



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE



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April 18, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution amending the Long Beach Marina Rules and Regulations, pursuant to the provisions of Long Beach Municipal Code, Section 16.08.970. (Districts 2, 3)

DISCUSSION

In accordance with Long Beach Municipal Code, Section 16.08.970, the Department of Parks, Recreation and Marine (PRM) and the Marine Advisory Commission (MAC) have conducted meetings to review Long Beach Marina Rules and Regulations (Rules and Regs) to ensure that they are consistent with the City of Long Beach (City) policy of preserving the health, safety, and enjoyment of Long Beach marina permittees and guests. This series of meetings included collecting feedback and input from City staff, boat owners, and MAC commissioners. From these meetings, it was determined that clarification of some provisions of the Rules and Regs would improve the safety of our marinas and ensure equitable application of policies. Some of the more significant proposed changes include the following:

- Addition of a provision to allow for requesting sublease of permits;
- Increased liability insurance coverage requirements for recreational vessels in the marinas;
- Addition of a provision associated with the permittees' responsibility for costs associated with damage to dock boxes, power pedestals, and other features associated with their slips, beyond damage determined to be the result of expected and normal wear and tear;
- Clarification of provisions associated with parking lot rules, including the prohibition of long-term storage of a permittee's vehicle in marina parking lots, and specific categories of vehicles, which are prohibited from marina parking lots;
- Addition of a provision associated with vessel appearance requirements, which establishes minimal standards of condition.

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These proposed changes were presented to and supported by the MAC. Therefore, PRM recommends the approval and adoption of the Rules and Regs, as amended on the attached Resolution and the redlined version of the Rules and Regs (Attachment).

This matter was reviewed by Deputy City Attorney Linda T. Vu on March 22, 2017 and by Budget Management Officer Rhutu Amin Gharib on March 23, 2017.

TIMING CONSIDERATIONS

City Council action is requested on April 18, 2017, to allow ample time for the printing and distribution of amended materials by June 1, 2017.

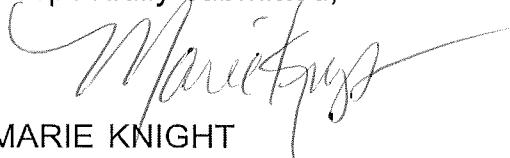
FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MARIE KNIGHT

DIRECTOR OF PARKS RECREATION AND MARINE

MK:EH:KB

Attachments: Resolution

Long Beach Marina Rules and Regulations – Redlined Version

APPROVED:



PATRICK H. WEST
CITY MANAGER

1 RESOLUTION NO.
2

3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING AND RESTATING THE
5 LONG BEACH MARINA RULES AND REGULATIONS
6 PURSUANT TO THE PROVISIONS OF SECTION 16.08.970
7 OF THE LONG BEACH MUNICIPAL CODE

8

9 WHEREAS, the City of Long Beach (the "City") is a municipal corporation
10 and charter city duly organized and existing under its charter (the "Charter") and the
11 Constitution of the State of California; and

12 WHEREAS, the Department of Parks, Recreation and Marine (PRM) and
13 the Marine Advisory Commission (MAC) have conducted meetings to review Marina
14 Rules and Regulations, in order to ensure that they are consistent with the City policy of
15 preserving the health, safety, and enjoyment of Long Beach marina permittees and
16 guests; and

17 WHEREAS, it has been determined that clarifications of some provisions
18 would improve the safety of the City's marinas and ensure equitable application of
19 policies; and

20 WHEREAS, the City Council now desires to amend the Long Beach Marina
21 Rules and Regulations;

22 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
23 follows:

24 Section 1. The City Council hereby adopts the attached Amended and
25 Restated Long Beach Marina Rules and Regulations as recommended by the Marine
26 Advisory Commission (MAC).

27 Section 2. This resolution shall take effect immediately upon its adoption
28 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City
Council of the City of Long Beach at its meeting of _____, 2017,
by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

LONG BEACH MARINA

RULES AND REGULATIONS

LONG BEACH PARKS, RECREATION & MARINE

MARINE BUREAU

I. AUTHORITY

These rules and regulations ("Marina Regulations") are adopted pursuant to the provisions of Section 16.08.970 of the Long Beach Municipal Code in order to implement, make specific, and otherwise carry out the policy of maintaining the Long Beach marinas in a sanitary, sightly, and orderly condition and of preserving the public health, safety, peace, welfare, and convenience in the use thereof.

II. APPLICATION AND SCOPE

These Marina Regulations shall apply to the berthing of vessels and other activities and operations within the Long Beach marinas which include the Long Beach Marina Area [as defined in Section 16.08.110 of the Long Beach Municipal Code], the Marina Basins [as defined in Section 16.08.130 of the Long Beach Municipal Code], the Shoreline Marina [as defined in Section 16.08.090 of the Long Beach Municipal Code], Rainbow Harbor [as defined in Section 16.08.223 of the Long Beach Municipal Code], the Rainbow Marina (as defined in Section 16.08.221 of the Long Beach Municipal Code], and other facilities, beaches and waterways under the jurisdiction of the City of Long Beach, excluding facilities and water areas within the Harbor District of the City of Long Beach. The Long Beach marinas are under the jurisdiction of the Marine Bureau of the Parks, Recreation and Marine Department, which shall operate and control the same.

III. MARINA SLIP PERMITS

Any permit issued by the Manager of the Marine Bureau ("Manager") for the use and occupancy of a slip within the Long Beach marinas shall include by reference the following provisions and conditions:

A. Cancellation:

1. By City: The Manager may cancel and terminate any permit upon five (5) days' written notice to the Permittee for Permittee's failure or refusal to comply with (i) provisions of the permit, including, without limitation, nonpayment of slip fees, (ii) any provision of Chapter 16.08 of the Long Beach Municipal Code, (iii) these Marina Regulations, or (iv) for Permittee's use of the Marina facilities which disturbs the peaceful use and occupancy or the public health, safety, peace, welfare and convenience of the users of Marine facilities or the public. Notice shall be deemed served within twenty-four (24) hours of the time said notice is deposited in the United States Postal Service, if mailed by first-class or certified

mail, postage prepaid, to Permittee's address as designated on the permit. The notice shall specify the applicable provision of the permit, Municipal Code, Marina Regulations, or Marine Bureau policies with which Permittee has failed or refused to comply, the date and time on or before which Permittee is to vacate the slip, and the cancellation date. Permittee shall be liable for all slip fees accruing prior to the date of cancellation.

2. By Permittee: If the Permittee wishes to cancel a permit, Permittee must deliver a written notice of cancellation to the Marine Bureau addressed to either: Marine Bureau, Alamitos Bay Marina, 205 Marina Drive, Long Beach, California 90803; Marine Bureau, LB Shoreline Marina, 450 East Shoreline Drive, Long Beach, California 90802; or Marine Bureau, Rainbow Marina, 200B Aquarium Way, Long Beach, California 90802. Written notice of cancellation to the Marine Bureau may also be submitted via email, addressed to the marina supervisor, however emailed notices are only considered valid if accompanied by a reply email from the marina supervisor acknowledging the communication's receipt.

The written notice must be received on or before the fifth (5th) day of the calendar month in which the cancellation is to be effective and any such cancellation shall be effective only upon the last day of that calendar month. A permittee's cancellation notice which is mailed with a payment of fees shall not be effective for the purpose of cancellation of a permit. Such notices must be delivered to the Marine Bureau Office.

B. Removal of Vessel upon Cancellation of Permit:

If Permittee shall fail or refuse to remove his or her vessel from a slip or end tie on or before the date of cancellation of his or her permit thereof, the Manager may order and cause the vessel to be removed and stored at the Permittee's risk and expense and retake possession of the slip. A Permittee shall reimburse the City for costs incurred in moving and storing a vessel in accordance with the Parks, Recreation and Marine/Marine Bureau, Fees, Rates and Charges. Neither the City nor any of its officers or employees shall be liable and a Permittee waives all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel pursuant to this provision.

C. Reassignment of Slips:

The Manager shall have the right to temporarily or permanently reassign slip spaces and to move or cause to be moved any vessel so reassigned. A Permittee, by applying for and accepting the use of a slip, a mooring, or other berthing facility shall be deemed to have consented to the reassignment and movement of his or her vessel to another slip, mooring, or other berthing facility (i) for the proper operation, maintenance, and repair of the Long Beach marinas, (ii) for the convenience of the City, (iii) for a special event, such as a boat show, (iv) in case of an emergency or (v) for the general betterment of the marina. Permittee further consents to the movement of his or her vessel by City personnel if, after notice to move his or her vessel is given by the Manager, Permittee fails to comply with any such notice. A Permittee shall reimburse the City for costs incurred in relocating and moving his or her vessel to another slip, mooring or other berthing facility in accordance with the Parks, Recreation and Marine/Marine Bureau, Fees, Rates and Charges. Neither the City nor any of its officers or employees shall be liable and a Permittee waives all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel.

D. Effective Date of Slip Assignments and Cancellations:

Slip assignments are effective at noon on the first day of the month. Cancellations of permits are effective at noon on the last day of the month. Transfer of vessels from one slip to another shall be made at noon on the first day of the month or other date as directed by the Marine Bureau.

E. Non Transferability of Permit:

A Permittee shall not give, sell, assign, or transfer, or attempt to give, sell, assign, or transfer, whether voluntarily or involuntarily, the use of a designated slip, mooring, or other berthing facility, the permit therefor or any interest therein. Any agreement, whether oral or in writing, between Permittee and any other person, firm, or entity made in connection (i) with the use of a designated slip, mooring, or other berthing facility by a person other than the Permittee, (ii) with the use of a designated slip, mooring, or other berthing facility by a vessel other than one owned by the Permittee, (iii) with the transfer or ownership of or an interest in a vessel, or (iv) with a transfer of an interest in a corporation or partnership (general or limited) or joint venture owning a vessel, by which agreement Permittee attempts to give, sell, assign, or otherwise transfer the permit, an interest therein, or the right to use the designated slip shall be void and shall constitute grounds for cancellation of the permit.

In the event of the death of the Permittee, the permit may be transferred to the surviving spouse or legally recognized domestic partner, upon transfer of title to the vessel to such person within one hundred twenty (120) days after the Permittee's death. Failure to comply within the time frame shall result in the cancellation of the slip permit.

F. Subleasing of Permit:

A Permittee may request to sublease the use of their designated slip, mooring, or other berthing facility. Such sublease requests may be no shorter than one (1) month and may not exceed twelve (12) months. Any such sublease request must be administered through the Marine Bureau office. The prospective sub-lessee is subject to various administrative requirements, including but not limited to: providing evidence of ownership, insurance coverage in limits as required by the City; applicable fees; and inspection of vessel. Permittee may not sublet at a rate in excess of the rate charged to the permittee by the City. Sub-leased vessels must not exceed the City's overall length requirements associated with the slip. Sub-leases are subject to all the Marina Rules and Regulations. Payment of vessel slip charges and other responsibilities associated with the slip, remain with the Permittee during the course of any sub-lease.

