

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Randy Breault, Director of Public Works/City Engineer via City Manager

SUBJECT: Amendment to Title 18 (Marina Regulations) of the Municipal Code

DATE: August 20, 2015

City Council Goals:

To develop recreational facilities and promote recreation, educational and cultural programs and passive uses related to parks. (#6)

Purpose:

To revise the City's marina regulations found in the Brisbane Municipal Code (BMC).

Recommendation:

Introduce Ordinance No. 598, waiving first reading, amending Title 18 of the Brisbane Municipal Code concerning "Marina Regulations".

Background:

The changes proposed in this amendment are mostly a "clean up" of a section of the municipal code that has not seen revision since 1981. Many changes are as simple as ensuring that "Marina" and "Harbormaster" are capitalized in all locations.¹

A summary of the more significant changes follows:

§18.06.010 - the changes clarify that all licensees are required to have a signed License Agreement on file. Previous Harbormasters have not been consistent in requiring a signed agreement to be on file.

§18.06.110.E. - the changes "sunshine" the collection procedures approved by the City Attorney (Kahn) that marina staff follows in the case of delinquencies.

¹ The astute reviewer will note that the Word "find/replace" function does not distinguish capitalized from non-capitalized words, so every instance of the words Marina and Harbormaster were replaced, even if they were capitalized in the text to begin with. This gives the appearance of many more changes than actually occurred.

§18.40.010.B. - the changes formalize when commercial activities may occur, and the license and insurance requirements for approved activities.

§18.80.010 - the new language is consistent with state and federal law, and is consistent with our current License Agreement. Our experience is that vessels with lapsed registration are typically the vessels that also suffer from a lack of maintenance, and are the vessels that we often end up having to abate.

§18.110.020.B. - this language is consistent with many years of practice. We have a number of boaters who shuttle between Mexico and other warm-water ports and the San Francisco Bay based on the season.

Fiscal Impact:

There is no direct cost anticipated due to the changes proposed with this amendment to the BMC.

Attachments:

Ordinance No. 598
"Redline" version Title 18



Director of Public Works/City Engineer



City Manager

ORDINANCE NO. 598

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING TITLE 18 OF THE MUNICIPAL CODE
PERTAINING TO MARINA REGULATIONS**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Title 18 of the Municipal Code is amended to read as follows:

- Title 18 - MARINA REGULATIONS
 - Chapter 18.02 - DEFINITIONS
 - 18.02.010 - Generally.
 - 18.02.020 - Brisbane Marina.
 - 18.02.040 - Harbormaster.
 - 18.02.060 - Live aboard.
 - 18.02.080 - Vessel.
 - Chapter 18.04 - HARBORMASTER
 - 18.04.010 - Harbormaster authority.
 - Chapter 18.06 - BERTHING
 - 18.06.010 - Applications.
 - 18.06.020 - Denial of applications.
 - 18.06.030 - Exchange of berths.
 - 18.06.040 - Change of berths and waiting lists.
 - 18.06.050 - Reassignment of berths.
 - 18.06.060 - Transfer of berths upon boat sale.
 - 18.06.070 - Subletting.
 - 18.06.080 - Unauthorized berth occupancy.
 - 18.06.100 - Storage of rowboats and dinghies.
 - 18.06.110 - Berthing rates and service charges.

- 18.06.120 - Nonpayment of charges.
- 18.06.130 - Release of assigned facilities.
- Chapter 18.08 - GENERAL REGULATIONS
 - 18.08.010 - Disposing of refuse or other matter.
 - 18.08.020 - Hazardous conditions.
 - 18.08.030 - Vessel maintenance.
 - 18.08.040 - Unnecessary disturbances.
 - 18.08.060 - Establishment and promulgation of additional rules.
- Chapter 18.10 - LIVE ABOARDS
 - 18.10.010 - Live aboards restricted.
- Chapter 18.20 - FISHING
 - 18.20.010 - Fishing restrictions.
- Chapter 18.40 - SOLICITATION RESTRICTIONS
 - 18.40.010 - Solicitation and Commercial Activities.
- Chapter 18.60 - PARKING RESTRICTIONS
 - 18.60.010 - Parking areas.
 - 18.60.020 - Restricted areas.
- Chapter 18.80 - VESSEL REGISTRATION AND INSPECTION
 - 18.80.010 - Registration.
 - 18.80.020 - Documentation and inspection.
- Chapter 18.100 - VESSEL TRAFFIC
 - 18.100.010 - Safe operation.
 - 18.100.020 - Speed.
- Chapter 18.110 - CHILDREN AND VISITORS
 - 18.110.010 - Children.
 - 18.110.020 - Transient and Guest Dock Visitors.
- Chapter 18.200 - ACCIDENT REPORTS

- 18.200.010 - Report requirements.
- Chapter 18.300 - PENALTIES
 - 18.300.010 - Violation—Penalties.
 - 18.300.020 - Impoundment.
 - 18.300.030 - Responsible parties.

