. "Anchorage" – Any portion of the A-1 Anchorage, the A-5 Anchorage, or the A-9 Anchorage which has been designated by competent authority for the anchoring of vessels.

5. "Anchoring" – Attachment of a vessel to the bottom or the shore of San Diego Bay using an anchor and proper ground tackle.

6. "Anchoring Permit" – A document conferring the right to use an anchor in the A-1 Anchorage, the A-5 Anchorage, or the A-9 Anchorage for a prescribed period of time.

7. "Applicant" – Person (as defined in Section 0.03 of this Code) applying for an Anchoring or Guest Dock Permit.

8. "Cruiser" Vessel – A cruiser vessel is a visiting vessel, not from the County of San Diego, traveling between ports on a voyage.

9. "District" – The San Diego Unified Port District.

10. "Executive Director" – Executive Director of the San Diego Unified Port District.

11. "Permittee" – Person (as defined in Section 0.03 of this Code) who has acquired an Anchoring or Guest Dock Permit from the District to anchor in the A-1 Anchorage, the A-5 Anchorage, the A-9 Anchorage, or the dock at the Shelter Island Guest Dock.

12. "Propulsion System" – A system which is designed to propel a vessel through the water through the use of mechanical power.

13. "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 safely using its own propulsion system, without relying on a tow.

14. "Sewage" – Human body waste, either treated or untreated. 15. "Shelter Island Guest Dock" – In North San Diego Bay, entrance to the Shelter Island Yacht Basin, the slips located at latitude 32°42'58"N., longitude 117°14'07"W. 16. "Guest Dock Permit" – A document conferring the right to use an assigned slip at the Shelter Island Guest Dock for a designated period of time. 17. "Vessel" – a watercraft designed to float upon the surface of a body of water for the purpose of transporting Persons or property.

18. “Waste” – Sewage and all other waste or substances associated with human habitation, or of human or animal waste.

(c) Anchoring and Guest Dock Permits

1. No Person, including the owner, master, operator, caretaker, or Person in possession of a vessel, shall anchor a vessel in the A-1 Anchorage, the A-5 Anchorage, the A-9 Anchorage, or dock a vessel at the Shelter Island Guest Dock without first having secured an Anchoring/Guest Dock Permit from the District in the form and manner provided therefor. Vessels shall not remain anchored or docked after the Anchoring/Guest Dock permit has expired.

2. Any vessel anchoring in the A-1 Anchorage, the A-5 Anchorage, the A-9 Anchorage, or docked at the Shelter Island Guest Dock must have a propulsion system and operate under its own power, must have petroleum free bilges, and must be seaworthy.

3. All vessels shall be moored by vessel owner or operator in a safe manner, on cleats, with strong adequate lines. For vessels anchoring, vessels must use adequate ground tackle.

4. All applicants requesting a Guest Dock or Anchorage permit are required to provide proof of marine insurance for the permitted vessel in the following coverage and liability limits: Applicants shall provide proof of Protection &

Indemnity (P & I) insurance with limits of liability not less than \$300,000. Such insurance shall include coverage for bodily injury including death and medical expenses, oil pollution, as well as property damage including coverage for removal and wreck including expenses and costs to dispose of and remove contaminants connected with the vessel. San Diego Unified Port District shall be named an Additional Insured. This insurance requirement is effective May 1, 2024.

5. For an Anchoring Permit to be issued for the A-9 Anchorage only, the following must be satisfied: verification of ownership, verification of registration; inspection for seaworthiness, sanitary facilities, waste containers, safety and fire suppression equipment and other safety and health-related equipment as may be prescribed by law. Vessels may be required to provide a voyage itinerary to prove “Cruiser” status.

6. No Person on board any vessel, on which construction was initiated on or after January 30, 1975, in the A-1, A-5 or A-9 Anchorages shall use the toilet on board such vessel unless it is equipped with a suitable marine sanitation device or other United States Environmental Protection Agency or United States Coast Guard approved device for sewage retention or that is in proper working order. These requirements do not apply to portable devices which can be carried on or off the vessel.

(d) Vessel Inspections

As a condition to receiving or maintaining any Anchoring/Guest Dock Permit, the District may inspect any vessel anchored, moored or requesting Anchoring/Guest Dock Permit for proper sanitary, mechanical or other devices or equipment as may be prescribed by law.

(e) Anchoring or Guest Dock Purposes Only

An Anchoring Permit shall authorize the holder thereof to anchor within the boundaries of the anchorage designated by the Anchoring Permit. A Guest Dock Permit shall authorize the holder thereof to dock within the slip designated by the Guest Dock Permit.

(f) Refusal to Issue Anchoring/Guest Dock Permit

The District shall have the right at all times to refuse to issue or reissue an Anchoring/Guest Dock Permit to any vessel if it determines that the vessel fails to meet any condition of this Section 4.38, as amended, is not seaworthy, properly maintained, or presents a danger to public safety, District property, other vessels, or the property of another, or if the Permittee, or any other Person using, possessing or controlling the vessel fails to comply with any Federal, State or local laws, or any terms and conditions of the Anchoring/Guest Dock Permit, or if the Permittee, or any other Person using, possessing or controlling the vessel has any outstanding fees or charges owed to the District for damage to District property, towing and storage of a vessel, or failing to remove any derelict, beached, or sunken or partially sunken vessel, or causing the abandonment of a vessel.