G. Sale of Permittee's Vessel:

A Permittee may retain his or her designated slip for a period of thirty (30) days after transferring title to or agreeing to sell his or her vessel provided:

1. Permittee shall notify the Marine Bureau in writing within five (5) days of the date Permittee enters into an agreement for the sale of the vessel and his or her intent to acquire another vessel of the appropriate length for occupancy of the slip.
2. Permittee shall pay slip fees equal to the amount specified in his or her permit for the vessel sold pending the acquisition of another vessel.

An extension of an additional period, not to exceed ninety (90) days may be granted by the Manager upon submission by Permittee the proof of a contract to purchase or construct another vessel. If Permittee does not acquire and accept delivery of another vessel of appropriate length for the assigned slip within the

ninety (90) day period the permit shall be cancelled by the Manager the last day of the initial thirty (30) day period fall on or is prior to the fifth (5th) day of a month, the date of cancellation shall be effective the last day of that month. If the last day of the initial thirty (30) day period falls after the fifth (5th) day of the month, the cancellation shall be deemed effective on the last day of the following month. Permittee shall remain liable to the City for all slip fees accruing prior to the date of cancellation.

Permittee shall notify the Marine Bureau in writing within five (5) days of any change of ownership in his or her vessel resulting from a gift, sale, lease, withdrawal, addition, or substitution of partners, the sale or transfer of stock in a closely held corporate owner of the vessel or a change of officers or directors of a closely held corporation owning the vessel.

H. Partnership/Corporations:

No permit will be issued in the name of a partnership (general or limited), corporation, joint venture or other legal entity. A slip permit for a vessel which is registered, documented or owned by a partnership (general or limited), corporation, joint venture or other legal entity will be issued only to a natural person whose name appears on the marina waiting list and whose interest in the vessel (whether by virtue of an interest in the partnership, ownership of stock of a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates. An applicant for a slip permit at a Long Beach marina for a vessel which is owned by a partnership (general or limited), a corporation, joint venture, or other legal entity shall submit for approval by the Manager, a fully executed Percentage of Ownership Statement. Any gift, sale, assignment or transfer of (i) the applicant's interest in the vessel (ii) his or her interest in the partnership, corporation or other legal entity by which the named Permittee transfers or attempts to transfer the right to use the assigned slip to another person or persons, (including remaining partners and/or stockholders) or to another partnership, corporation or other legal entity shall be void and shall constitute grounds for cancellation of the permit. The only exception to this rule relates to original partnerships. Original partners, for the purpose of this clause, shall be defined as those individuals who have a minimum twenty-five percent (25%) ownership interest in the berthed vessel, at the time the slip permit is originally executed, and who are listed in the fully executed Percentage of Ownership Statement document, as listed herein. When a partnership applies for a permit, one partner must be designated as the Permittee for legal purposes. Upon execution of the permit, a list of partners will be incorporated with the permit. Under this exception, the permit may be transferred to any of the original partners, if requested by the existing Permittee, and with appropriate notification and permit changes through the Marine Bureau. The remaining original partner(s) may enter into new partnerships, but the seniority relating to the existing slip will only vest with the original partners of the vessel at the inception of the permit. If there are no original partners, the permit will become void. Notwithstanding the form of ownership of the vessel, the permit to berth the same at a Long Beach marina shall not be transferable under any circumstances, except as allowed herein. If a Permittee fails or refuses to notify the Manager of a change to any of the information contained in the Percentage of Ownership Statement within five (5) days from the date of any such change, such failure or refusal shall also constitute grounds for cancellation of the permit.

I. Vessels as Place of Abode:

All persons desiring to live aboard vessels berthed or moored within the water areas of the City of Long Beach (excluding the water areas within the Harbor District) shall obtain a live aboard permit from the Manager. A Person shall be deemed to be living aboard a vessel if he or she occupies the vessel and

engages in those usual and customary activities associated with a person's residence abode, such as sleeping, preparation of meals, etc., for any period in excess of twelve (12) days in a calendar month. The Manager may require valid proof of residency if there is a suspicion of illegal live aboard activity. The Manager may cancel any permit issued by the Marine Bureau if any person lives aboard a vessel without obtaining a permit therefore. Such permits shall be subject to the following conditions and limitations:

1. Live aboard status will only be granted if the Permittee lives aboard. All other occupants must register to live aboard.
2. Within the water areas within the limits of the City of Long Beach (excluding the Harbor District), the number of live aboard permits for each gangway shall be determined by the Manager.
3. The Permittee must be able to provide his or her own source of energy for cooking, space heating, refrigeration and lighting.
4. The overall length of the vessel for which permission to live aboard is sought must be over thirty (30) feet.
5. Regardless of the length of occupancy, no person living aboard a vessel shall use the toilet facilities aboard such vessel, unless the vessel has an approved holding tank. The Manager may order that Permittees, granted live aboard privileges, to seal the toilet facilities and place dye tablets in holding tanks and/or to contract with a mobile pumpout service.
6. The Manager or his or her designee shall have the right to make periodic inspections of the vessel to determine compliance with these conditions and the seaworthiness and sanitary conditions of the vessel. By reserving the right to make inspections, the City does not assume, nor shall that right be construed to impose, any liability for claims for damages to persons or property resulting from a failure to make any such inspections. In addition, should the City identify vessel repairs or other measures necessary to maintain the health and safety of the marina, the Permittee shall have ninety (90) days to correct. Failure or refusal to do so shall constitute grounds for permit cancellation.
7. Any Permittee granted permission to use a vessel as a place of abode, and is subsequently granted leave of absence status (as defined in Sections J and/or K) shall be placed at the top of the live aboard waiting list when they request to return.
8. The prohibition against living aboard a vessel except pursuant to a permit issued by the Manager shall not apply to privately owned and operated marinas unless such marinas are situated upon granted tidal or submerged lands.
9. Persons granted live aboard status must utilize the privilege throughout the year. If not so used, the privilege may be revoked by the Manager.
10. Live aboard status will be granted only to a current Permittee. No person or animal is allowed to live aboard unless the Permittee is also living aboard the vessel under a valid live aboard permit.
11. Live aboard status is granted only for the slip assigned to the Permittee at the time of the grant. Live aboard status will not be transferred to another slip location unless approved by the Manager. Prior to transferring to another slip location or marina the Permittee shall be required

to provide proof of residency, such proof shall include but not be limited to a copy of a rental agreement, property deed and utility bill. Post office boxes shall not be acceptable proof of residence outside the vessel.

J. Absence from Slips for Periods of Less than Twelve (12) Months:

A Permittee's vessel may be absent from its assigned slip for a period up to twelve (12) consecutive months without having to request a leave of absence; provided, however, that the Permittee shall have used and occupied the assigned slip with the vessel under permit for the preceding six (6) month period. In the event of non-use of a slip for any reason for a period in excess of a total of twelve (12) months within any twenty-four (24) month period, and the Permittee fails to request and obtain leave of absence status, the Manager may cancel their permit. Any Permittee whose slip permit is so cancelled shall be required to reapply for a permit and will be placed on a slip waiting list upon payment of a marina waiting list administrative fee (as provided in Fees, Rates, and Charges). All slip fees and live aboard fees, if applicable, shall be paid when due during any absence.

K. Absence from Slips for Periods in Excess of Twelve (12) Months:

A Permittee who intends to be away from the marina in which his or her slip is located for any reason for a period in excess of twelve (12) months shall be entitled to leave of absence status on the following conditions:

1. To be eligible for leave of absence status, the Permittee must have owned the vessel under permit and used and occupied a slip space within the marina continuously for a period of twelve (12) months prior to requesting a leave of absence.
2. A Permittee may request leave of absence in six (6) month increments.
3. Permittee must provide current DMV Vessel registration/USCG Documentation and valid insurance on their vessel on an annual basis.
4. The Permittee shall pay to the Marine Bureau an administrative fee as provided in Fees, Rates, and Charges, for each six (6) month period for which leave of absence status is requested and granted. The fee shall be paid in advance of the commencement date of leave of absence status for the period requested. Permittee shall be solely responsible for payment of the fee in advance in the event he or she elects to extend the leave of absence status for additional periods. No portion of the administrative fee paid shall be refundable if the Permittee requests a slip prior to the expiration of the leave of absence period. Failure to pay the fee when due shall result in a termination of leave of absence status and removal of Permittee's name from the Leave of Absence list.
5. Upon request for and grant of leave of absence status, the Permittee's slip permit shall be cancelled effective as of the commencement date of the leave of absence status. Permittee's name shall be placed on the Leave of Absence List maintained by the Marine Bureau. Prior to expiration of leave of absence status or upon earlier return to the Long Beach marinas and receipt by the Marine Bureau of a written request for a slip space in the marina, the former Permittee shall be entitled to the next available slip space based on the former Permittee's original waiting list date, the size of slip requested, liveaboard status, if applicable, and the date of receipt of the

written request for a slip space. In the event a waiting list exists at that time, the former permittee shall be placed on that waiting list, in the fourth (4th) highest priority for the size of slip requested – regardless of the former Permittee's date exceeding others on the waitlist. The Marine Bureau shall not be required to make a slip available pending the availability and assignment of a slip in accordance with the provisions of this paragraph.

6. Any person granted leave of absence status shall be solely responsible for notifying the Marine Bureau of his or her current mailing address and telephone number and any changes thereof. The Marine Bureau shall not be required to confirm any information so provided nor to contact the former Permittee for any reason while he or she is on leave of absence status.
7. Upon notification by the Marine Bureau of the availability of a slip of the size requested, the former Permittee on leave of absence status, to be eligible thereof, must own a vessel of the appropriate size and accept the first slip offered. If the offered slip is not accepted within seven (7) days from the date of notification of availability by execution of a permit thereof, the former Permittee's name shall be removed from the Leave of Absence List. If the former Permittee desires a slip within the Long Beach marinas, they may reapply for a slip and will be placed on a slip waiting list upon payment of a marina waiting list administrative fee (as provided in Fees, Rates, and Charges, Section O.).

L. Change of Slip Fee Rates/Deposits:

Within thirty (30) days after the effective date of a change of slip rate fees as adopted by the Long Beach City Council, a Permittee shall deposit with the Marine Bureau such additional sums as may be required to maintain the amount deposited with the Marine Bureau equal to one month's slip fee.

M. Deposits:

Any sum deposited with the Marine Bureau pursuant to a permit issued by the Manager shall be deemed a security deposit for the performance by a Permittee of the provisions of the permit. The security deposit, or any portion of it, may be used to cure a default or to compensate the City of Long Beach for all damage sustained by the City resulting from a Permittee's default and/or damage to City property such as dock boxes, fascia boards, utility pedestals, etc. Security deposit cannot be used for the last month's slip fees. Permittee shall immediately on demand pay to the Marine Bureau a sum equal to the portion of the security deposit expended or applied. The City's obligation with respect to the security deposit is those of a debtor and not a trustee. The City shall not be required to pay interest on a security deposit.