- **Title 18 - MARINA REGULATIONS**

Chapters:

- **Chapter 18.02 - DEFINITIONS**

Sections:

- **18.02.010 - Generally.**

For the purposes of this title, certain words and terms used in this title are defined in this chapter. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory.

- **18.02.020 - Brisbane Marina.**

"Brisbane Marina" means the area designated as such on that map so entitled, incorporated herein by reference, which map is on file in the office of the city clerk.

- **18.02.040 - Harbormaster.**

"Harbormaster" means the Brisbane Marina Services Director or the Harbormaster's duly authorized representative.

- **18.02.060 - Live aboard.**

"Live aboard" means the use or occupancy of a boat for overnight accommodations for more than three nights in a seven-day period.

- **18.02.080 - Vessel.**

"Vessel" means every type of watercraft used or capable of being used as a means of transportation on the water.

- **Chapter 18.04 - HARBORMASTER**

Sections:

- **18.04.010 - Harbormaster authority.**

A.

The Harbormaster, acting under the orders and jurisdiction of the city, shall have full authority in the interpretation and enforcement of all pertinent rules and regulations, and all orders given in the performance of his duties shall be obeyed.

B.

Every vessel entering the Brisbane Marina shall immediately become subject to the authority and direction of the Harbormaster.

C.

The Harbormaster is responsible for the safe and smooth operations of the Brisbane Marina and may request anyone within the Marina area to conform to any reasonable requests even though not written in the rules and regulations. All state and local laws are in effect within the Brisbane Marina and the Harbormaster has the power to enforce them.

- **Chapter 18.06 - BERTHING**

Sections:

- **18.06.010 - Applications.**

Applications for berthing space pursuant to a Brisbane Marina License Agreement shall be made to the Harbormaster on the form furnished by the Harbormaster. Applicants shall fully execute the License Agreement after the application is approved and prior to mooring their vessel in the Brisbane Marina. Execution of a license agreement to moor a vessel within the Brisbane Marina does not include exclusive right to any particular berthing location. Vessels may be relocated within the Brisbane Marina when such relocation is required to insure public safety or is in the best interests of Marina operations as determined by the Harbormaster.

- **18.06.020 - Denial of applications.**

The Harbormaster shall deny an applicant an original or renewal license agreement and shall deny prospective transferee or assignee a transfer or assignment of an existing license agreement if there is reasonable evidence demonstrating that the applicant is not able financially or for other reasons to perform the applicant's part of the license agreement.

- **18.06.030 - Exchange of berths.**

Licensees may exchange berths only when mutually agreeable and approved by the Harbormaster in writing.

- **18.06.040 - Change of berths and waiting lists.**

Requests for changes in berthing by licensees must be in writing. If a berth is available, it may be assigned. If no assignment is made, the licensee will be put on a berth change waiting list.

- **18.06.050 - Reassignment of berths.**

A licensee who sells his vessel and purchases a replacement vessel may be reassigned to the next available appropriate berth.

- **18.06.060 - Transfer of berths upon boat sale.**

A licensee who sells the licensee's vessel shall not transfer the berth to the purchaser unless the request is in writing and approved by the Harbormaster.

- **18.06.070 - Subletting.**

Subletting by licensees is not permitted and is grounds for action by the Harbormaster to immediately terminate the license agreement and cause the forfeiture of any advance payments and/or future rights to a license agreement. The city retains the right to sublease berths that are temporarily vacated for periods of short duration. A licensee shall notify the Harbormaster of his/her intent to temporarily vacate the berth for a period in excess of seven (7) days. A portion of all charges received from such subleasing by the city shall be credited to the permanent licensee.

- **18.06.080 - Unauthorized berth occupancy.**

Unauthorized berth occupancy is prohibited. The Harbormaster is authorized to move, secure and/or impound any vessel occupying an unauthorized berth.