(g) Permit Guidelines and Limitations

1. A-1 Anchorage – The A-1 Anchorage is a maximum of Seventy-Two (72) hour anchorage open for weekend anchorage only. A-1 Anchoring Permits are available for a maximum of three (3) days and shall be issued for the period beginning each Friday at 9:00 AM and ending each Monday at 9:00 AM

a) The Seventy-Two (72) hour period shall be extended on holiday weekends when the holiday, as recognized and observed by the District, is observed on Mondays. The period of the Anchoring Permit shall be extended to Tuesday at 9:00 AM.

b) The Seventy-Two (72) hour period may also be extended or altered for holidays that fall on other than Saturday through Monday, with the approval of the Executive Director or his/her designee.

c) No Person shall anchor a vessel, nor allow a vessel to remain anchored, in the A-1 Anchorage when the Anchoring Permit has expired.

2. A-5 Anchorage – The A-5 Anchorage is a maximum Seventy-Two (72) hour anchorage, available seven (7) days per week.

a) No person shall anchor a vessel, nor allow a vessel to remain anchored, in the A-5 Anchorage when the Anchoring Permit has expired.

3. No more than Nine (9) permitted days may be issued for either anchorage or both anchorages cumulative to any Person or vessel in any calendar month.

4. A-9 Anchorage – The A-9 Anchorage is designated for use by "Cruiser" Vessels as defined in Section (b)8 and clarified in Section (c) 5, above, of this Section.

a) A Cruiser Vessel may not be registered or documented to an address in San Diego County and the owner/operator may not be a resident of San Diego County.

b) An A-9 Anchoring Permit will be issued for a Thirty (30) day period.

c) No vessel shall be allowed to anchor for more than Ninety (90) days in any Three Hundred Sixty-Five (365) day period.

5. Shelter Island Guest Dock- The Shelter Island Guest Dock has a limited number of slips of various sizes with shore power and potable water. Guest Dock Permits shall be issued for the period beginning each day at 1:00pm and ending on the day of check-out at 11:00AM. There are two Pump-Out slips that do not require a permit.

a) There is a Thirty (30) minute time limit at the Pump-Out slips. Pump-Out Slips are not temporary berthing slips, and individuals must remain present and actively pumping out during the utilization of the Pump-Out Slips. Failure to be present and actively pumping during Pump-Out Slip utilization may result in citation and/or additional charges.

b) Pump-Out slips must be returned to exact conditions as found in, and any modifications are not permitted.

c) Nothing can be stored on the dock besides equipment needed for shore power, fresh water, and vessel access.

d) Early arrivals and late departures are prohibited and may result in citation and/or additional charges.

e) Non-permit holders are prohibited from launching vessels from the guest docks.



(h) Prohibited Uses and Activities

It shall be unlawful to commit any of the following acts in or to use the A- 1 Anchorage, the A-5 Anchorage, the A-9 Anchorage, or the Shelter Island Guest Dock as follows:

1. Business or commercial enterprise is prohibited.
2. Commercial chartering vessels and/or vessels for hire are prohibited.

No Person shall load or allow the loading of passengers for hire on any vessel, commercial or otherwise, within the Shelter Island Guest Docks.

3. Barges and floating docks are prohibited.

4. The tying/lashing of dinghies or other small craft are allowed to be tied up to a permitted vessel, and may not obstruct access to another slip.

5. No more than Two (2) dinghies or other small craft are allowed to be tied up to a permitted vessel, and may not obstruct access to another slip.

6. Vessels more than Sixty-Five (65) feet in length are prohibited from anchoring and docking unless approved by the Executive Director or his/her designee.

7. No materials or supplies shall be stored on floating docks or walkways within the transient dock area. All items must be kept within the confines of the permit holder's vessel. Items left or stored on docks may be confiscated by the District staff.

8. Water, power, or mooring lines shall not cross the floating docks or main walking areas (Unless power lines are connecting to slip provided outlets).

9. Fueling or transferring of fuel to and from the guest docks strictly prohibited.

10. No modifications or permanent attachments shall be made to the permittee's slip and adjacent areas.

11. Fishing from the Guest Dock and vessels moored to the Guest Dock is prohibited. No Person shall attempt to take any marine life by any method from the San Diego Bay waters.

12. No Person shall swim or dive within the Shelter Island Guest Dock area without permission from District staff. Dive operations require a special permit from District staff.

13. No Person shall deposit or cause to be deposited any garbage, refuse, or any other waste materials of any kind from the Guest Dock or vessels moored to the Guest Dock into the San Diego Bay.

