



Berkeley Marina Berth Rental Application

Berth Assignment:

Seasonal ☐ Long Term ☐

What Brings You To Berkeley Marina?

REGISTERED OWNER				REGISTERED OWNER			
FIRST	MIDDLE	LAST NAME		CELL: ()			
ADDRESS	CITY	STATE	ZIP	EMAIL:			
Last 4 Digits SS#:				DRIVERS LICENSE/STATE ID NO.		EXP DATE	
SPOUSE OR CO-OWNER				LEGAL OWNER OR LIEN HOLDER (If any)			
FIRST	MIDDLE	LAST NAME		FIRST	MIDDLE	LAST NAME	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
PHONE: ()				PHONE:			
EMAIL:				EMAIL:			
PERSON TO CONTACT IN AN EMERGENCY							
NAME:		PHONE:		RELATION:			
Vessel Name: _____ CF No. or USCG Document No.: _____ Trailer Plate No. _____							
Make/Model _____ Hull ID No: _____ Year Built _____							
Vessel Type: (sail, trawler, skiff, etc.) _____ Hull Material (fiberglass, wood, alum, etc) _____							
Overall length of vessel (including bowsprit, outboard etc): _____ Beam: _____ Draft: _____ Color _____							
Do you plan on ever operating as a Charter Boat for Hire? YES ☐ NO ☐							
If you answered yes, please pick up a Charter Boat Permit Application from the marina office.							
New Customer Incentives: New Customer Incentives (Applies only to brand-new slip holders who have never held a slip at the Berkeley Marina, or who have not held a slip within the past 5 years.)							
• 2 Free Months: A one-time 100% discount on berth rent, applied after the first two months are paid on time and in full • \$250 Referral Credit: A \$250 fee credit issued to both the new slip holder signing up and the existing slip holder who provided the referral • \$75 Gift Card: A one-time \$75 gift card redeemable at any of the restaurants or waterfront businesses listed below.							
Have you been referred by a slipholder?							
Name:				Slip Number:			
If you are a new customer, select one of the following waterfront businesses from which to receive a \$75 giftcard							
Berkeley Boathouse Restaurant	Berkeley Marine Center		Berkeley Racing Canoe Club		Berkeley Sportsman's Center		
Berkeley Yacht Club	Cal Adventures		Cal Sailing Club		Hana Japan Restaurant		
Modern Sailing	Roaming Bean Coffee		Skate's On The Bay Restaurant				
201 University Avenue, Berkeley, CA 94710 Tel: 510.981.6740 TDD: 510.981-6903 Fax: 510.981.6745							
marina@berkeleyca.gov							

Name: _____

Berth Assignment: _____

Application Requirements

TO BE INITIALED OFF BY OFFICE STAFF

1. Last 4 digits SS# _____
2. Reason for Signing Up Filled Out _____
3. Valid Photo ID (Driver's Lic. or State ID) _____
4. Proof of Vessel Registration/CG Documentation _____
5. Permanent Trailer ID (for Dry Storage Vessels Only) _____
6. Insurance:
 - Minimum 300,000 Watercraft Liability or P&I _____
 - Wreckage Removal _____
 - Fuel Spill Liability _____
 - City of Berkeley listed as additional insured _____
7. Proof of residence (see table below) _____
8. Boat Measurement: The boat is able to make is way to K 102 /K 104 under its own power and is in seaworthy condtion _____ Length _____ feet
9. CF #s/DMV Stickers/Vessel Name on Stern _____
10. First Month's Rent, Deposit & Keys _____

ALL INFORMATION MUST BE IN VESSEL OWNER'S NAME ONLY

*6. Proof of residence. Must submit one from each of the three groups listed below – All Proofs must be current originals (issued within the last 2 months) imprinted with the name and current residential address of the applicant/owner of the vessel.
Documents cannot be registered to a PO Box.

Group A: (Must provide entire bill)	Group B:	Group C:
_____ PG&E	_____ Current bank statement	_____ Rental property contract or lease, with payment receipt (dated within 45 days)
_____ Landline phone (non-cellular)	_____ Action letter from Social Services or government agency (cannot be property or business)	_____ Renter's insurance or homeowner's insurance policy for the current year
_____ Water	_____ Recent paycheck stub or letter from employer on official company letterhead confirming residency address	_____ Current property tax statement or property deed
_____ Internet	_____ Valid automobile registration <u>in combination</u> with valid automobile insurance	_____ Mortgage Statement
_____ Cable	_____ Voter registration for the most recent past election or the most recent upcoming election	

- I understand that based on the S.F. Bay Conservation & Development Commission Permit No.5-79, **I cannot live-aboard unless approved by the Marina Manager/Harbormaster.** Violation of this provision will result in termination of berth permit.
- Permittee acknowledges that there may be noise and or occasional inconveniences from surrounding business and special events.
- I have received and reviewed the Welcome Packet and agree to the terms and conditions noted on the 30-Day Cancellation Form
- By signing this application, I agree to follow the rules and regulations of the Marina as mandated by the Marina Ordinance.

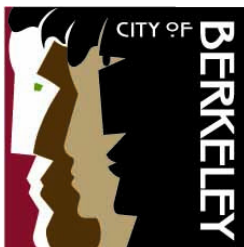
X

Signature of Applicant

Date of Application

Reviewed and Accepted by Harbormaster

Date



INSURANCE REQUIREMENTS FOR BERKELEY MARINA BERTHERS

- The City of Berkeley Marina requires general liability insurance coverage from all berthers that includes valid Protection & Indemnity (P & I) or Watercraft Liability Insurance with limits of at least \$300,000.
- The insurance policy must contain a provision that covers cost recovery for oil spill/pollution control.
- The insurance policy must contain a provision that covers cost recovery for salvage/wreckage removal.
- The endorsement must also name the City of Berkeley, 201 University Ave Berkeley, CA 94710, as additional insured, and that coverage shall not be cancelled except after thirty (30) days prior written notice has been given to the boater and the City of Berkeley.

Please email Declarations page with these coverages to:

marina@berkeleyca.gov

Please note that The City of Berkeley requires current insurance on file for all Marina slipholders.

These requirements are based on current industry standards throughout California and they are the best way to protect boaters and marinas from the significant financial losses that can occur due to hazardous spills, sunken vessels and accidental property damages.

