

SEC. 4.36 - REGULATION OF VESSELS - A-8 ANCHORAGE

(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-8 Anchorage.

(b) Definitions:

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

1. A-8 Anchorage - In South San Diego Bay, the Sweetwater Anchorage, the water enclosed by a line beginning at latitude 32°39'12.2" N., longitude 117°07'45.1" W.; thence easterly to latitude 32°39'12.2" N., longitude 117°07'30.1" W.; thence southerly to latitude 32°38'45.2" N., longitude 117°07'30.1" W.; thence westerly to latitude 32°38'45.2" N., longitude 117°07'45.1" W.; thence northerly to the point of beginning.

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2. Abandonment - Any hulk, derelict, wreck or parts of any ship, vessel, or other watercraft, sunk, beached or allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged lands, salt marsh, or tidelands within the corporate limits of the District, without the consent of District, evidenced by resolution of the Board of Port Commissioners first had and obtained in each instance, for a period longer than Thirty (30) days without a watchman or other person being maintained upon or near and in charge of the property.

3. Anchorage - Any portion of the A-8 Anchorage which has been designated by competent authority for the anchoring of vessels.

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

5. Anchoring Permit - A document conferring the right to use an anchor in the A-8 Anchorage for a prescribed period.

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6. Applicant - Individual applying for an Anchoring Permit to anchor in the A-8 Anchorage.

7. Caretaker - Has the same meaning as watchman and is an individual who has been designated by a boat owner, in writing, to act in the owner's absence; Caretaker information shall be contained in the Anchoring Permit Application file.

8. District - The San Diego Unified Port District.

9. Executive Director - Executive Director of the San Diego Unified Port District.

10. Harmful Substances - Solid or liquid or gaseous material which may cause harm to or pollute the inland waters.

11. Hearing Officer - Person designated by Executive Director to hear testimony and receive evidence regarding an Anchoring Permit refusal or revocation.

12. Liveaboard - Any person who shall occupy a vessel with the intent that such vessel shall be his or her primary residence.

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13. Major Repair - Includes without limitation the use of welding or burning equipment, 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.

14. Marine Sanitation Device - Toilet equipment (United States Coast Guard Approved) designed to receive human waste onboard vessels.

15. Permittee - person who has acquired an Anchoring Permit from the District to anchor in the A-8 Anchorage.

16. Propulsion System - A system which is designed to propel a vessel through the water through the use of sail or mechanical power.

17. 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

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underway and navigating safely using its own propulsion system.

18. Sewage - Human body waste, either treated or untreated.

19. Vessel - A watercraft designed to float upon the surface of a body of water for the purpose of transporting persons or property.

20. Waste - Sewage and all other waste or substances associated with human habitation; or of human or animal waste.

(c) Anchoring Permits

1. No person (including the owner, master, operator, caretaker or person in possession of a vessel) shall anchor a vessel in the A-8 Anchorage without first having secured an Anchoring Permit from the District in the form and manner provided therefor.

2. For an Anchoring Permit to be issued, the following must be satisfied: verification of ownership, verification of registration; inspection for seaworthiness, sanitary facilities, waste containers, safety and fire suppression

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

3. Vessels must have a propulsion system and operate under their own power to the District approved inspection site.

4. The vessel's bilges must be petroleum free.

5. The Anchoring Permit will be valid for Six (6) Months from the date of issue. Re-inspection of the vessel will be required upon renewal of the Anchoring Permit and the vessel inspection will be at a site determined by District.

(d) Anchoring Purposes Only

An Anchoring Permit shall authorize the holder thereof to anchor within the boundaries of the A-8 Anchorage.

(e) Refusal to Issue Anchoring Permit

District shall have the right at all times to refuse to issue or reissue an Anchoring Permit to any vessel if it determines that the vessel is not seaworthy, properly maintained, or presents a danger to public safety, District's property or other vessels.

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(f) Revocation of Anchoring Permit

District shall have the right at all times to revoke an Anchoring Permit to any vessel if it determines that the vessel is not seaworthy, properly maintained, or presents a danger to public safety, District's property or other vessels.

(g) Ground Tackle

Ground tackle shall be provided by the Permittee and shall be of sufficient number, strength, and size to insure that vessels remain securely anchored under all conditions.

(h) Vessel Inspection

The District reserves the right to inspect any vessel anchored, moored or requesting anchorage in the A-8 Anchorage for proper safety, sanitary, mechanical, or other devices or equipment as may be prescribed by law. The District will provide reasonable notice to the owner/operator of any vessel of such inspection authorized by the District for the purpose of welfare and safety concerns.

(i) Refuse

1. Pursuant to Fish & Game Code Sections 5650 through 5655, no person shall throw, discharge or deposit from any vessel or from the shore or float, or in any other manner,

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any refuse matter, sewage, waste, fish parts, polluted bilge water, or garbage of any kind whatsoever into or upon the water of the A-8 Anchorage 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 A-8 Anchorage.

3. No person on board any vessel anchored in the A-8 Anchorage shall use the toilet on board 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.

(j) Major Repairs or Servicing of Vessels Prohibited

1. Major repairs or servicing of a vessel in A-8 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 in seaworthy and in operable condition.



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2. No person shall engage in exterior spray painting in the A-8 Anchorage except as authorized in writing by the District.

3. If it is necessary to perform work onboard a vessel involving the use of welding or burning equipment, the person intending to use welding or burning on board 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 notice shall be given before the start of 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 as specified by the District. No person shall engage in such work in the A-8 Anchorage except as authorized in writing by the District.

(k) Uses Prohibited

1. No business or commercial enterprise shall be conducted at the A-8 Anchorage.

2. No barges and floating docks shall be allowed to moor or anchor at the A-8 Anchorage.

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3. No vessel more than Sixty Five (65) feet in length shall be allowed to moor without a special permit issued by District.

(l) Abandonment of Vessel

1. Pursuant to Harbors and Navigation Code Section 522 et seq., no vessel shall be left in A-8 Anchorage with the intent to abandon such vessel, and if any vessel is abandoned, in addition to other legal remedies available to it, the District will have the right to tow and store or demolish the vessel at the expense of the owner.

(m) Enforcement

The Executive Director of District or his designated representative shall have the authority to enforce the provisions of this ordinance and all lawful regulations and laws affecting the A-8 Anchorage. 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 Commissioner of District, the provisions of this ordinance, and all regulations and laws affecting the A-8 Anchorage.

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2. Execute on behalf of the District, Anchoring Permits for the assignment of anchorages to vessels within the A-8 Anchorage.

3. 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 A-8 Anchorage, 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.

4. Report promptly to the proper authorities any violation of the laws of the United States for the protection of navigation or any violation of State or local laws or regulations.

5. Insure thorough inspection that all vessels mooring or anchoring in the A-8 Anchorage 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.

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5. If a hearing is requested, it must be set within Fifteen (15) calendar days of the date of receipt of appeal. The decision of the hearing officer is final.

6. If no hearing is requested, the written decision of the Executive Director or his designated representative is final.

(Enacted August 22, 2000 - Ordinance 2107)