- **18.06.100 - Storage of rowboats and dinghies.**

Storage of row boats and dinghies, owned by licensees of berths, when not kept on board the owner's vessel, may be kept in the water at the end of the licensee's berth in such a manner that no part extends beyond the limit of the berth. Row boats and dinghies may not be stored on piers, fingers or other public property except that they may be stored in designated space provided especially for such purpose.

- **18.06.110 - Berthing rates and service charges.**

A.

Rates for service, rent and fees shall be established by resolution of the city council of the city and shall be set at rates sufficient so as to preclude the necessity of subsidization of the Marina by general fund revenues.

B.

All charges are due and payable in advance and shall become delinquent on the first day of the month.

C.

Delinquent accounts shall have a late charge added thereto.

D.

Fees shall be charged for berth length or length of vessel whichever is greater except as specifically exempted by resolution of the city council.

E.

All unpaid charges will result in a lien being levied against the vessel pursuant to the California Boater's Lien Law, or a lawsuit in federal court pursuant to federal maritime lien laws, and/or referral to a collection agency.

- **18.06.120 - Nonpayment of charges.**

A.

Space assignment for which fees are sixty (60) days delinquent may be cancelled and the space relet.

B.

No person shall remove or cause to be removed from the Brisbane Marina any vessel upon which fees and charges are in arrears until said charges are paid in full or the vessel is released by the Harbormaster.

C.

No person shall willfully give false information to the Harbormaster or any other person in order to secure the removal of a vessel upon which charges are in arrears. The Harbormaster may

take any reasonable action necessary to prevent the removal of such a vessel including, but not limited to, locking the ignition or securing the vessel to its berth.

- **18.06.130 - Release of assigned facilities.**

The Harbormaster shall be notified in writing at least thirty (30) days in advance of the lessee's intent to vacate an assigned space.

- **Chapter 18.08 - GENERAL REGULATIONS**

Sections:

- **18.08.010 - Disposing of refuse or other matter.**

A.

No person shall throw, discharge, deposit or leave any material, liquid or solid, be it refuse, sewage, contaminated bilge water, or any waste or other matter of any description upon or into the water, banks, walls, piers, floats or grounds within the boundaries of the Brisbane Marina.

B.

No person shall clean fish or cut bait except at specifically designated places.

C.

All vessels are required to have approved marine sanitation devices which shall be operated and maintained in compliance with federal and state laws and regulations pertaining thereto.

D.

Debris from vessel repair, oil, fish or human waste shall not be deposited in refuse receptacles.

E.

In the event of any waste discharge referenced above or in the event of an oil spill or other petroleum products entering the waters of the Brisbane Marina, the Harbormaster shall be immediately notified. The Harbormaster is authorized to contract for the cleanup of such spill or discharge, the cost of which is to be paid by the responsible person or vessel owner.

F.

Violation of any portion of this section is grounds for immediate termination of any license agreement and expulsion from the Marina property.

- **18.08.020 - Hazardous conditions.**

A.

Any condition aboard or around a vessel, float, pier or parking area caused by a licensee, which in the opinion of the Harbormaster constitutes a fire hazard, health menace or danger to public safety shall be immediately corrected.

B.

No part of any vessel including equipment thereto shall extend beyond the end of the slip or over the header float without permission of the Harbormaster.

C.

Mooring lines shall be of sufficient number and strength to insure that the vessel shall be secure in the highest winds that can reasonably be expected.

D.

Use of bicycles, skateboards or similar devices on piers or floats is prohibited.

E.

Platforms used for boarding, with the approval of the Harbormaster, shall not be over eighteen (18) inches wide, be of open construction and may not be used for storage.

F.

Storage on flotation shall be limited to dock boxes.

- **18.08.030 - Vessel maintenance.**

A.

Vessel maintenance work 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 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.

B.

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 or propulsion system, or scraping or sanding of paint are prohibited when the vessel is in an assigned space.

D.

Use of welding equipment, burning torch or other open flame apparatus requires written permission from the Harbormaster.

E.

Sandblasting is strictly prohibited.

F.

All vessels are required to be maintained and in operable condition. The Harbormaster may require, on ten (10) days' written notice, a demonstration of the vessel's operability. An inoperable vessel may be expelled from the harbor and the lease terminated.

G.

Always follow Brisbane Marina's best management practices, which are available at no charge in the Marina office.

- **18.08.040 - Unnecessary disturbances.**

A.

The owner of the vessel is responsible for his/her crew and guests. No person shall cause loud and/or unnecessary noise which is disturbing to others.

B.