Scan below to read the Waterfront Welcome Packet and review the Marina Rules and Regulations:



Waterfront Welcome Packet



BERKELEY MARINA AND WATERFRONT WELCOME PACKET

Welcome and thank you for choosing to stay at the Berkeley Marina! The Berkeley Marina is an urban retreat with direct access to the San Francisco Bay and iconic Golden Gate Bridge, boasting over 100 acres of park space, 7 miles of trails, picnic areas, a 17-acre off-leash dog area, bird-watching, educational programming at the Shorebird Park Nature Center, the nationally celebrated Adventure Playground, unparalleled panoramic views, and full amenities for boaters and non-boaters alike, including free wi-fi, 3 pumpout stations, mobile pump-outs from Baygreen, Fuel dock and haul out facilities run by the Berkeley Marine Center, the Berkeley Yacht Club, and so much more.

On the following pages you will find information about payments, amenities, rules & regulations, and cancellation.

We are always available to assist you in-person at the Berkeley Marina Office located at 201 University Avenue, Berkeley. We are open Mondays - Saturdays from 8:00 a.m. - 4:00 p.m., including holidays. You can also reach us during the provided days and hours at our main office line (510) 981-6740 or email marina@berkeleyca.gov Outside of office hours, please do not hesitate to leave us a voicemail or drop a message in our inbox. Visit our website at <https://berkeleyca.gov/community-recreation/waterfront>

The Berkeley Marina will send important communications from mailing address extensions:

@berkeleyca.gov and @news.berkeleyca.gov

Please update your email preferences to be sure you receive important City of Berkeley messages. If you haven't already, reach out to the Marina Office to make sure we have your current email address on file.

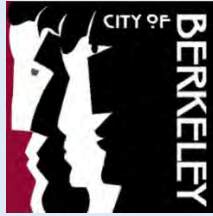


Table of Contents

<u>Topic</u>	<u>Page</u>
Payment Instructions	3
Online Payment Portal	4
Paperwork Policy	6
Property & Possessory Interest tax	7
Pumpout Information	8
Baygreen Information	9
Oil & Hazardous Waste	10
Information FAQ: Frequently Asked	11
Questions AC Alert Tsunami	13
Notifications Contact List	14
California Boater Card	15
Boaters Best Management Practices	16
Berkeley Marina Code of Conduct	19
Marina Rules and Regulations 6.20	21
30 Day Cancellation Notice Form	34



Payment Instructions

Payments are due on the 1st of every month. You should receive your monthly statement before the end of every month.

Online payment:

<https://www.e-billexpress.com/ebpp/BCAMarina/>

(more information on next page)

Instructions for mailing payment:

City of Berkeley, Finance / Treasury, P.O. Box 1910, Berkeley, CA 94701-1910

Please include the following: Customer Name, Your Account Number, Berkeley Marina Payment

Checks made payable to City of Berkeley

Online Payment Portal is Live!

We are very excited to announce that our Online Payment Portal is live and ready to take payments!

Your monthly bill information is available on the portal and you have options to pay one bill at a time, or setup automatic payments.

How do I enroll and what information do I need?

You will need a valid email address and a copy of a recent billing statement which provides your full, two part account number.

Page 1 of 2



BERKELEY
FINANCE DEPARTMENT
REVENUE COLLECTION
1947 CENTER STREET, 1ST FLOOR
BERKELEY, CA 94704-1155

→

ACCT NO.	CUST TYPE	BILL DATE	DUE DATE
123456789	MA		
CURRENT		TOTAL DUE	
		\$	
AMOUNT BEING PAID		CHECK NO.	

RETURN SERVICE REQUESTED

*
[Barcode]

☐ CHECK HERE FOR ADDRESS CHANGE

MAKE CHECK PAYABLE TO: CITY OF BERKELEY
Please write your account number on your check.

[Barcode]

CITY OF BERKELEY
PO BOX 1910
BERKELEY CA 94701-1910



To pay now

- <https://www.e-billexpress.com/ebpp/BCAMarina/> (or scan →)
- Click "Pay Now"
- Enter your two part customer number located on your bill (xxxxxx/xxxxxx) and billing zip code
- Provide a payment method and make a one time payment

To enroll (create a login, save your payment method and setup automatic payments):

- Visit <https://www.e-billexpress.com/ebpp/BCAMarina/>
- Click "Enroll"
- Enter your two part customer number located on your bill (xxxxxx/xxxxxx) and billing zip code
- Enter basic contact information
- Choose your security settings
- Enter basic financial information that you will use to pay your bill.

How much does it cost to enroll?

Nothing. It is completely free to enroll. Credit card payments will incur a convenience fee of 2.85%. There is no fee for having funds drawn directly from your checking or savings account.

What methods of payments can I use to pay my bill?

You can pay your bill using a Visa/Mastercard credit or debit card, or you can have funds drawn directly from your checking or savings account.

You can still pay in person at the Marina Office, Mon-Sat 8am to 4pm, or 1947 Center St. Mon-Thurs, 8:30 to 4pm. Payments in person or over the phone (when it becomes available again) do not include any convenience fees. You can also still send check payments to:

PO Box 1910, Berkeley CA 94701

Can I save or print my bills?

Yes. When viewing your bill online, you can download or print a copy of your bill.

Will I get a reminder when my bill is due?

Yes. Once enrolled, you will receive an email when your bill is available for viewing and ready for payment. This email will come from E-BillExpress@E-billexpress.com; make sure you adjust any necessary labels/filters for your inbox if this goes to junk mail or spam.

Will I get confirmation when my payment is received?

Yes. You will receive an email **confirmation** when your payment has been received from E-BillExpress@E-billexpress.com; make sure you adjust any necessary labels/filters for your inbox if this goes to junk mail or spam.

I'm currently signed up for ACH with the City of Berkeley

Your automatic ACH payment for **May** will go through as normal. Please email or call us to confirm ending the current ACH payment process, and you will have to enroll in the new payment portal to setup automatic payments that you can manage yourself. With E-Bill Express you will be able to manage your automatic ACH process yourself. We plan on ending the current Finance managed ACH payment process after June.

Do I need any special hardware or software to sign up?

No. You only need web access and a browser.

Who can I contact with questions regarding my account or payments?

You can reach the Marina Office at 510-981-6740, Monday-Saturday, 8am-4pm

Is this service secure?

Yes. The service is designed to maintain the privacy and security of your financial information. We use industry recognized security safeguards including SSL encryption, firewall technology and intrusion detection systems.

Will my information be shared with anyone?

No. All information is stored in a secured environment to prevent unauthorized access to your personal and financial data. We will not distribute your personal information for marketing and solicitation purposes.