N. Commercial Use of Slips:

No slip or dock structure within the Long Beach marinas shall be used for commercial purposes unless the slip has been designated by the Manager as a commercial float. "Commercial purposes" shall include, but not be limited to, any activity involving the use of a Permittee's vessel by the Permittee or any other person, firm, or entity for which use the Permittee receives cash, credit, or any other form of valuable consideration.

O. Taxes:

In the event that the Los Angeles County Tax Assessor determines that any permit issued by the Manager for berthing or mooring of vessels creates a possessory interest subject to property taxes, the Permittee

shall pay any such tax prior to delinquency. The situs, for personal property tax purposes, of any vessel under permit shall be the marina in the City of Long Beach for which a permit is issued.

P. Waiver of Claims:

Neither the City of Long Beach nor any of its officers, employees, or contractors shall be liable to a Permittee for any damage to person or property resulting from oil operations conducted on Oil Island Grissom. All vessels and property belonging to a Permittee located at a Long Beach marina shall be there at the risk of Permittee and neither the City of Long Beach nor its officers or employees shall be liable for damage thereto not theft or misappropriation thereof.

Q. Temporary Slip Permit:

In addition to the powers vested in the Manager under Section 16.08.950 of the Long Beach Municipal Code, the Manager may issue temporary slip permits for assigned but vacant slips or end ties and for unassigned slips or end ties upon such terms and conditions as may be required for the efficient operation of the Long Beach marinas.

R. Ownership of Vessels:

No permit, or temporary slip permit, for a slip within the Long Beach marinas shall be issued unless the applicant therefore shall establish to the satisfaction of the Manager that the applicant is the owner of a vessel which is to be berthed at the slip. Evidence of ownership shall be in the form of a certificate issued by the California Department of Motor Vehicles showing the applicant as the legal and registered or registered owner or ship's documents issued by the U.S. Department of Transportation showing applicant's interest in the vessel. Applicant must have the exclusive right of possession and beneficial use and enjoyment of the vessel.

At the request of the Marine Bureau, an applicant shall submit such documentation as the Marine Bureau may require to determine the nature and extent of the applicant's interest in the vessel. In addition, the applicant shall declare under penalty of perjury that the facts, documents, and other information submitted to establish ownership of a vessel are true and correct and reaffirm such declarations from time to time at the request of the Marine Bureau.

S. Visiting Vessels:

Visiting vessels will be issued end tie slip or guest slip permits for a maximum period of fifteen (15) days per month. No extensions will be granted nor shall a visiting vessel be entitled to an assignment to a different slip within Long Beach marinas, unless authorized by the Manager. Visiting vessels must supply current registration or documentation and the required insurance prior- to being issued a guest slip or end tie slip. Based on for health and safety reasons and under the provisions listed in Section I the Manager may refuse to allow use of berthing facilities within the Long Beach marinas.

T. Recreational Vessel Insurance, Long Beach Marina:

The City of Long Beach Marine Bureau requires that recreational vessels in the marinas hold Liability insurance with limits of at least \$300,000 (Vessels operating under commercial slip permits are subject to additional insurance coverage requirements, typically at higher coverage levels, as determined by the City based on the specific business operations of the commercial operator. The City, its officials, employees,

and volunteers shall be carried as insured under said liability insurance with respect to activities of Permittee (boat owner), and each policy shall be endorsed to state that coverage shall not be cancelled except after prior written notice has been given to the City.

IV. GENERAL REGULATIONS

The following regulations shall apply to the use of the water areas and the facilities and improvements situated within the Long Beach marinas:

A. Damage

Permittee shall be responsible for the costs associated with any damages to dock boxes, power pedestals, and other features associated with the immediate slip assigned to them, beyond damage determined to be related with expected and normal wear and tear.

B. Storage on Docks and Fingers:

Nothing shall be stored on the docks and fingers except in locker boxes provided at each slip. Storage in each locker box shall not exceed two hundred (200) pounds.

C. Steps:

Any steps used for ingress to and egress from a vessel shall not be of a width that impedes the safe use of the entire length of the finger on which it is placed, by neighboring boaters and others. The steps must be of lightweight construction not used as a storage locker. Any steps wider than one-half (1/2) of the width of the finger on which they are used must be stored aboard the vessel, and may not be left unattended.

D. Dinghy or Yacht Tender:

1. A dinghy/tender is normally less than ten feet in length, and is designed to provide basic transportation for its owner, guests and supplies between vessels or to the shore, dock or other approved temporary mooring areas. The dinghy must be in good operating condition. There is no problem with the dinghy's length or beam as long as it is stored on board the primary vessel. If the dinghy is kept in the water, it must fit within the width of the slip and within the current slip overhang policy.
2. Vessels longer than 10 feet (10') in length – If the dinghy/tender cannot be stored on the primary vessel or within the assigned space of the slip (width or length with overhang), it does not meet the requirements of a dinghy/tender. It then must be moored as an auxiliary vessel, on a space available basis, with additional monthly charges associated with such an auxiliary mooring.
3. Floats – Only an encased (plastic or fiberglass) float will be allowed. It must meet the current environmental standards and must have prior written approval of the Marine Bureau. The only authorized use of the float is to support a dinghy/tender. The float and its dinghy tender must fit within the assigned slip width and authorized slip length, including overhang. Floats may not be used for the storage of items.

4. Dinghy/tender shall not be used for storage. No dinghy or yacht tender shall be placed in such a manner so as to obstruct free passage along the finger.

E. Nothing Attached to Docks (Fenders, Dock Wheels, etc.):

No Permittee shall install or attach any materials to the docks, fingers or gangways, including but not limited to: fender material, dock wheels, or carpet. Costs associated with the removal of any such attached items and restoring the dock to its condition prior to the installation will be assignable to the Permittee.

F. Pets:

All pets must be kept on leash (no more than six feet) in all public areas in the marinas. Permittees and their guests are required to closely supervise their animals on these premises, and particularly on the ramps, docks and fingers, and pick up the waste in the interests of public safety and sanitation. Pets may not be left unattended and tied to dock boxes, cleats, etc. All pets are prohibited in the boat owner and public rest rooms and showers. Service animals must be listed on the slip permit, and Permittees must comply with all State and local requirements for such animals.

G. Swimming:

Swimming is not permitted in any of the Long Beach marinas.

H. Fishing:

No person shall fish from the walls, docks, or fingers of the Long Beach marinas. Fishing is permitted only from fishing piers or vessels berthed at slips.

I. Vessel Maintenance:

Major repair or reconstruction work shall not be performed in or at any marina slip or in Alamitos Bay or other water areas within the limits of the City of Long Beach. Except for emergency repairs to keep a vessel afloat, no repair or other work on a vessel shall be performed before 8 a.m. nor after sunset. Permittees shall not place or permit others performing repairs or other work on a vessel to place tools or equipment in a manner so as to obstruct access to fingers or docks. Permittees may use portions of the docks or fingers for minor rigging and maintenance for short periods of time; provided, however, such space must be kept in a neat, clean, and orderly condition and a drop cloth and boat bath are used during maintenance periods. No material of any type resulting from maintenance work shall be allowed to become airborne, or enter the waters of the Long Beach marinas. (This includes but is not limited to sanding of paint and fiberglass and spray painting.) All vessel maintenance service providers conducting business activities in Long Beach marinas must first secure approval from the Marine Bureau as an authorized vendor, subject to all the expectations and requirements established by the Marine Bureau for such activities.

J. Small Children on Docks:

Children under fourteen (14) years are not permitted on the docks and fingers without the immediate presence of their parents or other responsible adults.

K. Visitors:

Visitors, unless accompanied by a Permittee shall not be permitted on the docks after sunset. During any time of day, the Marine Bureau may restrict the overall number of visitors/guests allowed within the

marinas and/or the overall number allowed on docks, gangways, and fingers of the marinas or on vessels within the marinas in connection with individual Permittees at any given time, including restrictions developed as crowd control measures during specific dates and/or special events such as the Long Beach Grand Prix Weekend and the Fourth of July holiday.

L. Signs:

No person shall place, erect, or maintain any sign, display, or notice on any property (including water areas), structure, or improvement within the Long Beach marinas owned, operated, or controlled by the City without the prior written consent of the Manager. Any such sign, display, or notice may be removed or caused to be removed by the Manager at the expense of the person placing, erecting, or maintaining the same. A Permittee may place one (1) sign on the exterior of a vessel under permit advertising the sale or offering for sale or said vessel; provided, however, the size of any such sign shall not exceed twenty-four inches (24") by eighteen inches (18") and the lettering thereon shall not exceed eight inches (8") in height; provided, further that the sign shall be professionally made, and be properly maintained. The Manager may direct the removal of any nonconforming or unauthorized sign, display, or notice. In the event the Permittee refuses to remove the sign, display, or notice as directed, such refusal shall constitute grounds for cancellation of the slip permit.

M. Bicycles and Motorcycles:

No person shall roller skate, skateboard, ride bicycles or motorcycles on the docks and gangways within the Long Beach marinas, with the exception of City of Long Beach employees in the normal course of their duties.

N. Parking Lots:

Boat owner parking is for passenger vehicles that do not transport persons for hire. This includes station wagons, sedans, vans, and sport utility vehicles. Parking passes shall be provided to boat owners within the guidelines/policies set by the Marine Bureau as required by availability at each marina. Under no circumstances shall the parking lots be utilized for long term storage of a Permittee's vehicle. Current vehicle registration is required prior to issuance of a boat owner parking pass.

1. No person shall discharge waste material from, store materials in, or sleep or cook in a house trailer, boat trailer, camper, or other vehicle while such vehicle is in a parking space within the parking lots or facilities adjacent to the Long Beach marinas.
2. No vehicle or apparatus capable of being registered as a vehicle or trailer shall block the parking lanes in the Long Beach marinas.
3. No vehicle in excess of twenty-one (21) feet in overall length may occupy any parking space within the parking lots adjacent to the Shoreline Marina or in the parking lot adjacent to Basin 4 in the Alamitos Bay Marina without the permission of the Manager or his designee. No vehicle in excess of twenty-four (24) feet in overall length may occupy any parking space within the parking lots adjacent to Alamitos Bay Marina, with the exception of Basin 4 described herein. Vehicles must be parked in a manner not to protrude past the parking stall lines, or to impede the flow of traffic.
4. No person shall remain, stay, or loiter in any marina parking lot between the hours of sunset and 5 a.m.