Except when on board an owner's vessel, animals shall be on a leash no longer than six (6) feet in length. No animal shall be tethered or tied to or upon public property.

C.

All engines shall be equipped with approved mufflers.

D.

As the berthing area of the Brisbane Marina is closed to the general public, no person shall use, walk or enter vessels, piers, header floats or gangways unless such person is a licensee or authorized guest. The Harbormaster may authorize access to piers and header floats.

E.

Gates to the berthing area shall be locked at all times. Blocking open or climbing over gates is prohibited.

F.

Swimming, bathing, skin diving, wading and movement of vessels for purposes other than entering or leaving the harbor is prohibited within the Brisbane Marina harbor. Cruising within the harbor is prohibited.

G.

Digging for bait or other purposes and raking or disturbing the soil surface in any manner is prohibited unless such action is to perform maintenance to public property and has the written approval of the Harbormaster.

- **18.08.060 - Establishment and promulgation of additional rules.**

The berthing of vessels and other activities and operations of and in the Brisbane Marina not herein regulated shall be in conformance with reasonable regulations established by resolution of the city council of the city. Such regulations shall be based upon the maintenance within the Marina of sanitary and sightly conditions, orderliness, the preservation of public health, safety, peace and welfare, and the convenience of the public in the use of such area for the purpose for which it is established. All licensees shall be given a copy of the ordinance codified in this title and a copy of

any additional rules which may be promulgated pursuant to this section. A copy of these documents shall be posted in the Harbormaster's office.

- **Chapter 18.10 - LIVE ABOARDS**

Sections:

- **18.10.010 - Live aboards restricted.**

No vessel moored within the Brisbane Marina shall be used as a place of residence except by persons employed by the city to provide security services for the Marina. No person shall use a vessel for overnight lodging more than three (3) nights in a seven (7) day period without the written approval of the Harbormaster.

- **Chapter 18.20 - FISHING**

Sections:

- **18.20.010 - Fishing restrictions.**

Fishing is permitted only from the pier constructed at the North end of the Marina for such purpose or from vessels berthed in the Marina if conducted in such a manner as to not create a hazard to navigation, a nuisance or jeopardize the water quality of the Marina.

- **Chapter 18.40 - SOLICITATION RESTRICTIONS**

Sections:

- **18.40.010 - Solicitation.**

A.

No person shall solicit, sell, hawk or peddle dry goods, wares, merchandise, liquids or edibles for human consumption, literature, erect signs, posters or other advertising media within the Brisbane Marina without written permission of the Harbormaster and without first having acquired all applicable permits and licenses from the city.

B.

No commercial activity may be conducted anywhere within the Marina without the prior written approval of the Harbormaster. Approved commercial activities shall possess a current City of Brisbane business license and shall provide the Harbormaster proof of a general liability

insurance policy in an amount not less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage. The City of Brisbane shall be named as an additional insured on this policy.

- **Chapter 18.60 - PARKING RESTRICTIONS**

Sections:

- **18.60.010 - Parking areas.**

Permission shall be obtained from the Harbormaster prior to parking any vehicle, camper, trailer, or vessel in the parking areas within the Brisbane Marina for a period exceeding one hundred twenty (120) consecutive hours. Vehicles, trailers, campers, or vessels parked in excess of one hundred twenty (120) consecutive hours without permission will be cited or removed from the Brisbane Marina at owner's expense.

- **18.60.020 - Restricted areas.**

A.

Vehicles, campers, trailers or vessels parked in restricted areas, limited parking areas or in driveways will be cited or removed from the Brisbane Marina at the owner's expense.

B.

Motor-driven vehicles are prohibited on any path, sidewalk, pier, dock, float, beach or planted area.

C.

The use of any vehicle for eating or sleeping for over four (4) hours per day while parked at the Brisbane Marina is prohibited.

- **Chapter 18.80 - VESSEL REGISTRATION AND INSPECTION**

Sections:

- **18.80.010 - Registration.**

Every vessel entering the Brisbane Marina shall be registered and numbered in accordance with the laws of the state or U.S. Government regulations regarding documented vessels. Vessels berthed within the Marina shall maintain such current registration and provide proof of current registration to the Harbormaster as follows; upon receipt of new registration (i.e., upon first registration, and then

bi-annually for vessels registered with the state Department of Motor Vehicles, and annually for vessels documented with the U.S. Coast Guard), and upon demand of the Harbormaster.