Paperwork Policy for Berkeley Marina

- Proof of insurance must be provided every year when renewed
- DMV registration must be provided every two years when renewed
- Coast Guard documentation must be provided every year when renewed

Please email proof of paperwork to marina@cityofberkeley.info

Please note that the City of Berkeley requires current insurance and registration/documentation on file for all Marina slipholders.

The City of Berkeley Marina requires general liability insurance coverage from all berthers that includes valid *Protection & Indemnity* (P & I) or *Watercraft Liability Insurance* with limits of at least \$300,000.

- The insurance policy must contain a provision that covers cost recovery for oil spill/pollution control.
- The insurance policy must contain a provision that covers cost recovery for salvage/wreckage removal.
- The endorsement must also name the *City of Berkeley, 201 University Ave Berkeley, CA 94710, as additional insured, and that coverage shall not be cancelled except after thirty (30) days prior written notice has been given to the boater and the City of Berkeley.*

These requirements are based on current industry standards throughout California and they are the best way to protect boaters and marinas from the significant financial losses that can occur due to hazardous spills, sunken vessels and accidental property damages.

Property & Possessory Interest tax

In addition to the Berkeley Marina fees for berthing, you should expect two assessments from the Alameda County Tax Assessor's Office:

- 1) Property Tax on your vessel;
- 2) "Possessory Interest" assessment on the value of the land at the slip that your vessel occupies.

A taxable possessory interest is most commonly defined as the private beneficial use of publicly-owned property.

Taxable possessory interests are subject to taxation pursuant to Article XIII, Section 1 of the California Constitution, which provides that all property is taxable unless otherwise provided by the California Constitution or federal law.

While publicly owned real property is generally exempt from taxation, under certain conditions, the private, beneficial right to the possession of publicly owned real property is subject to separate assessment as a taxable possessory interest.

This tax is not issued by the City of Berkeley or the Berkeley Marina.

For more information about this and other tax issues in Alameda County, please contact:

County of Alameda
Administration Building
1221 Oak Street, Suite 555
Oakland, CA 94612

For County assistance, please call 510.208.9770 for a menu of County Agencies and Departments.

<https://www.acgov.org/property/info.htm>

Pumpout information:

It is unlawful for any person to discharge or cause to be discharged any solid or liquid wastes (including bilge water, sewage or gray water) or other pollutants into the waters of the marina.

Free self-serve pumpout stations are available at the end of C-dock, I-dock, and G-112 open 24/7.

Download the free app, *Pumpout Nav* to find your nearest pumpout station, check if it is operational and even send an alert if you find an issue with it.

Pumpout Nav: *Useful Pumpout-Finding App for Boaters*



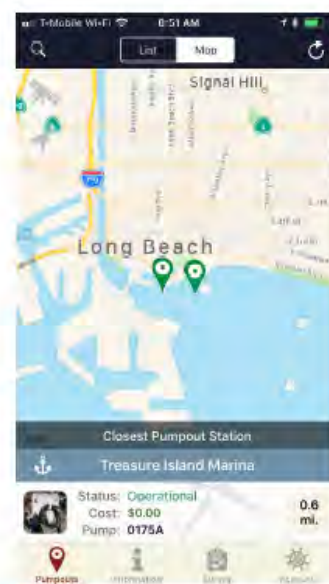
California has 1,100 miles of coastline, hundreds of navigable rivers and lakes, and one of the highest levels of recreational boating in the nation. Increased outdoor activity means boating-related pollutants can enter aquatic environments, potentially impacting marine animals, wildlife, and human health.

Given the large number of recreation boats in the state, even a small amount of sewage from a fraction of boats can be harmful. Pumpout Nav is a tool that helps provide recreational boaters a means to minimize the impacts of boating-related pollutants from entering the waterways.

Pumpout Nav is a free iOS and Android mobile app that allows boaters to find the nearest sewage pumpout. Updated and rereleased in spring 2018, the app gives boaters information on the operational status of their local pumpouts, as well as cost and hours, the exact location within the marina, and guidance on how and why to pump out.

The app was first developed by California State Parks Division of Boating and Waterways' Clean Vessel Act (CVA) Program for boaters in the San Francisco Bay/Delta and Southern California regions and has been picked up by CVA programs in other states. Boaters in Oregon and along Lake Champlain in the New York/Vermont/Quebec region can now find the location of publicly accessible pumpouts in their areas as well. Other states are excited to get on board, expanding the usefulness of the app for boaters who travel across state lines.

More updates to the app are in progress, including allowing boaters to build up their profiles, log their pumpouts, track favorites, and sign up for notifications. The next version is due out in spring 2019--watch for it!



Pumpout Nav shows the location of functioning pumpouts

Photo: San Francisco Estuary Partnership



BERKELEY MARINA FREE MOBILE PUMPOUT PLAN

Due to the increased interest in keeping the Bay clean (thank you!), there are new limits for Berkeley Marina free services.

LIVEBOARDS ON SCHEDULED ROTATION: Liveboards are entitled to one free pumpout per month with a pre-scheduled regular rotation. Liveboards not on a pre-scheduled rotation can schedule On Call services as available.

ON CALL SERVICES: Any open services that are not used by Liveboards on a scheduled rotation are available for pre-scheduling by On Call Liveboards and Non-Liveboard berthers.

- **Requests for On Call Free Service MUST be via [EMAIL](#).**
- Services scheduled online will be billed to the berther.
- Only one free service can be scheduled at a time.
- There must be 2 calendar months between free services.
- Free service scheduling depends on availability.
- To keep service options fair, regular rotations for free only service are not available.

NEW REGISTRATIONS: New berthers to Berkeley Marina are able to get their first pumpout free. After the initial free service, service is available as specified above.

SCHEDULING PAID SERVICES: Paid services are available if you need a service earlier than the available free services. Current rates are available [here](#), and you can schedule paid services online. You can also [email](#) or call 415-621-1393, our phone hours are 9am to 1pm Monday to Thursday. Please do not give information to techs to cancel or add services.

Slipholder Waste Oil drop-off

A. No person shall discharge or deposit or cause to be discharged or deposited, from any vessel or from the shore, dock, float or gangway, or otherwise, any refuse matter of any kind whatsoever into or upon the waters or land area of the marina.

B. No person shall discharge or cause to be discharged oil (including emulsified oils and excessive, unburned fuels from engine exhaust), spirits, flammable liquids or contaminated bilge water onto the waters or lands of the marina, or into any drains in the marina.