5. To facilitate the sweeping and cleaning of the marina parking lots, certain sections may be posted with restricted parking times. Failure to observe the posted restrictions will result in the issuance of parking citations.
6. Permittees may not construct or reconstruct or cause to be constructed or reconstructed, repair or cause to be repaired, to grease or cause to be greased, or perform any type of maintenance, on any vehicle or vessel or any part thereof within the parking lots of the marinas. However, temporary minor repairs in case of emergency may be made within the parking lots to enable the vehicle to be moved to a proper place for mechanical work.
7. The washing of any vehicle, vessel, trailer or apparatus capable of being registered as a vehicle or trailer is prohibited in the parking lots of the Long Beach marinas. This includes commercial vehicle detailing.
8. Waste Oil Tanks - No person shall place any substance in waste oil tanks other than waste motor oil.
9. Dilapidated vehicles, and inoperable vehicles are not allowed in the marina parking lots. A vehicle must have current registration. Failure to remove a prohibited vehicle will result in the impound of the trailer or vehicle at a cost to the owner.
10. All vehicles must be moved every seventy-two (72) hours per Long Beach Municipal Code 10.30.070. Permittees requesting extended parking, due to trips beyond the seventy-two (72) hour requirement, may inquire with the Marina office for potential extended parking accommodations, understanding such requests are subject to review and administrative approval.
11. The following is a list of vehicles which are not allowed in the marina parking lots without a specialized permit issued by the Marine Bureau; such vehicles will not be issued boat owner parking passes:
 - A "bus" - a vehicle, including a trailer bus, designed, used or maintained for carrying more than 15 persons including the driver, for hire, or for carrying more than 10 persons, including the driver, by any non-profit organization (CVC 233).
 - A "camper" - structure designed to be mounted to a vehicle which is designed for human habitation or camping (CVC 243).
 - A "camper trailer" - vehicle under 16 feet in length designed to be used on a highway capable of human habitation for camping or recreational purposes (CVC 242).
 - A "fifth wheel" - vehicle designed for recreational purposes to carry persons or property on its own structure and so constructed as to be drawn by a motor vehicle by means of a kingpin connecting device (CVC 432).
 - A "housecar" - motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached (CVC 362).
 - A "motorhome" - vehicle designed to provide temporary living quarters, built as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van.

- A “trailer bus” - motor truck or track tractor pulling a trailer or semitrailer designed, used, or maintained for the transportation of more than 1- persons, including the driver (CVC 636).
- A “trailer coach” - vehicle, other than a motor vehicle, designed for human habitation or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle. Includes “park” trailer (CVC 635).
- A “boat trailer” - a trailer designed to launch, carry, retrieve or store a vessel.

O. Movement of Vessels:

Movement of vessels within the Long Beach marinas shall be for the purpose of entering or leaving a slip only.

P. Unseaworthy Vessels:

Permittees shall, upon request, demonstrate or allow inspection by Marine Bureau employees of vessels under permit for seaworthiness. Seaworthiness will be determined by, but not limited to the following:

- Vessel shall operate under its own power.
- Vessel shall have an operable electrical system.
- Vessel shall not be in a state of deterioration.
- Vessel shall be water tight (minimal amount of water in bilge.)
- Vessel shall be navigable.

Any vessel determined to be unseaworthy shall be posted with a notice to repair or remove from the slip space. A copy of said notice shall be mailed to the slip Permittee. If the Permittee fails or refuses to repair or remove the vessel within 30 days of the posting and mailing of notice to the Permittee, the Manager may cancel the slip permit and move or cause to be removed and impounded such vessel at the Permittee's expense.

Q. Leaving and Entering Marina:

Vessels entering and leaving the marina will abide by all rules of navigation and posted speed limits.

R. Length of Vessels:

For the purpose of determining monthly slip charges assigned under these regulations, the overall length of vessels (LOA) shall mean the length of the vessel rounded upward to the next whole foot including all permanent and functional overhangs. For the purposes of determining the appropriate slip size, the overall length of vessel (LOA) shall mean the actual length of the vessel including all permanent and functional overhangs (in their expected stored position for those overhangs which are moveable). Modifications to vessels affecting the LOA of a vessel shall be reported to the Marine Bureau in writing within five (5) days of making the modification. Any modification which results in an increase or decrease of the LOA of a vessel in excess of or less than permitted size of vessel for slip will be grounds for cancellation of the slip permit.

S. Modification of Dock Structures:

No Permittee shall install in or upon, nail to, modify or make any additions or changes to the City dock structures in the Long Beach Marinas. Any materials or structures attached to or located on the dock will be removed and repairs made all at the Permittees sole cost and expense.

T. Use of Hydro Hoists:

The use of Hydro hoists supported/stabilized by attachment to the gangway or finger, or any apparatus supported/stabilized by attachment to the gangway or the finger capable of lifting a vessel from the water within the slips of the marinas is prohibited. Other non-stabilized/supported lifting apparatus must have prior approval from the Manager.

U. Cooking / Barbecuing:

Cooking or barbecuing on the dock is prohibited, however vessel mounted BBQs are permitted.

V. Address / Contact Information Changes

Permittees will notify the Marine Bureau office in writing of any change of address or, telephone number, or email address. The Bureau will not be responsible for lost or misdirected mail due to incorrect information.

W. Automatic Water Shut off Nozzles:

Permittees shall obtain an automatic shut off type nozzles for hoses used in connection with the dock side water supply.

X. Use of Boatowner Restrooms and Showers:

Only boat owners, their accompanied guests and authorized personnel are allowed in the boat owner rest rooms and showers. Boat owners may not provide or otherwise distribute boat owner restroom keys or access control fobs to guests, vendors, or others. Doing so may result in the boat owner's loss of access to these facilities.

Y. Use of On Board Toilet Facilities:

No person aboard a vessel in the Long Beach marina shall use the toilet facilities aboard such vessel, unless the vessel has an approved holding tank. The Manager may order that Permittees post notices and seal the toilet facilities and place dye tablets in holding tanks, or to supply proof as to how the holding tank is expelled.

Z. Fueling:

Fueling in the marina must be accomplished using a container manufactured and approved for fueling purposes.

AA. Use of Bottom Liners:

Use of Bottom Liners in the marina is prohibited.

BB. Unsightly Vessel Appearance:

Permittees shall maintain their vessels at an acceptable level of aesthetic condition, so not to detract from the overall sightly and orderly condition of the marina. Acceptable aesthetic condition will be determined by Marine Bureau staff, which include but are not limited to the following:

- Vessel exterior free from excessive clutter
- Vessel exterior paint is not overly worn
- Vessel exterior free from excessive use of temporary tarps or similar make shift covers, or protective measures.
- Vessel exterior free of mold and excessive bottom growth

V. **LAWS, ORDINANCES, RULES AND REGULATIONS ENFORCEABLE BY DESIGNATED CITY EMPLOYEES**

- A. It shall be the duty of those City employees listed in Section 16.08.340A of the Long Beach Municipal Code to enforce the following laws, ordinances, rules, and regulations.
1. California Harbors and Navigation Code Sections 300, 301, 305, 307, 308, 505.5, 522, 654.05(a), 654.05(b), 654.05(c), 654.05(d), 654.06(a), 654.06(b), 654.06(c), 655.2, 658(a), 658(b), 658(d), 658(e), 658.7, 674, 708(a), 761, 773.3, and 780.
 2. California Code of Regulation Title 13, Section 300.08(c), Title 14, Sections 700, 6550.5(d), 6555, 6565.5(a), 6565.5(b), 6565.5(c), 6565.7, 6565.7(a), 6565.7(b), 6565.8(a), 6565.8(b), 6565.8(c), 6566.3(c), 6566.3(d), 6569, 6572, 6573, 6574, 6575, 6600.1, 6615, 6629(b), 7003, 7008(c), 7008(d), 7009(c), 7009(d), 7504(a).
 3. California Vehicle Code Sections 5204.A, 9845, 9850, 9853.2, 9853.3, 9853.4, 9864, 9865, 9866, 9871, 9872, 9872.1, 12500, 21113(a), 21116(a), 21464(a), 21464(b), 22500(a), 22500(b), 22500(c), 22500(e), 22500(f), 22500(g), 22500(h), 22500(i), 22500(k), 22500.1, 22502.A, 22507.8, 22516, 22651, 38320(a), and 38320(b).
 4. Long Beach Municipal Code Sections 5.46.070, 5.46.090, 5.46.100, 5.46.110, 5.52.030, 5.52.050, 5.60.020, 5.66.020, 5.86.020, 5.86.130, 6.08.010, 6.16.090, 6.16.100, 6.16.110, 6.16.200, 8.60.120, 8.60.130, 9.20.050, 9.22.010, 9.25.010, 9.30.010, 9.30.020, 9.30.025, 9.30.040, 9.30.050, 9.36.020, 9.42.010, 9.42.100, 9.42.110, 9.52.020, 9.56.020, 9.56.030, 9.57.030, 9.58.010, 9.62.010, 9.64.020, 10.08.030, 10.08.100, 10.08.110 D., 10.22.020, 10.22.060 A.7, 10.22.110, 10.22.100 A., 10.22.120, 10.22.130, 10.22.140, 10.22.150, 10.24.010 B., 10.24.030, 10.24.050, 10.24.090, 10.24.130, 10.26.010, 10.26.020, 10.28.050, 10.28.060, 10.28.070, 10.28.080, 10.28.090, 10.30.020, 10.30.060 to 10.30.110 inclusive, 10.30.120 A., 10.30.120 B., 10.30.121, 10.30.123, 10.34.020, 10.34.030, 10.38.020, 10.38.100, 10.40.010 B., 10.48.030, 10.48.070 A., 10.48.070 B., 10.52.030, 10.54.030, 10.58.040, 10.64.030, 14.04.010, 14.04.020, 16.04.020, 16.04.030 A., 16.04.040, 16.04.050, 16.04.100, 16.08.350 to 16.08.640 inclusive, 16.08.650 A., 16.08.650 B., 16.08.670 A., 16.08.670 B., 16.08.670 C., 16.08.680, 16.08.690, 16.08.700, 16.08.710, 16.08.720, 16.08.750, 16.08.760, 16.08.790, 16.08.800, 16.08.810, 16.08.830, 16.08.900, 16.08.940, 16.08.950, 16.12.120 to 16.12.300 inclusive, 16.16.010, 16.16.020, 16.16.030 to 16.16.070 inclusive, 16.16.090 and 16.16.100.

5. California Penal Code Sections 148, 314, 374, 409.5, 415, 417, 428, 484, 488, 499(b), 537(e), 594, 602, and 647.
 6. California Code of Federal Regulations, Title 33, Part 81, Rule 2; Part 81, Rule 5; Part 81, Rule 6; Part 81, Rule 12; Part 81, Rule 13; Part 81, Rule 14; Part 81, Rule 15; Part 81, Rule 20; Part 81, Rule 27; Part 81, Rule 30; Part 81, Rule 33; Part 81, Rule 34; Part 81, Rule 35; Part 87, Annex IV, Section 87.3; and Part 88, Annex V, Section 88.05.
- B. It shall be the duty of those Marine Bureau employees holding or temporarily performing the duties of the classified non-career positions of Security Officer I and Marine Aide to enforce the following laws and ordinances:
1. California Vehicle Code Section 21113(a).
 2. Long Beach Municipal Code Sections 10.30.020, 10.30.060, 10.30.070, 10.30.080, 10.30.090, 10.30.100, 10.30.110, 10.30.120 A., 10.30.120 B., and 16.16.100.
- C. In enforcing the laws, ordinances, rules and regulations enumerated in Section A above, those City employees listed in Section 16.08.340A. of the Long Beach Municipal Code shall have the authority:
1. To board and inspect a vessel within the water areas within the limits of the City of Long Beach for compliance with federal, state, and local safety laws, rules and/or regulations; and
 2. To order the operator of any unsafe vessel to remove such vessel to shore or to a safe moorage or anchorage under the conditions set forth in Title 14 of the California Code of Regulations.