- **18.80.020 - Documentation and inspection.**

Owners of vessels entering the Brisbane Marina shall furnish all documents pertaining to the vessel and ownership thereof before any berthing application can be accepted. All vessels will be personally inspected by the Harbormaster prior to being accepted for berthing. Failure to pass inspection shall be grounds for denying berthing.

- **Chapter 18.100 - VESSEL TRAFFIC**

Sections:

- **18.100.010 - Safe operation.**

All vessels approaching or within the Brisbane Marina shall be operated in a safe and prudent manner.

- **18.100.020 - Speed.**

The speed of any vessel within the Brisbane Marina shall not exceed five (5) mph or at any speed to cause a wake that may cause damage or inconvenience to anyone.

- **Chapter 18.110 - CHILDREN AND VISITORS**

Sections:

- **18.110.010 - Children.**

It is prohibited for any child under the age of sixteen (16) years to go, remain or be upon any of the piers, gangways, floats or vessels in the Brisbane Marina basin unless such child is accompanied by the child's parent or other adult person or unless such child has written permission of the owner of a vessel in the Marina to go on board the owner's vessel.

- **18.110.020 - Transient and Guest Dock Visitors.**

A.

All visitors wishing berthing space in the harbor, including those boaters requesting use of the Marina Guest Dock, shall check in with the Harbormaster prior to being assigned a space. Vessels requesting guest or transient berth status shall provide proof of insurance and registration as required by the Harbormaster.

B.

With approval of the Harbormaster, transient visitors may stay for up to three (3) consecutive months (within a 12-month period) in a transient berth where space is available. At the end of the period as approved by the Harbormaster, visitors shall vacate their slip or enter into a license agreement for regular status.

C.

Every person with a vessel entering the Marina is subject to the order and direction of the Harbormaster, and will moor or berth the vessel only in the area designated for that vessel.

- **Chapter 18.200 - ACCIDENT REPORTS**

Sections:

- **18.200.010 - Report requirements.**

In addition to any reporting requirements of state or federal governments, all boating accidents involving injury to any person or damage to any public or private property shall be reported in writing to the Harbormaster within twenty-four (24) hours of the occurrence of the incident.

- **Chapter 18.300 - PENALTIES**

Sections:

- **18.300.010 - Violation—Penalties.**

The violation of any of the provisions of this title shall constitute a misdemeanor, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code.

- **18.300.020 - Impoundment.**

The city shall have the right and power to remove or impound the vessel of any person violating the rules and regulations or failing to pay required fees, at the sole cost and expense of the owner. Impound fees shall be established by resolution of the city council of the city. Impound fees will be assessed daily.

• **18.300.030 - Responsible parties.**

Compliance with the rules and regulations established or authorized by this title is the responsibility of vessel owners, their guests, and visitors to the Brisbane Marina.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2015, by the following vote:

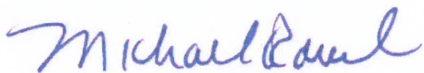
AYES:
NOES:
ABSENT:
ABSTAIN:

Terry O'Connell, Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM:



- Title 18 - ~~MARINA~~MARINA REGULATIONS
 - Chapter 18.02 - DEFINITIONS
 - 18.02.010 - Generally.
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Chapters:

- **Chapter 18.02 - DEFINITIONS**

Sections:

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"Brisbane ~~Marina~~Marina" means the area designated as such on that map so entitled, incorporated herein by reference, which map is on file in the office of the city clerk.

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A licensee who sells the licensee's vessel ~~cannot~~ shall not transfer the berth to the purchaser unless the request is in writing and approved by the ~~harbormaster~~ Harbormaster.

- **18.06.070 - Subletting.**

Subletting by licensees is not permitted and is grounds for action by the ~~harbormaster~~ Harbormaster to immediately terminate the license agreement and cause the forfeiture of any advance payments and/or future rights to a license agreement. The city retains the right to sublease berths that are temporarily vacated for periods of short duration. A licensee shall notify the ~~harbormaster~~ Harbormaster of his/her intent to temporarily vacate the berth for a period in excess of seven (7) days. A portion of all charges received from such subleasing by the city shall be credited to the permanent licensee.

- **18.06.080 - Unauthorized berth occupancy.**

Unauthorized berth occupancy is prohibited. The ~~harbormaster~~ Harbormaster is authorized to move, secure and/or impound any vessel occupying an unauthorized berth.