Disposing of Used Oil, Filters, and Absorbent Pads by Marina Slipholders:

The Berkeley Marina accepts small quantities of used motor oil, oil filters, and used oil absorbent pads from marina Slipholders. Our Waste Oil Recycling Station is located in our Corporation Yard next to the Marina Office. Slipholders are required to check in at the Marina Office prior to dropping off any oil or materials, and are prohibited from entering the Corporation Yard without being accompanied by Marina Staff. A limited amount of oil absorbent bilge pads may be available at the Marina Office.

- **Our hours of operation are Monday through Friday from 9am until 3pm**
- **A maximum of 5 gallons of used oil per customer per week is permitted, oil filters are also accepted**
- **The Marina does not accept used batteries, fuel, fuel filters, paint, solvent, or any other type of hazardous materials or waste**

In California, it is illegal to dispose of household hazardous waste (HHW) in the trash, down the drain, or by abandonment. Alameda County has a program, paid for by an assessment to property taxes, which will take HHW from county residents for free. The Alameda County Household Hazardous Waste Program currently operates three drop-off facilities for household hazardous waste. The facilities, located in Oakland, Hayward, Livermore, are free to all Alameda County residents on a limited drop-in and/or appointment basis.

- **Oakland Facility: 2100 East 7th Street, Oakland**
- **Hayward Facility: 2091 West Winton Avenue, Hayward**
- **Livermore Facility: 5584 La Ribera Street, Livermore**

Please visit www.stopwaste.org or call them at 1-800-606-6606 for hours of operation, proper handling procedures, and specific household hazardous waste they will accept.

FAQ's

What are fees for using the Launch Ramp?

\$16.00 per day. Ticket must be displayed on your dash at all times. If you would like to pay for multiple days, you now have the ability to do that.

Do I need a license to fish?

Yes, a fishing license is needed to fish everywhere at the Berkeley Marina. If you would like to purchase one, contact the Berkeley Marina Sportsmans Center at 510-849-2727. Fishing is not allowed inside the Marina basin.

Where can I get bait? Live bait?

The Berkeley Marina Sportsmans Center sells bait and tackle, 510-849-2727. There is currently no live bait provider at the marina. The closest live bait providers is J&P in San Francisco

How do I book a fishing trip on a charter boat in the Berkeley Marina?

We have both large charters and 6 pack charters that run from the Berkeley Marina. If you would like to book a trip, contact the fishing boats directly. Information can be found online.

Can I park an RV at the Marina?

No, RVs / Campers are not permitted at the marina.

Are there Liveaboard accommodations?

Check our website to see if we are currently accepting applications. We are limited to the amount of liveaboards in the Marina because of regulations set forth by the Bay Conservation and Development Commission.

How do I reserve a park area / picnic spot at the Marina?

To reserve a picnic table near Shorebird Park or Cesar Chavez park visit the Online registration portal by clicking [here](#)

When is the next lien boat auction?

We have boat auctions every 6 months or so. We will post information on our website about the sale at least 30 days in advance.

What is the depth in the marina?

survey has not been done recently but you will generally find at least 10' M inside the marina. The recommended entrance/exit of the marina is around the south side of the center breakwater. Here you will find about 7' M.



AC Alert Tsunami and other Emergency Notifications

Get alerted about emergencies and other important community information by signing up for the AC Alert System. This system will provide you with critical information quickly in a variety of situations, such as earthquakes, fires, severe weather, unexpected road closures, missing persons and evacuations of buildings or neighborhoods. You can select to receive notifications for your home city, work location, and other sites of your choice on your home, mobile or business phones, email address, text messages and more. AC Alert is a unified system for Alameda County residents, businesses, and visitors. It is in partnership with Alameda County agencies and our 14 cities.

Advisory and Non-emergency messages: Non-emergency messages will only be sent via email and the Everbridge app.

Warnings and Emergencies: Will be sent using all available contact paths, including home and cell phone numbers, as well as email & the Everbridge app.

Be sure to download the Everbridge app from your app store.

- Make sure to set 201 University Ave, Berkeley CA 94710 as a location (You can set multiple locations)
- Opt in to City of Berkeley Public Safety Alerts
- Make sure your boat is securely tied to the dock at all times and check your lines for chafing and wear

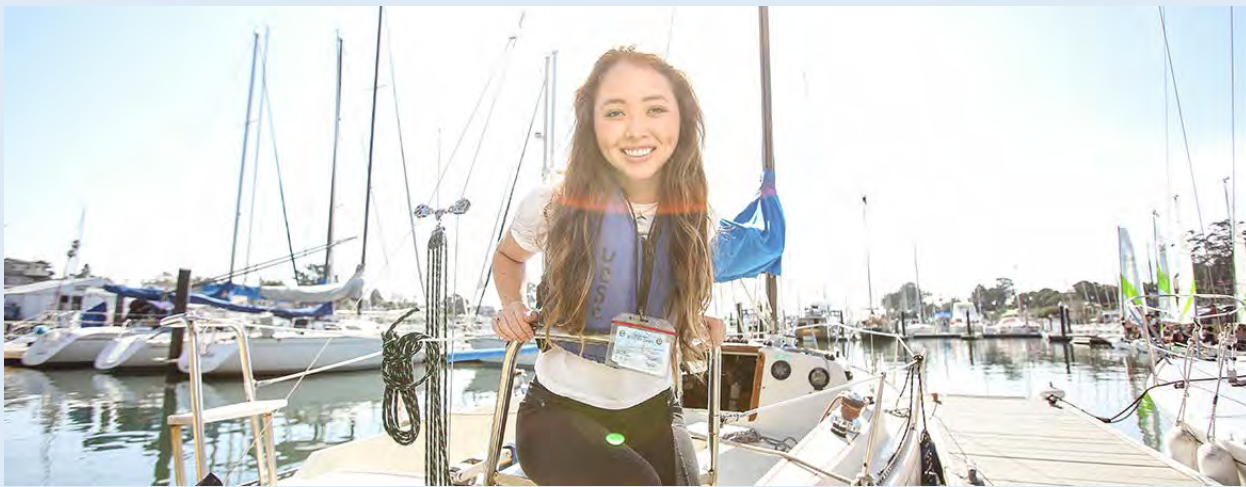
[Sign up for AC Alert!](#)