ATTACHMENT

LONG BEACH MARINA

RULES AND REGULATIONS

LONG BEACH PARKS, RECREATION & MARINE

MARINE BUREAU

I. AUTHORITY

These **rules and** regulations ("Marina Regulations") are adopted pursuant to the provisions of Section 16.08.970 of the Long Beach Municipal Code in order to implement, make specific, and otherwise carry out the policy of maintaining the Long Beach marinas in a sanitary, sightly, and orderly condition and of preserving the public health, safety, peace, welfare, and convenience in the use thereof.

II. APPLICATION AND SCOPE

These Marina Regulations shall apply to the berthing of vessels and other activities and operations within the Long Beach marinas which include the Long Beach Marina Area [as defined in Section 16.08.110 of the Long Beach Municipal Code], the Marina Basins [as defined in Section 16.08.130 of the Long Beach Municipal Code], the Shoreline Marina [as defined in Section 16.08.090 of the Long Beach Municipal Code], **Rainbow Harbor [as defined in Section 16.08.223 of the Long Beach Municipal Code]**, **the Rainbow Marina [as defined in Section 16.08.221 of the Long Beach Municipal Code]**, and other facilities, beaches and waterways under the jurisdiction of the City of Long Beach, excluding facilities and water areas within the Harbor District of the City of Long Beach. The Long Beach marinas are under the jurisdiction of the Marine Bureau of the Parks, Recreation and Marine Department, which shall operate and control the same.

III. MARINA SLIP PERMITS

Any permit issued by the Manager of the Marine Bureau ("Manager") for the use and occupancy of a slip within the Long Beach marinas shall include by reference the following provisions and conditions:

A. Cancellation:

1. By City: The Manager may cancel and terminate any permit upon five (5) days' written notice to the Permittee for Permittee's failure or refusal to comply with (i) provisions of the permit, including, without limitation, nonpayment of slip fees, (ii) any provision of Chapter 16.08 of the Long Beach Municipal Code, (iii) **these** Marina **Rules and** Regulations, or (iv) for Permittee's use of the Marina facilities which disturbs the peaceful use and occupancy or the public health, safety, peace, welfare and

convenience of the users of Marine facilities or the public. Notice shall be deemed served within twenty-four (24) hours of the time said notice is deposited in the United States Postal Service, if mailed by first-class or certified mail, postage prepaid, to Permittee's address as designated on the permit. The notice shall specify the applicable provision of the permit, Municipal Code, Marina Regulations, or Marine Bureau policies with which Permittee has failed or refused to comply, the date and time on or before which Permittee is to vacate the slip, and the cancellation date. Permittee shall be liable for all slip fees accruing prior to the date of cancellation.

2. By Permittee: If the Permittee wishes to cancel a permit, Permittee must deliver a written notice of cancellation to the Marine Bureau addressed to either: Long Beach Marine Bureau, Alamitos Bay Marina, 205 Marina Drive, Long Beach, California 90803; Long Beach Marine Bureau, LB Shoreline Marina, 450 East Shoreline Drive, Long Beach, California 90802; or Long Beach Marine Bureau, Rainbow Marina, 200B Aquarium Way, Long Beach, California 90802. Written notice of cancellation to the Marine Bureau may also be submitted via email, addressed to the marina supervisor, however emailed notices are only considered valid if accompanied by a reply email from the marina supervisor acknowledging the communication's receipt.

The written notice must be received on or before the fifth (5th) day of the calendar month in which the cancellation is to be effective and any such cancellation shall be effective only upon the last day of that calendar month. A permittee's cancellation notice which is mailed with a payment of fees shall not be effective for the purpose of cancellation of a permit. Such notices must be delivered to the Marine Bureau Office.

B. Removal of Vessel upon Cancellation of Permit:

If Permittee shall fail or refuse to remove his or her vessel from a slip or end tie on or before the date of cancellation of his or her permit thereof, the Manager may order and cause the vessel to be removed and stored at the Permittee's risk and expense and retake possession of the slip. A Permittee shall reimburse the City for costs incurred in moving and storing a vessel in accordance with the Parks, Recreation and Marine/Marine Bureau, Fees, Rates and Charges. Neither the City nor any of its officers or employees shall be liable and a Permittee waives all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel pursuant to this provision.

C. Reassignment of Slips:

The Manager shall have the right to temporarily or permanently reassign slip spaces and to move or cause to be moved any vessel so reassigned. A Permittee, by applying for and accepting the use of a slip, a mooring, or other berthing facility shall be deemed to have consented to the reassignment and movement of his or her vessel to another slip, mooring, or other berthing facility (i) for the proper operation, maintenance, and repair of the Long Beach marinas, (ii) for the convenience of the City, (iii) for a special event, such as a boat show, (iv) in case of an emergency or (v) for the general betterment of the marina. Permittee further consents to the movement of his or her vessel by City personnel if, after notice to move his or her vessel is given by the Manager, Permittee fails to comply with any such notice. A Permittee shall reimburse the City for costs incurred in relocating and moving his or her vessel to another slip, mooring or other berthing facility in accordance with the Parks, Recreation and Marine/Marine Bureau, Fees, Rates and Charges. Neither the City nor any of its officers or employees shall be liable and a Permittee waives

all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel.

D. Effective Date of Slip Assignments and Cancellations:

Slip assignments are effective at noon on the first day of the month. Cancellations of permits are effective at noon on the last day of the month. Transfer of vessels from one slip to another shall be made at noon on the first day of the month or other date as directed by the Marine Bureau.

E. Non Transferability of Permit:

A Permittee shall not give, sell, ~~sublease~~, assign, or transfer, or attempt to give, sell, ~~sublease~~, assign, or transfer, whether voluntarily or involuntarily, the use of a designated slip, mooring, or other berthing facility, the permit therefor or any interest therein. Any agreement, whether oral or in writing, between Permittee and any other person, firm, or entity made in connection (i) with the use of a designated slip, mooring, or other berthing facility by a person other than the Permittee, (ii) with the use of a designated slip, mooring, or other berthing facility by a vessel other than one owned by the Permittee, (iii) with the transfer or ownership of or an interest in a vessel, or (iv) with a transfer of an interest in a corporation or partnership (general or limited) or joint venture owning a vessel, by which agreement Permittee attempts to give, sell, ~~sublease~~, assign, or otherwise transfer the permit, an interest therein, or the right to use the designated slip shall be void and shall constitute grounds for cancellation of the permit.

In the event of the death of the Permittee, the permit may be transferred to the surviving spouse or legally recognized domestic partner, upon transfer of title to the vessel to such person within a reasonable time one hundred twenty (120) days after the Permittee's death. Failure to comply within the time frame shall result in the cancellation of the slip permit.

F. Subleasing of Permit:

A Permittee may request to sublease the use of their designated slip, mooring, or other berthing facility. Such sublease requests may be no shorter than one (1) month and may not exceed twelve (12) months. Any such sublease request must be administered through the Marine Bureau office. The prospective sub-lessee is subject to various administrative requirements, including but not limited to: providing evidence of ownership, insurance coverage in limits as required by the City; applicable fees; and inspection of vessel. Permittee may not sublet at a rate in excess of the rate charged to the permittee by the City. Sub-leased vessels must not exceed the City's overall length requirements associated with the slip. Sub-leases are subject to all the Marina Rules and Regulations. Payment of vessel slip charges and other responsibilities associated with the slip, remain with the Permittee during the course of any sub-lease.

G. Sale of Permittee's Vessel:

A Permittee may retain his or her designated slip for a period of thirty (30) days after transferring title to or agreeing to sell his or her vessel provided:

1. Permittee shall notify the Marine Bureau in writing within five (5) days of the date Permittee enters into an agreement for the sale of the vessel and his or her intent to acquire another vessel of the appropriate length for occupancy of the slip.

2. Permittee shall pay slip fees equal to the amount specified in his or her permit for the vessel sold pending the acquisition of another vessel.

An extension of an additional period, [but not to exceed ninety (90) days] may be granted by the Manager upon submission by Permittee the proof of a contract to purchase or construct another vessel. If Permittee does not acquire and accept delivery of another vessel of appropriate length for the assigned slip within the ninety (90) day period ~~or any extension thereof~~, the permit shall be cancelled by the Manager. ~~When Should~~ the last day of the initial ~~thirty (30) day~~ period ~~or any extension thereof~~ ~~fall is~~ on or ~~is~~ prior to the fifth (5th) day of a month, the date of cancellation shall be effective the last day of that month. If the last day of the initial thirty (30) day period ~~or any extension thereof~~ falls after the fifth (5th) day of the month, the cancellation shall be deemed effective on the last day of the following month. Permittee shall remain liable to the City for all slip fees accruing prior to the date of cancellation.

Permittee shall notify the Marine Bureau in writing within five (5) days of any change of ownership in his or her vessel resulting from a gift, sale, lease, withdrawal, addition, or substitution of partners, the sale or transfer of stock in a closely held corporate owner of the vessel or a change of officers or directors of a closely held corporation owning the vessel.

GH. **Partnership/Corporations:**

No permit will be issued in the name of a partnership (general or limited), corporation, joint venture or other legal entity. A slip permit for a vessel which is registered, documented or owned by a partnership (general or limited), corporation, joint venture or other legal entity will be issued only to a natural person whose name appears on the marina waiting list and whose interest in the vessel (whether by virtue of an interest in the partnership, ownership of stock of a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates. An applicant for a slip permit at a Long Beach marina for a vessel which is owned by a partnership (general or limited), a corporation, joint venture, or other legal entity shall submit for approval by the Manager, a fully executed ~~Marine Bureau Statement of Ownership Percentage of Ownership Statement~~. Any gift, sale, assignment or transfer of (i) the applicant's interest in the vessel (ii) his or her interest in the partnership, corporation or other legal entity by which the named Permittee transfers or attempts to transfer the right to use the assigned slip to another person or persons, (including remaining partners and/or stockholders) or to another partnership, corporation or other legal entity shall be void and shall constitute grounds for cancellation of the permit. The only exception to this rule relates to original partnerships. Original partners, for the purpose of this clause, shall be defined as those individuals who have a minimum twenty-five percent (25%) ownership interest in the berthed vessel, at the time the slip permit is originally executed, and who are listed in the fully executed Partnership and Percentage of Ownership Statement document, as listed herein. When a partnership applies for a permit, one partner must be designated as the Permittee for legal purposes. Upon execution of the permit, a list of partners will be incorporated with the permit. Under this exception, the permit may be transferred to any of the original partners, if requested by the existing Permittee, and with appropriate notification and permit changes through the Marine Bureau. The remaining original partner(s) may enter into new partnerships, but the seniority relating to the existing slip will only vest with the original partners of the vessel at the inception of the permit. If there are no initial original partners, the permit will become void. Existing partnerships will not be grandfathered, and must contact Marine Bureau to incorporate a partnership list for purposes of this exception, and rights to the slip will revert back to effective date of the adoption of this rule or the incorporation of the partnership

~~list, whichever is later.~~ Notwithstanding the form of ownership of the vessel, the permit to berth the same at a Long Beach marina shall not be transferable under any circumstances, except as allowed herein. If a Permittee fails or refuses to notify the Manager of a change to any of the information contained in the Marine Bureau Statement of Ownership Partnership and Percentage of Ownership Statement within five (5) days from the date of any such change, such failure or refusal shall also constitute grounds for cancellation of the permit.