- **18.06.100 - Storage of ~~row boats~~ rowboats and dinghies.**

Storage of row boats and dinghies, owned by licensees of berths, when not kept on board the owner's vessel, may be kept in the water at the end of the licensee's berth in such a manner that no part extends beyond the limit of the berth. Row boats and dinghies may not be stored on piers, fingers or other public property except that they may be stored in designated space provided especially for such purpose.

- **18.06.110 - Berthing rates and service charges.**

A.

Rates for service, rent and fees shall be established by resolution of the city council of the city and shall be set at rates sufficient so as to preclude the necessity of subsidization of the ~~marina~~Marina by general fund revenues.

B.

All charges are due and payable in advance and shall become delinquent on the first day of the month.

C.

Delinquent accounts shall have a late charge added thereto.

D.

Fees shall be charged for berth length or length of vessel whichever is greater except as specifically exempted by resolution of the city council.

E.

~~All unpaid charges shall become a lien upon the vessel in favor of the city.~~ All unpaid charges will result in a lien being levied against the vessel pursuant to the California Boater's Lien Law, or a lawsuit in federal court pursuant to federal maritime lien laws, and/or referral to a collection agency.

• **18.06.120 - Nonpayment of charges.**

A.

Space assignment for which fees are sixty (60) days delinquent may be cancelled and the space relet.

B.

No person shall remove or cause to be removed from the Brisbane ~~Marina~~Marina any vessel upon which fees and charges are in arrears until said charges are paid in full or the vessel is released by the ~~harbormaster~~Harbormaster.

C.

No person shall ~~wilfully~~willfully give false information to the ~~harbormaster~~Harbormaster or any other person in order to secure the removal of a vessel upon which charges are in arrears. The ~~harbormaster~~Harbormaster may take any reasonable action necessary to prevent the removal of such a vessel including, but not limited to, locking the ignition or securing the vessel to its berth.

• **18.06.130 - Release of assigned facilities.**

The ~~harbormaster~~Harbormaster shall be notified in writing at least thirty (30) days in advance of the lessee's intent to vacate an assigned space.

- **Chapter 18.08 - GENERAL REGULATIONS**

Sections:

- **18.08.010 - Disposing of refuse or other matter.**

A.

No person shall throw, discharge, deposit or leave any material, liquid or solid, be it refuse, sewage, contaminated bilge water, or any waste or other matter of any description upon or into the water, banks, walls, piers, floats or grounds within the boundaries of the Brisbane ~~Marina~~Marina.

B.

No person shall clean fish or cut bait except at specifically designated places.

C.

All vessels are required to have approved marine sanitation devices which shall be operated and maintained in compliance with federal and state laws and regulations pertaining thereto.

D.

Debris from vessel repair, oil, fish or human waste shall not be deposited in refuse receptacles.

E.

In the event of any waste discharge referenced above or in the event of an oil spill or other petroleum products entering the waters of the Brisbane ~~Marina~~Marina, the ~~harbormaster~~Harbormaster shall be immediately notified. The ~~harbormaster~~Harbormaster is authorized to contract for the cleanup of such spill or discharge, the cost of which is to be paid by the responsible person or vessel owner.

F.

Violation of any portion of this section is grounds for immediate termination of any license agreement and expulsion from the ~~marina~~Marina property.

- **18.08.020 - Hazardous conditions.**

A.

Any condition aboard or around a vessel, float, pier or parking area caused by a licensee, which in the opinion of the ~~harbormaster~~Harbormaster constitutes a fire hazard, health menace or danger to public safety shall be immediately corrected.

B.

No part of any vessel including equipment thereto shall extend beyond the end of the slip or over the header float without permission of the ~~harbormaster~~Harbormaster.

C.

Mooring lines shall be of sufficient number and strength to insure that the vessel shall be secure in the highest winds that can reasonably be expected.

D.

Use of bicycles, skateboards or similar devices on piers or floats is prohibited.

E.

Platforms used for boarding, with the approval of the ~~harbormaster~~Harbormaster, shall not be over eighteen (18) inches wide, be of open construction and may not be used for storage.

F.

Storage on flotation shall be limited to dock boxes.

- **18.08.030 - Vessel maintenance.**

A.

Vessel maintenance work 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 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.

B.

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 or propulsion system, or scraping or sanding of paint are prohibited when the vessel is in an assigned space.

D.

Use of welding equipment, burning torch or other open flame apparatus requires written permission from the ~~harbormaster~~Harbormaster.

E.

Sandblasting is strictly prohibited.

F.