Important Marina Contacts

- Berkeley Marina Main Office.....510-981-6740
- Berkeley Marina Fax.....510-981-6745
- Waterfront Manager (Alexandra Endress)510-981-6737
- Waterfront Supervisor / Harbormaster (Sean Crothers)510-981-6744
- After Hours Direct Line Maintenance / Marina Services510-649-5892
- Finance / Customer Service.....510-981-2489
- Waterfront Monitor Phone.....510-549-6036
- Emergencies.....9-1-1 or 510-981-5911
- Berkeley Police Non-emergency.....510-981-5900
- USCG Sector San Francisco.....415-740-4364
- Fish and Wildlife1-800-852-7550

- PG&E.....800-743-5000
- Bait Shop (Bay Point Sales).....510-849-2727
- Berkeley Marine Center.....510-843-8195
- Cal Adventures.....510-642-4000
- Cal Sailing Club.....<https://www.cal-sailing.org/>
- Doubletree Front Desk.....510-548-7920
- Nature Center / Adventure Playground.....510-981-6720
- Hana Japan.....510-848-8515
- Skates on the Bay Restaurant.....510-549-1900
- Seabreeze Market.....510-486-8119

WIFI Network: Berkeley Marina WIFI Password: Berkeley



About the California's Boater Card

The California Boater Card shows that its holder has successfully taken and passed a NASBLA/state-approved boater safety education examination. In 2018, the California Boater Card program will be phased-in by age for operators of motorized boats on state waterways.

Each year a new age group will be added to those who are required to possess a valid card. By 2025, all persons who operate on California waters will be required to have one. Once issued, the card remains valid for a boat operator's lifetime. California Harbors and Navigation Code Section 678.11(b) contains the following phase-in schedule based on operator age:

- January 1, 2018 - Persons 20 years of age or younger
- January 1, 2019 - Persons 25 years of age or younger
- January 1, 2020 - Persons 35 years of age or younger
- January 1, 2021 - Persons 40 years of age or younger
- January 1, 2022 - Persons 45 years of age or younger
- January 1, 2023 - Persons 50 years of age or younger
- January 1, 2024 - Persons 60 years of age or younger
- **January 1, 2025 - All persons regardless of age**

<https://californiaboatercard.com/>

BOATERS BEST MANAGEMENT PRACTICES

Vessel Care & Cleaning Maintenance

- ✓ Reduce your use of toxic cleaning products
- ✓ Choose less toxic cleaning products, such as, non- phosphate, biodegradable cleaners.
- ✓ Use less product and more elbow grease.
- ✓ Reduce the need for boat soaps by scrubbing and rinsing with freshwater after each trip.
- ✓ Use canvas boat covers to keep the boat clean between trips and reduce the amount of cleaning you need to do.
- ✓ Contain spill and debris using tarps.
- ✓ Collect debris using vacuums or brooms.

Spill-proof cleaning and maintenance activities

- ✓ Conduct maintenance work aboard your boat, not on the docks or over the water.
- ✓ Always mix paints, varnish, epoxy and other products over a tarp or in a drip pan to catch spills and drips. Keep absorbents nearby to wipe up spills.
- ✓ Tightly seal product containers when not in use to reduce spills.
- ✓ Plug scuppers to contain spills.

Minimize emissions from surface preparation

- ✓ Sand varnish using vacuum sanders with dust containment bags and high-density low-volume paint sprayers.
- ✓ Use tarps or visqueen (sheet plastic) to catch and control falling debris, and vacuum or sweep frequently to prevent discharge of debris into the water.
- ✓ For small jobs conducted in-water, attach tarps or visquine from boat to dock to catch debris.
- ✓ Put sanding dust into the trash.

Underwater Boat Hull Cleaning

- ✓ Use environmentally sound underwater hull cleaning practices, or select a diver who uses them.
- ✓ Perform regular hull maintenance to prevent hard marine growth and hull drag.
- ✓ Perform hull cleaning in accordance with the manufacturer's recommendations for the type of hull coating or bottom paint.
- ✓ Clean bottom paints using non-abrasive methods. Avoid creating a colored plume of paint in the water.
- ✓ Take zinc anodes back to shore and recycle or dispose of them properly

- ✓ Ensure hull paint is properly applied and maintained to protect the hull from fouling organisms and thus improve your boat's performance.
- ✓ Wait 90 days after applying new bottom paint before underwater cleaning.
- ✓ Schedule Regular Hull Cleaning and maintenance to reduce the build up of hard marina growth and eliminate the need for hard scrubbing. Regularly scheduled gentle cleaning will also increase the effectiveness of the antifouling hull paint and extend its useful life
- ✓ Use, or ask your Hull Cleaning/Maintenance Service to use, Underwater Hull Cleaners' Best Management Practices. Do not leave zinc anodes on the dock. Take them back to shore and recycle or dispose of them properly. Boaters are encouraged to use boat hull cleaning companies and individuals that practice environmentally friendly methods.
- ✓ Repair paint bonding problems at haul out to avoid further chipping and flaking of paint in the water.
- ✓ Use or ask your diver to use, non abrasive scrubbing agents, soft sponges or pieces of carpet to reduce the sloughing of paint and debris. Encourage divers to use different types of pads when necessary to properly maintain a vessel's bottom paint (example; In many cases surfaces close to the waterline are more susceptible to higher growth rates therefore you need to use different pads in order to properly remove growth and corrosion. Likewise, a softer pad can be used for the rest of the vessel to maximize hull performance and optimize the lifespan of the paint).
- ✓ Boater should notify hull cleaners as to what type of bottom paint was used and when the bottom was last painted.

HAZARDOUS WASTE DISPOSAL

- ✓ Berkeley Marina provides our customers with an oil waste station located at the Maintenance yard directly across from the Marina Office. For oil only! We also provide a 55 gallon drum for waste oil filters and a 55 gallon container for rags and used bilge pads. **We do not take, batteries, paints, solvents, adhesives, sprays, pesticides or other items of this nature.**

- ✓ Alameda County has a drop off location for all items at 2100 East 7th Street, Oakland. This location is between West Marine & Sea Power off the 23rd Street exit on the 880 Freeway.

Web address: <http://www.stopwaste.org/home/index.asp?page=577>

Drop off times are every Thursday, Friday and Saturday 9am to 1pm.