HI. Vessels as Place of Abode:

All persons desiring to live aboard vessels berthed or moored within the water areas of the City of Long Beach (excluding the water areas within the Harbor District) shall obtain a live aboard permit from the Manager. A Person shall be deemed to be living aboard a vessel if he or she occupies the vessel and engages in those usual and customary activities associated with a person's residence abode, such as sleeping, preparation of meals, etc., for any period in excess of twelve (12) days in a calendar month. The Manager may require valid proof of residency if there is a suspicion of illegal live aboard activity. The Manager may cancel any permit issued by the Marine Bureau if any person lives aboard a vessel without obtaining a permit therefore. Such permits shall be subject to the following conditions and limitations:

1. Live aboard status will only be granted if the Permittee lives aboard. All other occupants must register to live aboard.
2. Within the water areas within the limits of the City of Long Beach (excluding the Harbor District), the number of live aboard permits for each gangway shall be determined by the Manager.
3. The Permittee must be able to provide his or her own source of energy for cooking, space heating, refrigeration and lighting.
4. The overall length of the vessel for which permission to live aboard is sought must be over thirty (30) feet.
5. Regardless of the length of occupancy, no person living aboard a vessel shall use the toilet facilities aboard such vessel, unless the vessel has an approved holding tank. The Manager may order that Permittees, granted live aboard privileges, to seal the toilet facilities and place dye tablets in holding tanks and/or to contract with a mobile pumpout service.
6. The Manager or his or her designee shall have the right to make periodic inspections of the vessel to determine compliance with these conditions and the seaworthiness and sanitary conditions of the vessel. By reserving the right to make inspections, the City does not assume, nor shall that right be construed to impose, any liability for claims for damages to persons or property resulting from a failure to make any such inspections. In addition, should the City identify vessel repairs or other measures necessary to maintain the health and safety of the marina, the Permittee shall have ninety (90) days to correct. Failure or refusal to do so shall constitute grounds for permit cancellation.
7. Any Permittee granted permission to use a vessel as a place of abode, and is subsequently granted leave of absence status (as defined in Paragraphs Sections I, J and/or K) shall be placed at the top of the live aboard waiting list when they request to return.

8. The prohibition against living aboard a vessel except pursuant to a permit issued by the Manager shall not apply to privately owned and operated marinas unless such marinas are situated upon granted tidal or submerged lands.
9. Persons granted live aboard status must utilize the privilege throughout the year. If not so used, the privilege may be revoked by the Manager.
10. Live aboard status will be granted only to a current Permittee. No person or animal is allowed to live aboard unless the Permittee is also living aboard the vessel under a valid live aboard permit.
11. Live aboard status is granted only for the slip assigned to the Permittee at the time of the grant. Live aboard status will not be transferred to another slip location unless approved by the Manager. Prior to transferring to another slip location or marina the Permittee shall be required to provide proof of residency, such proof shall include but not be limited to a copy of a rental agreement, property deed and utility bill. Post office boxes shall not be acceptable proof of residence outside the vessel.

II. Absence from Slips for Periods of Less than Twelve (12) Months:

A Permittee's vessel may be absent from its assigned slip for a period up to twelve (12) consecutive months without having to request a leave of absence; provided, however, that the Permittee shall have used and occupied the assigned slip with the vessel under permit for the preceding six (6) month period. In the event of non-use of a slip for any reason for a period in excess of a total of twelve (12) months within any twenty-four (24) month period, and the Permittee fails to request and obtain leave of absence status, the Manager may cancel their permit. Any Permittee whose slip permit is so cancelled shall be required to reapply for a permit and will be placed on a slip waiting list upon payment of a marina waiting list administrative fee (as provided in Fees, Rates, and Charges). All slip fees and live aboard fees, if applicable, shall be paid when due during any absence.

JK. Absence from Slips for Periods in Excess of Twelve (12) Months:

A Permittee who intends to be away from the marina in which his or her slip is located for any reason for a period in excess of twelve (12) months shall be entitled to leave of absence status on the following conditions:

1. To be eligible for leave of absence status, the Permittee must have owned the vessel under permit and used and occupied a slip space within the marina continuously for a period of twelve (12) months prior to requesting a leave of absence.
2. A Permittee may request leave of absence in six (6) month increments.
3. Permittee must provide current DMV Vessel registration/USCG Documentation and valid insurance on their vessel on an annual basis.
4. The Permittee shall pay to the Marine Bureau an administrative fee as provided in Fees, Rates, and Charges, for each six (6) month period for which leave of absence status is requested and granted. The fee shall be paid in advance of the commencement date of leave of absence status for the period requested. Permittee shall be solely responsible for payment of the fee in advance in the event he or she elects to extend the leave of absence status for additional periods. No

portion of the administrative fee paid shall be refundable if the Permittee requests a slip prior to the expiration of the leave of absence period. Failure to pay the fee when due shall result in a termination of leave of absence status and removal of Permittee's name from the Leave of Absence list.

5. Upon request for and grant of leave of absence status, the Permittee's slip permit shall be cancelled effective as of the commencement date of the leave of absence status. Permittee's name shall be placed on the Leave of Absence List maintained by the Marine Bureau. Prior to expiration of leave of absence status or upon earlier return to the Long Beach marinas and receipt by the Marine Bureau of a written request for a slip space in the marina, the former Permittee shall be entitled to the next available slip space based on the former Permittee's original waiting list date, the size of slip requested, liveaboard status, if applicable, and the date of receipt of the written request for a slip space. In the event a waiting list exists at that time, the former permittee shall be placed on that waiting list, in the fourth (4th) highest priority for the size of slip requested – regardless of the former Permittee's date exceeding others on the waitlist. The Marine Bureau shall not be required to make a slip available pending the availability and assignment of a slip in accordance with the provisions of this paragraph.
6. Any person granted leave of absence status shall be solely responsible for notifying the Marine Bureau of his or her current mailing address and telephone number and any changes thereof. The Marine Bureau shall not be required to confirm any information so provided nor to contact the former Permittee for any reason while he or she is on leave of absence status.
7. Upon notification by the Marine Bureau of the availability of a slip of the size requested, the former Permittee on leave of absence status, to be eligible thereof, must own a vessel of the appropriate size and accept the first slip offered. If the offered slip is not accepted within seven (7) days from the date of notification of availability by execution of a permit thereof, the former Permittee's name shall be removed from the Leave of Absence List. If the former Permittee desires a slip within the Long Beach marinas, he they may reapply for a slip and will be placed on a slip waiting list upon payment of a marina waiting list administrative fee (as provided in Fees, Rates, and Charges, Section O.).

KL. Change of Slip Fee Rates/Deposits:

Within thirty (30) days after notice from the Marine Bureau of the effective date of a change of slip rate fees as adopted by the Long Beach City Council, a Permittee shall deposit with the Marine Bureau such additional sums as may be required to maintain the amount deposited with the Marine Bureau equal to one month's slip fee.

LM. Deposits:

Any sum deposited with the Marine Bureau pursuant to a permit issued by the Manager shall be deemed a security deposit for the performance by a Permittee of the provisions of the permit. The security deposit, or any portion of it, may be used to cure a default or to compensate the City of Long Beach for all damage sustained by the City resulting from a Permittee's default and/or damage to City property such as dock boxes, fascia boards, utility pedestals, etc. Security deposit cannot be used for the last month's slip fees. Permittee shall immediately on demand pay to the Marine Bureau a sum equal to the portion of the

security deposit expended or applied. The City's obligation with respect to the security deposit is those of a debtor and not a trustee. The City shall not be required to pay interest on a security deposit.

MN. **Commercial Use of Slips:**

No slip or dock structure within the Long Beach marinas shall be used for commercial purposes unless the slip has been designated by the Manager as a commercial float. "Commercial purposes" shall include, but not be limited to, any activity involving the use of a Permittee's vessel by the Permittee or any other person, firm, or entity for which use the Permittee receives cash, credit, or any other form of valuable consideration.

NO. **Taxes:**

In the event that the Los Angeles County Tax Assessor determines that any permit issued by the Manager for berthing or mooring of vessels creates a possessory interest subject to property taxes, the Permittee shall pay any such tax prior to delinquency. The situs, for personal property tax purposes, of any vessel under permit shall be the marina in the City of Long Beach for which a permit is issued.

OP. **Waiver of Claims:**

Neither the City of Long Beach nor any of its officers, employees, or contractors shall be liable to a Permittee for any damage to person or property resulting from oil operations conducted on Oil Island Grissom. All vessels and property belonging to a Permittee located at a Long Beach marina shall be there at the risk of Permittee and neither the City of Long Beach nor its officers or employees shall be liable for damage thereto not theft or misappropriation thereof.

PQ. **Temporary Slip Permit:**

In addition to the powers vested in the Manager under Section 16.08.950 of the Long Beach Municipal Code, the Manager may issue temporary slip permits for assigned but vacant slips or end ties and for unassigned slips or end ties upon such terms and conditions as may be required for the efficient operation of the Long Beach marinas.

QR. **Ownership of Vessels:**

No permit, or temporary slip permit, for a slip within the Long Beach marinas shall be issued unless the applicant therefore shall establish to the satisfaction of the Manager that the applicant is the owner of a vessel which is to be berthed at the slip. Evidence of ownership shall be in the form of a certificate issued by the California Department of Motor Vehicles showing the applicant as the legal and registered or registered owner or ship's documents issued by the U.S. Department of Transportation showing applicant's interest in the vessel. Applicant must have the exclusive right of possession and beneficial use and enjoyment of the vessel.

At the request of the Marine Bureau, an applicant shall submit such documentation as the Marine Bureau may require to determine the nature and extent of the applicant's interest in the vessel. In addition, the applicant shall declare under penalty of perjury that the facts, documents, and other information submitted to establish ownership of a vessel are true and correct and reaffirm such declarations from time to time at the request of the Marine Bureau.

RS. Visiting Vessels:

Visiting vessels will be issued end tie slip or guest slip permits for a maximum period of fifteen (15) days per month. No extensions will be granted nor shall a visiting vessel be entitled to an assignment to a different slip within Long Beach marinas, unless authorized by the Manager. Visiting vessels must supply current registration or documentation and the required insurance prior- to being issued a guest slip or end tie slip. The Manager Based on for health and safety reasons and under the provisions listed in Section I the Manager may refuse to allow use of berthing facilities within the Long Beach marinas.