14. No Person on board any vessel, on which construction was initiated on or after January 30, 1975, in the A-1, A-5, A-9 Anchorages or Shelter Island Guest Dock, shall use the toilet on board such vessel unless it is equipped with a suitable marine sanitation device or other United States Environmental Protection Agency or United States Coast Guard approved device for sewage retention or that is in proper working order. These requirements do not apply to portable devices which can be carried on or off the vessel.

15. Vessel Maintenance

Unified Port District Code Sections, 10.05 and 10.06 are applicable to any maintenance/repairs identified in this section.

a) Vessel maintenance work within the Harbor shall be limited to that ordinarily required to keep the vessel seaworthy and in good condition. Minor repairs to and routine maintenance of a vessel may be made or accomplished in the assigned berthing or mooring space, provided all work is done within the confines of the vessel and not carried on in any manner whatsoever upon the floats or piers, into the water, or onto neighboring vessels.

b) Sanding and spray painting is strictly prohibited.

c) Major repairs which include, but are not limited to, construction, repair, or replacement of structural members or portions of the vessel are prohibited.

d) No use of welding, burning torch, or other open flame.

e) In no event shall maintenance work performed to a vessel result in damage to District facilities, paint marks, drill holes, burn marks, and spilled fuel, oil, paint or solvents. The Permittee shall be financially liable for the repair or restoration of any such damage, even if it is caused by relatives, employees, or contract workers of the owner.

f) District provided trash bins/dumpsters shall not be used for any excessive waste created from maintenance/repairs done to vessels. Vessel owners are responsible for disposing excessive waste from maintenance/repairs offsite.

16. Animals shall always be leashed and controlled by the permit holder.

Pet owners shall be responsible for all pets' actions within any area of the Shelter Island Guest Docks; including, the floating docks, grass area, and

parking lot. Should any pet act as a nuisance by displaying aggressive behavior, roaming free off-leash, defecating, or disturbing the peace, such animal shall be removed, or the District may revoke the permit.

17. Disorderly or discourteous conduct by Permittee or guests may result in the immediate cancellation of the permit and removal of the permitted vessel.

18. With exception of ADA approved mobility devices, the use of motorized or manually powered vehicles at the guest docks is strictly forbidden. All guests must walk within the guest dock area.

19. Anchorage/Guest Dock permits are not transferable. If a vessel changes ownership while at the guest docks any existing reservation shall end on the day of the transfer of ownership, and maritime staff must be notified.

**(i) Violations**

1. Any Person who violates any provision of this Section is guilty of a misdemeanor unless, at the sole option of the District, the violation is cited and prosecuted as an infraction or addressed through the assessment of civil penalties.

2. An Anchoring Permit may be revoked for violation of any Federal, State, or local statute or ordinance.

3. Any vessel anchored or docked in violation of any provision of this Section is subject to removal and storage, by any Harbor Police Officer, pursuant to Section 8.25 (a) of this Code. The registered and/or legal owner of the vessel may be liable for all costs related to the removal and storage of the vessel.

4. Upon any violation of the rules of this Code or the terms and conditions of the permit, the Executive Director or his/her designee may at his/her sole discretion implement a restriction of 30, 60, or 90 days or permanent ineligibility for permits for the Anchorages and Guest Docks. Persons will be notified by email when their accounts have been placed on a restriction.

(j) Revocation of Anchoring/Guest Dock Permit

The District shall have the right at all times to revoke an Anchoring/Guest Dock Permit to any vessel if it determines that the vessel fails to meet any condition of this Section 4.38, as amended, is not seaworthy, properly maintained, or presents a danger to public safety, District property, other vessels, or the property of another, or if the Permittee, or any other Person using, possessing or controlling the vessel fails to comply with any Federal, State or local laws, or any terms and conditions of the Anchoring/Guest Dock Permit, or if the Permittee, or any other Person using, possessing or controlling the vessel has any outstanding fees or charges owed to the District for damage to District property, towing and storage of a vessel, or failing to remove any derelict, beached, or sunken or partially sunken vessel, or causing the abandonment of a vessel.

(k) Applicant's or Permittee's Right of Appeal

1. If the District refuses to issue an Anchoring/Guest Dock Permit, as described in Section (f), above, and Applicant for such Anchoring Permit believes he/she satisfies all conditions for the issuance of an Anchoring/Guest Dock Permit, Applicant may appeal, in writing, to the

Executive Director within Ten (10) calendar days of the date of refusal. The appeal should contain all reasons why Applicant believes he/she satisfies all conditions for the issuance of said Anchoring/Guest Dock Permit.

2. If the District revokes an Anchoring/Guest Dock Permit as described in Section (j), above, Permittee may appeal such revocation, in writing, to the Executive Director within Ten (10) calendar days of the date of revocation. The appeal should contain all reasons why Permittee believes the revocation of the Anchoring/Guest Dock Permit to be improper.

3. The Executive Director or his/her designated representative shall respond within Ten (10) calendar days of the receipt of appeal, giving a written decision. The decision of the Executive Director or his/her designated representative shall be final.

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*(Amended February 12, 2008 – Ordinance No. 2487)*

*(Amended September 2, 2008 – Ordinance No. 2522)*

*(Amended May 9, 2023 – Ordinance No. 3092)*