The items they will accept are:

Paint, Stain, Shellac, Solvents, Thinners, Additives, Oil Paint, Latex Paint

Adhesives Putty, Caulk, Epoxy, Mortar, Stucco, Cement, Wood Glue

Auto Fuel, Waxes, Batteries, Additives, Motor Oil, Oil Filters, Antifreeze

Garden Sprays, Fertilizers, Ant Traps, Pesticides, Herbicides, Rat Poison, Gopher Bait

Misc. Propane, Spray Cans, Pool Chemicals, Photo Chemicals, Acids & Caustics, Waxes & Polishes, Bleach & Cleaners

If you have specific questions about battery recycling, call 925-449-6349 for details. Battery Specialists located at: 2824 San Pablo Avenue, Oakland will buy old batteries from your boat.

THINK SAFETY EVERY DAY!

- ✓ Keep a serviced fire extinguisher available- see ABC's of Boating for Marine Type approved Fire Extinguishers
- ✓ Ensure engines and fluids are cooled before working to avoid burns
- ✓ Keep work area clean of oil and debris
- ✓ Provide continuous ventilation

FUELING TIPS FOR ALL BOATERS

- ✓ Fill tanks slowly to prevent overflows from the air vent. Avoid "topping off" the tank
- ✓ Don't rely on the automatic shut-off nozzle to prevent spills; they don't shut off in time.
- ✓ Leave the tank at least 5% empty because fuel expands when pumped from cool underground tanks to warmer temperatures.
- ✓ Keep "oil-only" absorbents on-hand to catch spills and drips from the nozzle, air vent, and fuel filler fitting.
- ✓ Prevent fires by shutting off motors and electrical equipment and ventilating boat before fueling. Keep fuel and fuel-soaked absorbents away from sources of ignition.

FUELING BUILT IN TANKS

- ✓ Install a fuel/air separator in air vent line to prevent spills or "splash-back".
- ✓ When filling, keep your hand at the air vent or Listen—air gushes when nearly full.
- ✓ At the end of the season, leave tank full to reduce corrosion and condensation. Add fuel stabilizer to prevent stale gas.
- ✓ "Oil- only" absorbents repel water and absorb oil and fuel. Oil or fuel-soaked absorbents must be disposed of as hazardous waste. Ask about proper disposal at the marina or call 1(800) CLEANUP for hazardous waste disposal locations.

FUELING OUTBOARD ENGINES

- ✓ Fuel on land whenever possible.
- ✓ Use funnels to fill portable tanks and "oil-only" absorbents to catch spills.
- ✓ Prevent stale gas by leaving outboards empty during long periods of inactivity.

BILGE CARE AND PREVENTING OIL SPILLS

- ✓ Never use soaps or detergents to clean oil or fuel! Soaps emulsify oil, breaking it into invisible droplets that disperse through the water. Adding soap is ILLEGAL and bad for the environment.
- ✓ Use oil absorbent pads in the bilge to prevent oil discharge from the automatic bilge pump.
- ✓ Secure absorbents to prevent clogging the automatic bilge pump or the pump sensor
- ✓ Use a bilge pumpout facility to pump oil or oily water out of the bilge. Check the website for locations: www.coastal.ca.gov
- ✓ Never use a sewage pumpout for the bilge!
- ✓ For a large oily mess in the bilge, use a steam cleaning service.



Berkeley Marina Code of Conduct

Last Updated May 4, 2021

The following Code of Conduct is adopted by the Harbormaster pursuant to Section 6.20.020 of the Berkeley Municipal Code (BMC).

1. All persons within the Marina shall comply with the Marina Rules and Regulations (BMC Chapter 6.20) and this Code of Conduct. Permittees are responsible to ensure that their family and guests comply with Marina Rules and Regulations and this Code of Conduct.
2. All persons in the Marina, including the family and guests of slipholders, shall conduct themselves in a manner that does not create a public nuisance.
3. Disorderly conduct by any persons, including but not limited to public intoxication, abusive language, physical threats or violence directed another slipholder, employee, or member of the Public, is a violation of this Code of Conduct and may be grounds for the cancellation of a permit to berth and/or exclusion from the Marina.
4. Loud or disruptive noises such as hailers, loud music, or unnecessarily loud revving of engines is not permitted.
5. Bright lights shall not be pointed towards any other vessel.
6. Parents or guardians are responsible for the supervision of minor children and ensuring that children comply with the Marina Rules and Regulations and this Code of Conduct.
7. Gates to berthing areas and restrooms must remain locked at all times. Blocking open, tampering, climbing over/around or otherwise gaining access without a permitted key fob is prohibited. Do not hold gates/doors open for strangers.
8. Personal items shall not be left unattended on Marina property.
9. Observations of unsafe conditions, suspicious activities, concerning behavior, or violations of the Code of Conduct or Marina Ordinance should be reported to the Marina office, or, in the event of an emergency, to the 911 dispatcher.

This Code of Conduct applies to all slipholders in the Berkeley Marina and their family members and guests. Any person who violates this Code of Conduct or BMC Chapter 6.20 may be subject to exclusion from the Marina and/or the cancellation of their permit to berth. In addition, any person who violates BMC Chapter 6.20 or any other provision of the Berkeley Municipal Code is subject to administrative citation under BMC Chapter 1.28.

For purposes of this Code of Conduct, “the Marina” refers to docks and other berthing areas that are reserved for the exclusive use of Marina slipholders and their family members and guests and not accessible to the general public. This Code of Conduct also applies to slipholders and their family members and guests when they are using parking lots, restrooms, pathways, and other facilities accessory to the docks and berthing areas.

Violations of this Code of Conduct or BMC Chapter 6.20 will be addressed as follows:

First Violation: A written warning will be issued to any person who violates this Code of Conduct or Chapter 6.20. If the violation is committed by a family member or guest of a slipholder, a written warning will also be issued to the slipholder.

Second Violation: If violations persist after receipt of the written warning, or if a pattern of violations becomes apparent, the Harbormaster will issue a written notice that failure to correct or prevent the recurrence of violations will result in cancellation of the permit to berth and/or exclusion from Marina.

Third Violation: Failure to correct violations after receiving notice from the Harbormaster, or if a pattern of violations continues, will result in cancellation of the permit to berth and/or exclusion from the Marina, for a period not to exceed one year.

Fourth and Subsequent Violations: Subsequent violations of this Code of Conduct or BMC Chapter 6.20 will result exclusion from the Marina for a period of at least one year, up to and including the permanent exclusion from the Marina.

Notwithstanding any other provision of this Code of Conduct, any violation that adversely affects health and safety or environmental quality may result in the immediate cancellation or suspension of a permit to berth and/or exclusion from the Marina; provided, however, that the Harbormaster shall provide 30 days’ notice prior to cancellation of a permit to berth unless the violation poses an immediate danger to persons or property.