ST. Recreational Vessel Insurance, Long Beach Marina:

The City of Long Beach Marine Bureau requires that recreational vessels in the marinas hold Liability insurance with limits of at least \$100,000 \$300,000 (Vessels operating under commercial slip permits are subject to additional insurance coverage requirements, typically at higher coverage levels, as determined by the City based on the specific business operations of the commercial operator. The City, its officials, employees, and volunteers shall be carried as insured under said liability insurance with respect to activities of Permittee (boat owner), and each policy shall be endorsed to state that coverage shall not be cancelled except after prior written notice has been given to the City.

IV. GENERAL REGULATIONS

The following regulations shall apply to the use of the water areas and the facilities and improvements situated within the Long Beach marinas:

A. Damage

Permittee shall be responsible for the costs associated with any damages to dock boxes, power pedestals, and other features associated with the immediate slip assigned to them, beyond damage determined to be related with expected and normal wear and tear.

AB. Storage on Docks and Fingers:

Nothing shall be stored on the docks and fingers except in locker boxes provided at each slip. Storage in each locker box shall not exceed two hundred (200) pounds.

BC. Steps:

Any steps used for ingress to and egress from a vessel shall not be wider than one-half of the width of the finger to which the vessel is moored of a width that impedes the safe use of the entire length of the finger on which it is placed, by neighboring boaters and others. The steps must be of lightweight construction and not used as a storage locker. Any steps wider than one-half (1/2) of the width of the finger on which they are used must be stored aboard the vessel, and may not be left unattended.

CD. Dinghy or Yacht Tender:

1. The marina overhang length (beyond the length of the slip finger) is 4'11". The Marine Bureau Manager or his designee may approve exceptions, such as if it is within an area or basin controlled by a yacht club

21. A dinghy/tender is normally less than ten feet in length, and is designed to provide basic transportation for its owner, guests and supplies between vessels or to the shore, dock or other approved temporary mooring areas. The dinghy must be in good operating condition. There is no problem with the dinghy's length or beam as long as it is stored on board the primary vessel. If the dinghy is kept in the water, it must fit within the width of the slip and within the current slip overhang policy.
32. Vessels longer than 10 feet (10') in length – If the dinghy/tender cannot be stored on the primary vessel or within the assigned space of the slip (width or length with overhang), it does not meet the requirements of a dinghy/tender. It then must be moored as an auxiliary vessel, on a space available basis, with additional monthly charges associated with such an auxiliary mooring.
43. Floats – Only an encased (plastic or fiberglass) float will be allowed. It must meet the current environmental standards and must have prior written approval of the Marine Bureau. The only authorized use of the float is to support a dinghy/tender. The float and its dinghy tender must fit within the assigned slip width and authorized slip length, including overhang. Floats may not be used for the storage of items.
- ~~5. Slips are to be used for primary vessels and its dinghy/tender only. Two or more vessels are not authorized or allowed.~~
- ~~6. Undersizing (permitting a vessel of less length than the slip) is only allowed to accommodate the beam of a vessel, or in with the approval of the Manager. Undersizing is generally not authorized to allow a dinghy/tender to be within the approved overhang space assigned to the slip.~~
74. Dinghy/tender shall not be used for storage. No dinghy or yacht tender shall be placed in such a manner so as to obstruct free passage along the finger.

DE. Nothing Attached to Docks (Fenders, Dock Wheels, etc.) and Telephone Lines:

No Permittee shall install or attach any materials to the docks, fingers or gangways, including but not limited to: fender material, dock wheels, or carpet. Costs associated with the removal of any such attached items and restoring the dock to its condition prior to the installation will be assignable to the Permittee. ~~or telephone lines on fingers or gangways. Additional fenders of materials as now installed, approved dock wheels or telephone line may be purchased by the Permittee provided that Parks, Recreation and Marine employees only shall install such fenders, dock wheels or telephone lines. Upon installation, title to said fender, dock wheels or telephone lines shall vest in the City of Long Beach.~~

EF. Pets-Dogs:

~~Dogs or other All pets~~ must be kept on leash (no more than six feet) in all public areas in the marinas. Permittees and their guests are required to closely supervise their animals on these premises, and particularly on the ramps, docks and fingers, and pick up the waste in the interests of public safety and sanitation. Pets may not be left unattended and tied to dock boxes, cleats, etc. All pets are prohibited in the boat owner and public rest rooms and showers. Service animals must be listed on the slip permit, and Permittees must comply with all State and local requirements for such animals.

FG. **Swimming:**

Swimming is not permitted in any of the Long Beach marinas.

GH. **Fishing:**

No person shall fish from the walls, docks, or fingers of the Long Beach marinas. Fishing is permitted only from fishing piers or vessels berthed at slips.

HI. **Vessel Maintenance:**

Major repair or reconstruction work shall not be performed in or at any marina slip or in Alamitos Bay or other water areas within the limits of the City of Long Beach. Except for emergency repairs to keep a vessel afloat, no repair or other work on a vessel shall be performed before 8 a.m. nor after sunset. Permittees shall not place or permit others performing repairs or other work on a vessel to place tools or equipment in a manner so as to obstruct access to fingers or docks. Permittees may use portions of the docks or fingers for minor rigging and maintenance for short periods of time; provided, however, such space must be kept in a neat, clean, and orderly condition and a drop cloth and boat bath are used during maintenance periods. No material of any type resulting from maintenance work shall be allowed to become airborne, or enter the waters of the Long Beach marinas. (This includes but is not limited to sanding of paint and fiberglass and spray painting.) All vessel maintenance service providers conducting business activities in Long Beach marinas must first secure approval from the Marine Bureau as an authorized vendor, subject to all the expectations and requirements established by the Marine Bureau for such activities.

IJ. **Small Children on Docks:**

Children under ten fourteen (14) years are not permitted on the docks and fingers without the immediate presence of their parents or other responsible adults.

JK. **Visitors:**

Visitors, unless accompanied by a Permittee shall not be permitted on the docks after sunset. During any time of day, the Marine Bureau may restrict the overall number of visitors/guests allowed within the marinas and/or the overall number allowed on docks, gangways, and fingers of the marinas or on vessels within the marinas in connection with individual Permittees at any given time, including restrictions developed as crowd control measures during specific dates and/or special events such as the Long Beach Grand Prix Weekend and the Fourth of July holiday.

KL. **Signs:**

No person shall place, erect, or maintain any sign, display, or notice on any property (including water areas), structure, or improvement within the Long Beach marinas owned, operated, or controlled by the City without the prior written consent of the Manager. Any such sign, display, or notice may be removed or caused to be removed by the Manager at the expense of the person placing, erecting, or maintaining the same. A Permittee may place one (1) sign on the exterior of a vessel under permit advertising the sale or offering for sale or said vessel; provided, however, the size of any such sign shall not exceed twenty-four inches (24") by eighteen inches (18") and the lettering thereon shall not exceed eight inches (8") in height; provided, further that the sign shall be professionally made, and be properly maintained. The Manager may direct the removal of any nonconforming or unauthorized sign, display, or notice. In the

event the Permittee refuses to remove the sign, display, or notice as directed, such refusal shall constitute grounds for cancellation of the slip permit.

LM. **Bicycles and Motorcycles:**

No person shall roller skate, skateboard, ride bicycles or motorcycles on the docks and gangways within the Long Beach marinas, with the exception of City of Long Beach employees in the normal course of their duties.

MN. **Parking Lots:**

Boat owner parking is for passenger vehicles that do not transport persons for hire. This includes station wagons, sedans, vans, and sport utility vehicles. Parking passes shall be provided to boat owners within the guidelines/policies set by the Marine Bureau as required by availability at each marina. Under no circumstances shall the parking lots be utilized for long term storage of a Permittee's vehicle. Current vehicle registration is required prior to issuance of a boat owner parking pass.

1. No person shall discharge waste material from, store materials in, or sleep or cook in a house trailer, boat trailer, camper, or other vehicle while such vehicle is in a parking space within the parking lots or facilities adjacent to the Long Beach marinas.
2. No vehicle or apparatus capable of being registered as a vehicle or trailer shall block the parking lanes in the Long Beach marinas.
3. No vehicle in excess of twenty-one (21) feet in overall length may occupy any parking space within the parking lots adjacent to the Shoreline Marina or in the parking lot adjacent to Basin 4 in the Alamitos Bay Marina without the permission of the Manager or his designee. No vehicle in excess of twenty-four (24) feet in overall length may occupy any parking space within the parking lots adjacent to Alamitos Bay Marina, with the exception of Basin 4 described herein. Vehicles must be parked in a manner not to protrude past the parking stall lines, or to impede the flow of traffic.
4. No person shall remain, stay, or loiter in any marina parking lot between the hours of sunset and 5 a.m.
5. To facilitate the sweeping and cleaning of the marina parking lots, certain sections may be posted with restricted parking times. Failure to observe the posted restrictions will result in the issuance of parking citations.
6. Permittees may not construct or reconstruct or cause to be constructed or reconstructed, repair or cause to be repaired, to grease or cause to be greased, or perform any type of maintenance, on any vehicle or vessel or any part thereof within the parking lots of the marinas. However, temporary minor repairs in case of emergency may be made within the parking lots to enable the vehicle to be moved to a proper place for mechanical work.
7. The parking of Recreational Vehicles (R.V.s) and vehicles of extended length will be limited to designated areas within the Alamitos Bay Marina. Vehicles will be required to obtain a parking permit from the Manager. All recreational vehicles in the designated area must be moved the first and third Thursday of each month for street sweeping.

87. The washing of any vehicle, vessel, trailer or apparatus capable of being registered as a vehicle or trailer is prohibited in the parking lots of the Long Beach marinas. This includes commercial vehicle detailing.
98. Waste Oil Tanks - No person shall place any substance in waste oil tanks other than waste motor oil.
109. ~~Trailers, unattached trailers, d~~ Dilapidated vehicles, and inoperable vehicles are not allowed in the marina parking lots. A vehicle must have current registration. Failure to remove a ~~trailer or~~ prohibited vehicle will result in the impound of the ~~trailer or~~ vehicle at a cost to the owner. ~~No long term storage of vehicles are allowed in the marina.~~
10. ~~All vehicles must be moved every seventy-two (72) hours per Long Beach Municipal Code 10.30.070. Permittees requesting extended parking, due to trips beyond the seventy-two (72) hour requirement, may inquire with the Marina office for potential extended parking accommodations, understanding such requests are subject to review and administrative approval.~~
11. ~~The following is a list of vehicles which are not allowed in the marina parking lots without a specialized permit issued by the Marine Bureau; such vehicles will not be issued boat owner parking passes:~~
- ~~A "bus" - a vehicle, including a trailer bus, designed, used or maintained for carrying more than 15 persons including the driver, for hire, or for carrying more than 10 persons, including the driver, by any non-profit organization (CVC 233).~~
 - ~~A "camper" - structure designed to be mounted to a vehicle which is designed for human habitation or camping (CVC 243).~~
 - ~~A "camper trailer" - vehicle under 16 feet in length designed to be used on a highway capable of human habitation for camping or recreational purposes (CVC 242).~~
 - ~~A "fifth wheel" - vehicle designed for recreational purposes to carry persons or property on its own structure and so constructed as to be drawn by a motor vehicle by means of a kingpin connecting device (CVC 432).~~
 - ~~A "housecar" - motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached (CVC 362).~~
 - ~~A "motorhome" - vehicle designed to provide temporary living quarters, built as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van.~~
 - ~~A "trailer bus" - motor truck or track tractor pulling a trailer or semitrailer designed, used, or maintained for the transportation of more than 1- persons, including the driver (CVC 636).~~
 - ~~A "trailer coach" - vehicle, other than a motor vehicle, designed for human habitation or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle. Includes "park" trailer (CVC 635).~~
 - ~~A "boat trailer" - a trailer designed to launch, carry, retrieve or store a vessel.~~

NO. **Movement of Vessels:**

Movement of vessels within the Long Beach marinas shall be for the purpose of entering or leaving a slip only.