All vessels are required to be maintained and in operable condition. The ~~harbormaster~~Harbormaster may require, on ten (10) days' written notice, a demonstration of the vessel's operability. An inoperable vessel may be expelled from the harbor and the lease terminated.

G.

Always follow Brisbane ~~Marina~~Marina's best management practices, which are available ~~for free~~at no charge in the ~~Marina~~Marina office.

- **18.08.040 - Unnecessary disturbances.**

A.

The owner of the vessel is responsible for his/her crew and guests. No person shall cause loud and/or unnecessary noise which is disturbing to others.

B.

Except when on board an owner's vessel, animals shall be on a leash no longer than six (6) feet in length. No animal shall be tethered or tied to or upon public property.

C.

All engines ~~must~~shall be equipped with approved mufflers.

D.

As the berthing area of the Brisbane ~~Marina~~Marina is closed to the general public, no person shall use, walk or enter vessels, piers, header floats or gangways unless ~~such~~said person is a licensee or authorized guest. The ~~harbormaster~~Harbormaster may authorize access to piers and header floats.

E.

Gates to the berthing area shall be locked at all times. Blocking open or climbing over gates is prohibited.

F.

Swimming, bathing, skin diving, wading and movement of vessels for purposes other than entering or leaving the harbor is prohibited within the Brisbane ~~Marina~~Marina harbor. Cruising within the harbor is prohibited.

G.

Digging for bait or other purposes and raking or disturbing the soil surface in any manner is prohibited unless such action is to perform maintenance to public property and has the written approval of the ~~harbormaster~~Harbormaster.

- **18.08.060 - Establishment and promulgation of additional rules.**

The berthing of vessels and other activities and operations of and in the Brisbane ~~Marina~~Marina not herein regulated shall be in conformance with reasonable regulations established by resolution of the city council of the city. Such regulations shall be based upon the maintenance within the ~~marina~~Marina of sanitary and sightly conditions, orderliness, the preservation of public health, safety, peace and welfare, and the convenience of the public in the use of such area for the purpose for which it is established. All licensees shall be given a copy of the ordinance codified in this title and a copy of any additional rules which may be promulgated pursuant to this section. A copy of these documents shall be posted in the ~~harbormaster~~Harbormaster's office.

- **Chapter 18.10 - LIVE ABOARDS***

Sections:

- **18.10.010 - Live aboards restricted.**

No vessel moored within the Brisbane ~~Marina~~Marina shall be used as a place of residence except by persons employed by the city to provide security services for the ~~Marina~~Marina. No person shall use a vessel for overnight lodging more than three (3) nights in a seven (7) day period without the written approval of the ~~harbormaster~~Harbormaster.

- **Chapter 18.20 - FISHING**

Sections:

- **18.20.010 - Fishing restrictions.**

Fishing is permitted only from the pier constructed at the North end of the Marina for such purpose or from vessels berthed in the ~~marina~~Marina- if conducted in such a manner as to not create a hazard to navigation, a nuisance or jeopardize the water quality of the ~~marina~~Marina.

- **Chapter 18.40 - SOLICITATION RESTRICTIONS**

Sections:

- **18.40.010 - Solicitation.**

A.

No person shall solicit, sell, hawk or peddle dry goods, wares, merchandise, liquids or edibles for human consumption, literature, erect signs, posters or other advertising media within the Brisbane ~~Marina~~Marina without written permission of the ~~harbormaster~~Harbormaster and without first having acquired all applicable permits and licenses from the city.

B.

No commercial activity may be conducted anywhere within the Marina without the prior written approval of the Harbormaster. Approved commercial activities shall possess a current City of Brisbane business license and shall provide the Harbormaster proof of a general liability insurance policy in an amount not less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage. The City of Brisbane shall be named as an additional insured on this policy.

- **Chapter 18.60 - PARKING RESTRICTIONS**

Sections:

- **18.60.010 - Parking areas.**

Permission ~~must~~shall be obtained from the ~~harbormaster~~Harbormaster prior to parking any vehicle, camper, ~~trailer~~trailer, or vessel in the parking areas within the Brisbane ~~Marina~~Marina for a period exceeding one hundred twenty (120) consecutive hours~~-.~~ Vehicles, trailers, ~~campers~~campers, or vessels parked in excess of one hundred twenty (120) consecutive hours without permission will be cited or removed from the Brisbane ~~Marina~~Marina at owner's expense.

- **18.60.020 - Restricted areas.**

A.