The cancellation of any permit to berth or the exclusion of any person from the Marina may be appealed to the City Manager. The appeal must be made in writing within 10 days of the date of service of the decision of the Harbormaster by first class U.S. mail or equivalent means, and must comply with the requirements of BMC section 6.20.320. Failure to submit a timely appeal or to comply with the requirements of section 6.20.320 shall result in the waiver of the right to appeal.

Any decision of the City Manager following a timely appeal shall be a final administrative decision of the City of Berkeley.

Chapter 6.20

MARINA RULES AND REGULATIONS**

Sections:

6.20.010	Definitions.
6.20.020	Harbormaster authority.
6.20.030	Berth applications.
6.20.040	Berth rates and service charges.
6.20.050	Nonpayment of charges.
6.20.060	Cancellation of berths.
6.20.070	Assignment or sublicensing of berths.
6.20.080	Care in berthing vessels.
6.20.090	Registration and numbering--Furnishing information to the Harbormaster.
6.20.100	Accident reports.
6.20.110	Access to vessels.
6.20.120	Gear lockers/dock boxes.
6.20.130	Disposing of refuse.
6.20.140	Hazardous conditions prohibited.
6.20.150	Maintenance of vessel.
6.20.160	Marina restrictions.
6.20.170	Vessel traffic within the marina.
6.20.180	Prohibited activities.
6.20.190	Cruising vessels used as a residence.
6.20.200	Residential houseboats.
6.20.210	Sanitary facilities.
6.20.220	Children in marina.
6.20.230	Fishing in marina prohibited--Unloading, cleaning and disposal of fish.
6.20.240	Damage and/or loss of property.
6.20.250	Vehicle or trailer parking in marina areas.
6.20.255	Vehicle, trailer, heavy duty commercial and over-sized vehicle parking prohibited on public streets in the marina area.
6.20.260	Overnight camping in marina land areas prohibited.
6.20.270	Solicitation and advertising.*
6.20.280	San Francisco Bay Conservation and Development Commission permit.
6.20.290	Notice.
6.20.300	Administrative regulations.
6.20.310	Penalty.
6.20.320	Appeals.
6.20.330	Charter vessels.

**For rat control requirements, see Ch. 11.32 of this code.

Section 6.20.010 Definitions.

Whenever any of the words hereinafter defined are used in this chapter, they shall be construed to mean the following:

A. "Berkeley Marina," hereinafter referred to as "marina", means the area owned or controlled by the City including the municipal fishing pier, the breakwater, the sea walls and the extensions thereof, located on the Berkeley waterfront, bound by the following:

On the south by a westerly extension of Channing Way

On the north by the north edge of Cesar Chavez Park, and a westerly extension thereof

On the west by a north-south line through the end of the Municipal Fishing Pier

On the east by the east edge of Cesar Chavez Park, and by the west edge of the Meadow area of Eastshore State Park and a southerly extension thereof.

B. "Waterfront Manager," means the person in day-to-day charge of the actual operations of the Berkeley waterfront as designated by the City Manager. "Waterfront Manager" also means his/her designated representative.

C. "Harbormaster," means the person in day-to-day charge of the actual operations of the Berkeley Marina as designated by the City Manager and also means his/her designated representative.

D. "Permittee" means the person who has been authorized by the Harbormaster to berth his/her vessel in the marina.

E. "Vessel" means every description of watercraft used, or capable of being used, as a means of transportation on the water, or a craft designed to float on the water. "Vessel" specifically includes "residential houseboat", and any other watercraft berthed in the marina.

1. "Residential houseboat" means any vessel that is designed to not be capable of getting under way. This type of vessel includes any non-self-propelled vessel such as barges and/or any noncruising type houseboats.

2. "Cruising vessel" means any sailboat, motor driven boat, or cruising houseboat that is specifically designed for operation in open waters and is capable of getting under way.

F. "Residence" means any vessel, located within the marina boundaries upon which a person stays aboard four or more days and nights in any consecutive seven-day period or more than 12 nights during any 30-day period, whether or not consecutive.

G. "Extreme length" means the length from the forward most part of the vessel and equipment to the aft-most part of the vessel and equipment measured horizontally and parallel to the vessel's longitudinal axis. This measurement includes but is not limited to bow and stern rails, bowsprits, anchor chocks, anchors, furling drums, outboard motors, stern drives, propellers, rudders, outboard brackets, antennas, barbecues, dinghies, booms and mizzen booms as stowed for berthing. Outboard motors and stern drives are measured in the tipped-up position, if this is how they are normally stowed for berthing. The measurement does not include dock lines, fenders, or electrical cables.

H. "Personal Watercraft" means any vessel less than 16 feet long, propelled by a water-jet pump or other machinery as its primary source of motor propulsion, designed to be operated by a person sitting, standing, or kneeling on, rather than sitting or standing inside the vessel.

I. "Professional Marine Surveyor" means a person who derives a substantial portion of his or her income from surveying the type of vessel in question, and who advertises these services in local media.

J. "Seaworthy" means capable of independently navigating the central portion of San Francisco Bay in typical summer afternoon weather conditions, in safety and with no significant probability of requiring assistance.

K. "Private Dock" means a dock or berthing space subject to a lease or license agreement that gives an organization or entity other than the City of Berkeley long-term and exclusive control of the dock's use.

L. "Public Dock" means all regular monthly berths in the Marina, and other docks or berthing areas not under exclusive long-term control of an organization or entity other than the City of Berkeley. (Ord. 6925-NS § 1 (part), 2006; Ord. 6645-NS § 1, 2001)

Section 6.20.020 Harbormaster authority.

A. The Harbormaster, acting under the orders and jurisdiction of the Waterfront Manager, the Director of Parks and Waterfront, and as designated by and subject to the authority of the City Manager and City Council, shall have full authority to interpret and enforce this chapter, and to recommend consistent regulations affecting marina operations. All orders and instructions given by him/her in the performance of his/her duties shall be complied with pursuant to this chapter.

B. Every vessel entering the marina shall immediately become subject to this chapter and to the order and direction of the Harbormaster. The Harbormaster has the authority to enter upon any vessel in the marina

when necessary in the performance of his/her duties.

C. Vessels may berth in the marina only with the permission of the Harbormaster. The Harbormaster shall have the authority to designate the berth in which any vessel shall be kept, and reserves the right to require a vessel to be moved from one berth to another berth within the marina, after giving 72 hour notice of such required move.