OP. **Unseaworthy Vessels:**

Permittees shall, upon request, demonstrate or allow inspection by Marine Bureau employees of vessels under permit for seaworthiness. Seaworthiness will be determined by, but not limited to the following:

- Vessel shall operate under its own power.
- Vessel shall have an operable electrical system.
- Vessel shall not be in a state of deterioration.
- Vessel shall be water tight (minimal amount of water in bilge.)
- Vessel shall be navigable.

Any vessel determined to be unseaworthy shall be posted with a notice to repair or remove from the slip space. A copy of said notice shall be mailed to the slip Permittee. If the Permittee fails or refuses to repair or remove the vessel within 30 days of the posting and mailing of notice to the Permittee, the Manager may cancel the slip permit and move or cause to be removed and impounded such vessel at the Permittee's expense.

PQ. **Leaving and Entering Marina:**

Vessels entering and leaving the marina will abide by all rules of navigation and posted speed limits.

Q. **No Sailing or Cruising within Shoreline Marina:**

~~The Shoreline Marina shall be entered only for the purpose of berthing vessels and for embarking and disembarking passengers from marina slips.~~

R. Length of Vessels:

For the purpose of determining ~~the appropriate slip size monthly slip charges assigned~~ under these regulations, the overall length of vessels (LOA) shall mean the length of the vessel rounded upward to the next whole foot including all permanent and functional overhangs. ~~For the purposes of determining the appropriate slip size, the overall length of vessel (LOA) shall mean the actual length of the vessel including all permanent and functional overhangs (in their expected stored position for those overhangs which are moveable).~~ Modifications to vessels affecting the LOA of a vessel shall be reported to the Marine Bureau in writing within five (5) days of making the modification. Any modification which results in an increase or decrease of the LOA of a vessel in excess of or less than permitted size of vessel for slip will be grounds for cancellation of the slip permit.

S. Modification of Dock Structures:

No Permittee shall install in or upon, nail to, modify or make any additions or changes to the City dock structures in the Long Beach Marinas. Any materials or structures attached to or located on the dock will be removed and repairs made all at the Permittees sole cost and expense.

T. Use of Hydro Hoists:

The use of Hydro hoists supported/stabilized by attachment to the gangway or finger, or any apparatus supported/stabilized by attachment to the gangway or the finger capable of lifting a vessel from the water within the slips of the marinas is prohibited. Other non-stabilized/supported lifting apparatus must have prior approval from the Manager.

U. Cooking / Barbecuing:

Cooking or barbecuing on the dock is prohibited, however vessel mounted BBQs are permitted, unless the cooking unit is propane or gas powered and elevated a minimum of nine (9) inches from any dock structure or surface (dock boxes included). The use of charcoal BBQ is restricted to the vessel only.

V. Address / Contact Information Changes

Permittees will notify the Marine Bureau office in writing of any change of address ~~or~~, telephone number, or email address. The Bureau will not be responsible for lost or misdirected mail due to incorrect information.

W. Automatic Water Shut off Nozzles:

Permittees shall obtain an automatic shut off type nozzles for hoses used in connection with the dock side water supply.

X. Use of Boatowner Restrooms and Showers:

Only boat owners, their accompanied guests and authorized personnel are allowed in the boat owner rest rooms and showers. Boat owners may not provide or otherwise distribute boat owner restroom keys or access control fobs to guests, vendors, or others. Doing so may result in the boat owner's loss of access to these facilities.

Y. Use of On Board Toilet Facilities:

No person aboard a vessel in the Long Beach marina shall use the toilet facilities aboard such vessel, unless the vessel has an approved holding tank. The Manager may order that Permittees post notices and seal the toilet facilities and place dye tablets in holding tanks, or to supply proof as to how the holding tank is expelled.

Z. Fueling:

Fueling in the marina must be accomplished using a container manufactured and approved for fueling purposes, which is no larger than six (6) gallons.

AA. Use of Bottom Liners:

Use of Bottom Liners in the marina is prohibited. Permittees using bottom liners must maintain the bottom liner properly, ensuring that the inside and underside are kept clean, and must be used in compliance with all state and federal regulations. Failure to do so will be grounds for cancellation of the permit.

BB. Unsightly Vessel Appearance:

Permittees shall maintain their vessels at an acceptable level of aesthetic condition, so not to detract from the overall sightly and orderly condition of the marina. Acceptable aesthetic condition will be determined by Marine Bureau staff, which include but are not limited to the following:

- Vessel exterior free from excessive clutter
- Vessel exterior paint is not overly worn
- Vessel exterior free from excessive use of temporary tarps or similar make shift covers, or protective measures.
- Vessel exterior free of mold and excessive bottom growth

V. LAWS, ORDINANCES, RULES AND REGULATIONS ENFORCEABLE BY DESIGNATED CITY EMPLOYEES

- A. It shall be the duty of those City employees listed in Section 16.08.340A of the Long Beach Municipal Code to enforce the following laws, ordinances, rules, and regulations.
1. California Harbors and Navigation Code Sections 300, 301, 305, 307, 308, 505.5, 522, 654.05(a), 654.05(b), 654.05(c), 654.05(d), 654.06(a), 654.06(b), 654.06(c), 655.2, 658(a), 658(b), 658(d), 658(e), 658.7, 674, 708(a), 761, 773.3, and 780.
 2. California Code of Regulation Title 13, Section 300.08(c), Title 14, Sections 700, 6550.5(d), 6555, 6565.5(a), 6565.5(b), 6565.5(c), 6565.7, 6565.7(a), 6565.7(b), 6565.8(a), 6565.8(b), 6565.8(c), 6566.3(c), 6566.3(d), 6569, 6572, 6573, 6574, 6575, 6600.1, 6615, 6629(b), 7003, 7008(c), 7008(d), 7009(c), 7009(d), 7504(a).
 3. California Vehicle Code Sections 5204.A, 9845, 9850, 9853.2, 9853.3, 9853.4, 9864, 9865, 9866, 9871, 9872, 9872.1, 12500, 21113(a), 21116(a), 21464(a), 21464(b), 22500(a), 22500(b), 22500(c), 22500(e), 22500(f), 22500(g), 22500(h), 22500(i), 22500(k), 22500.1, 22502.A, 22507.8, 22516, 22651, 38320(a), and 38320(b).
 4. Long Beach Municipal Code Sections 5.46.070, 5.46.090, 5.46.100, 5.46.110, 5.52.030, 5.52.050, 5.60.020, 5.66.020, 5.86.020, 5.86.130, 6.08.010, 6.16.090, 6.16.100, 6.16.110, 6.16.200, 8.60.120, 8.60.130, 9.20.050, 9.22.010, 9.25.010, 9.30.010, 9.30.020, 9.30.025, 9.30.040, 9.30.050, 9.36.020, 9.42.010, 9.42.100, 9.42.110, 9.52.020, 9.56.020, 9.56.030, 9.57.030, 9.58.010, 9.62.010, 9.64.020, 10.08.030, 10.08.100, 10.08.110 D., 10.22.020, 10.22.060 A.7, 10.22.110, 10.22.100 A., 10.22.120, 10.22.130, 10.22.140, 10.22.150, 10.24.010 B., 10.24.030, 10.24.050, 10.24.090, 10.24.130, 10.26.010, 10.26.020, 10.28.050, 10.28.060, 10.28.070, 10.28.080, 10.28.090, 10.30.020, 10.30.060 to 10.30.110 inclusive, 10.30.120 A., 10.30.120 B., 10.30.121, 10.30.123, 10.34.020, 10.34.030, 10.38.020, 10.38.100, 10.40.010 B., 10.48.030, 10.48.070 A., 10.48.070 B., 10.52.030, 10.54.030, 10.58.040, 10.64.030, 14.04.010, 14.04.020, 16.04.020, 16.04.030 A., 16.04.040, 16.04.050, 16.04.100, 16.08.350 to 16.08.640 inclusive, 16.08.650 A., 16.08.650 B., 16.08.670 A., 16.08.670 B., 16.08.670 C., 16.08.680, 16.08.690, 16.08.700, 16.08.710, 16.08.720, 16.08.750, 16.08.760, 16.08.790, 16.08.800, 16.08.810, 16.08.830,

- 16.08.900, 16.08.940, 16.08.950, 16.12.120 to 16.12.300 inclusive, 16.16.010, 16.16.020, 16.16.030 to 16.16.070 inclusive, 16.16.090 and 16.16.100.
5. California Penal Code Sections 148, 314, 374, 409.5, 415, 417, 428, 484, 488, 499(b), 537(e), 594, 602, and 647.
 6. California Code of Federal Regulations, Title 33, Part 81, Rule 2; Part 81, Rule 5; Part 81, Rule 6; Part 81, Rule 12; Part 81, Rule 13; Park 81, Rule 14; Part 81, Rule 15; Part 81, Rule 20; Part 81, Rule 27; Part 81, Rule 30; Part 81, Rule 33; Part 81, Rule 34; Part 81, Rule 35; Part 87, Annex IV, Section 87.3; and Part 88, Annex V, Section 88.05.
- B. It shall be the duty of those Marine Bureau employees holding or temporarily performing the duties of the classified non-career positions of Security Officer I and Marine Aide to enforce the following laws and ordinances:
1. California Vehicle Code Section 21113(a).
 2. Long Beach Municipal Code Sections 10.30.020, 10.30.060, 10.30.070, 10.30.080, 10.30.090, 10.30.100, 10.30.110, 10.30.120 A., 10.30.120 B., and 16.16.100.
- C. In enforcing the laws, ordinances, rules and regulations enumerated in Section A above, those City employees listed in Section 16.08.340A. of the Long Beach Municipal Code shall have the authority:
1. To board and inspect a vessel within the water areas within the limits of the City of Long Beach for compliance with federal, state, and local safety laws, rules and/or regulations; and
 2. To order the operator of any unsafe vessel to remove such vessel to shore or to a safe moorage or anchorage under the conditions set forth in Title 14 of the California Code of Regulations.