Vehicles, campers, trailers or vessels parked in restricted areas, limited parking areas or in driveways will be cited or removed from the Brisbane ~~Marina~~Marina at the owner's expense.

B.

Motor-driven vehicles are prohibited on any path, sidewalk, pier, dock, float, beach or planted area.

C.

The use of any vehicle for eating or sleeping for over four (4) hours per day while parked at the Brisbane ~~Marina~~Marina is prohibited.

- **Chapter 18.80 - VESSEL REGISTRATION AND INSPECTION**

Sections:

- **18.80.010 - Registration.**

Every vessel entering the Brisbane ~~Marina~~Marina ~~must~~shall be registered and numbered in accordance with the laws of the state or U.S. Government regulations regarding documented vessels. Vessels berthed within the Marina shall maintain such current registration and provide proof of current registration to the Harbormaster as follows; upon receipt of new registration (i.e., upon first registration, and then bi-annually for vessels registered with the state Department of Motor Vehicles, and annually for vessels documented with the U.S. Coast Guard), and upon demand of the Harbormaster.

- **18.80.020 - Documentation and inspection.**

Owners of vessels entering the Brisbane ~~Marina~~ Marina shall furnish all documents pertaining to the vessel and ownership thereof before any berthing application can be accepted. All vessels ~~shall~~ will be personally inspected by the ~~harbormaster~~ Harbormaster prior to being accepted for berthing. Failure to pass inspection shall be ~~grounds~~ reason enough for denying berthing.

- **Chapter 18.100 - VESSEL TRAFFIC**

Sections:

- **18.100.010 - Safe operation.**

All vessels approaching or within the Brisbane ~~Marina~~ Marina ~~must~~ shall be operated in a safe and prudent manner.

- **18.100.020 - Speed.**

The speed of any vessel within the Brisbane ~~Marina~~ Marina shall not exceed five (5) mph or at any speed to cause a wake that may cause damage or inconvenience to anyone.

- **Chapter 18.110 - CHILDREN AND VISITORS**

Sections:

- **18.110.010 - Children.**

It is prohibited for any child under the age of sixteen (16) years to go, remain or be upon any of the piers, gangways, floats or vessels in the Brisbane ~~Marina~~ Marina basin unless ~~such~~ said child is accompanied by ~~the child's~~ his parent or other adult person or unless such child has written permission of the owner of a vessel in the ~~marina~~ Marina to go on board the owner's vessel.

- **18.110.020 - Transient and Guest Dock Visitors.**

A.

All visitors wishing berthing space in the harbor, ~~including those boaters requesting use of the Marina Guest Dock,~~ shall check in with the ~~harbormaster~~ Harbormaster prior to being assigned a space, ~~including those boaters requesting usage of the Marian Guest Dock.~~ Vessels requesting guest or transient berth status shall provide proof of insurance and registration as required by the Harbormaster.

B.

With approval of the Harbormaster, transient visitors may stay for up to ~~two-three (2)(3)~~ consecutive ~~weeks only in any thirty (30) day period months~~ ~~(within a 12 month~~ 12-month period) in a transient berth where space is available. At the end of the ~~three-month period~~ as approved by the Harbormaster, visitors shall vacate their slip or enter into a license agreement for regular status.

C.

Every person with a vessel entering the Marina is subject to the order and direction of the Harbormaster, and will moor or berth the vessel only in the area designated for that vessel.

• Chapter 18.200 - ACCIDENT REPORTS

Sections:

• 18.200.010 - Report requirements.

In addition to any reporting requirements of state or federal governments, all boating accidents involving injury to any person or damage to any public or private property shall be reported in writing to the ~~harbormaster~~ Harbormaster within twenty-four (24) hours of the occurrence of the incident.

• Chapter 18.300 - PENALTIES

Sections:

• 18.300.010 - Violation—Penalties.

The violation of any of the provisions of this title shall constitute a misdemeanor, punishable by the fines, penalties and enforcement provisions set forth in Chapters ~~1.14~~, ~~1.16~~ and ~~1.18~~ of this code.

• 18.300.020 - Impoundment.

The city shall have the right and power to remove or impound the vessel of any person violating ~~thesaid~~ rules and regulations or failing to pay required fees, at the sole cost and expense of the owner. Impound fees shall be established by resolution of the city council of the city. Impound fees will be assessed daily.

• 18.300.030 - Responsible parties.

Compliance with the rules and regulations established or authorized by this title is the responsibility of vessel owners, their guests, and visitors to the Brisbane ~~Marina~~ Marina.