D. If a vessel is not moved after notice in compliance with subsection C of this section, it may be moved by the Harbormaster and a reasonable towing fee charged. Vessels may be moved without prior notification, if necessary for operational efficiency, benefit to permittees in the marina, or when berthing fees are delinquent.

E. The Harbormaster has the right to refuse the application for use of the marina by and/or cancel a berthing permit for derelict vessels, vessels in need of major overhaul and vessels not in operational order as intended by design. The Harbormaster may require that vessels be inspected to determine whether they are operable and seaworthy.

1. If a vessel owner or operator disputes the Harbormaster's denial of a berthing permit on the basis of a determination that a vessel is not seaworthy, the owner or operator may provide a current vessel survey certified by a professional marine surveyor or perform a sea trial consisting of maneuvering the vessel to a distance of 3,000 feet west and back to the vessel's berth. Such survey must be provided or sea trial conducted within ten days of notification of unseaworthiness by the Harbormaster.

F. Remedial Actions

1. In addition to any other rights and remedies available to the City by law, when any vessel occupies any space in the Marina without authorization for use of that space (i.e. berth), for any length of time, the Harbormaster, or other City representative where designated by the City Manager, is authorized to move (including without limitation by towing); impound (including without limitation by securing, chaining, locking, storing, restricting access to or use of, or removing) such vessel; and/or take any other reasonable remedial actions with respect to the vessel to protect the City's interests. Circumstances in which such remedial actions may be taken include without limitation where no application has been submitted, an application has not yet been approved or has been denied, a permit has expired (for example, a temporary or visitor permit) or been cancelled, and/or where berthing fees are delinquent.

2. The Council may adopt fees for such remedial actions by resolution. Any such fees shall be immediately due and payable upon notice thereof. Unpaid fees of any kind relating to the berthing of a vessel at the Marina (including without limitation berthing fees and fees for remedial actions) shall constitute a lien upon the vessel in favor of the City enforceable by a lien sale of the vessel, as well as a debt personally enforceable against the responsible party, and shall trigger the additional administrative fee provided in subsection C of Section 6.20.040. Where any such fees are unpaid, the City may enforce its right through any and all appropriate means, including without limitation court action, judicial or non-judicial sale of the vessel at auction, and/or proceedings under the Boaters Lien Law of the California Harbors & Navigation Code (H.&N.C. § 500, et seq., as amended from time to time) and/or, where applicable, federal maritime law. Until any unpaid fees are paid in full, or the vessel incurring such fees is released by the Harbormaster, no person shall have such vessel removed from the Marina, and the Harbormaster is authorized to take any reasonable action necessary to prevent the vessel's removal. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.030 Berth applications.

Application for berths in the marina shall be made upon forms furnished by the Harbormaster and shall be granted in the order received to qualified applicants. Current vessel registration, or evidence showing the applicant has legal authority to occupy, use and incur charges to the vessel, must be presented to the Harbormaster before a permit to berth vessel will be issued. All part-owners' names must appear on the application, which may be amended, in writing, at any time. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.040 Berth rates and service charges.

A. The rates for services, supplies and berthing fees at the marina shall be established by resolution of the Council of the City. All vessels berthing at the marina will be charged a berthing fee, unless the Council has

specifically authorized otherwise. Vessels will be charged according to the length of the vessel or the length of the berth, whichever is greater.

B. The Harbormaster may establish a special rate for services, supplies and berthing which are not included in the fee resolution referred to in subsection A of this section. Such fees shall be based upon the reasonable costs of the service provided and be approved in writing by the City Manager. A request by the Harbormaster for application of any such rate shall include a detailed explanation of why such rate should apply, a copy of which shall be provided to the Waterfront Commission.

C. All charges for berthing shall be due and payable monthly in advance on or before the first day of each month, and shall be delinquent on the fifteenth day of the month for which the payments are due. All charges for service and supplies shall be due upon billing and shall be delinquent 15 days thereafter. If any payment is delinquent as provided herein, an administrative fee of 10% shall be added and paid in addition thereto.

D. The City may change monthly berthing fees and other fees and charges after giving at least 30 days written notice to a permittee.

E. Permittees who wish to remove their vessels from the marina for more than 30 days, but less than 12 months, and do not want to permanently release their berths, may pay one-half the monthly berth rate. The Harbormaster may use the berth(s) for temporary and visitor berthing. Fifteen days written notice is required to the Harbormaster prior to placing a berth on one-half rate, and 15 days written notice is required prior to returning the vessel to the berth.

F. Use of a berth is restricted to one vessel only, not including a dinghy or small boat up to 14 feet in length, provided that neither the vessel or the dinghy or small boat extends beyond the limits of the berth width and length, as set forth in Section 6.20.160 subsections J and K, unless permission has been granted by the Harbormaster for berthing more than one vessel in the berth, if the size of the berth will permit its use by two or more vessels.

G. Vessels in "S" section berths (inside tie "skiff" berths that do not have power, water or dock boxes) shall normally be limited to boats not to exceed 24 feet in total length, including rudders, railings and tipped-up outboard motors. When the Harbormaster determines that "S" section berths are suitable for larger power or sailboats, these berths may be assigned to such vessels at the rates normally applicable to regular public berths. (Ord. 6925-NS § 1 (part), 2006; Ord. 6645-NS § 1, 2001)

Section 6.20.050 Nonpayment of charges.

A. No person shall remove or cause to be removed from the marina any vessel upon which charges for berthing, dry storage, or any other charges are delinquent, without first paying all such delinquent charges. The Harbormaster is authorized to take actions necessary to prevent the removal of a vessel in violation of this subsection, including moving, securing, or otherwise detaining the vessel.

B. It is unlawful for any person to violate the provisions of subsection A of this section, or to willfully give false information to the City in order to secure the removal of a vessel.

C. When any charges upon a vessel are delinquent for 20 days or more the City may post a notice of delinquency and secure the vessel to prevent it from being moved. The City may add a service charge to the berther's account for securing the vessel.

D. When subsequent to securing a vessel for delinquent charges as provided in subsection D of this section, any charges remain delinquent and unpaid, the City may enforce the lien pursuant to the procedures set forth in the Boaters Lien Law of the California Harbors and Navigation Code (H.&N.C. § 500, et seq.), as amended from time to time. (Ord. 6925-NS § 1 (part), 2006; Ord. 6645-NS § 1, 2001)

Section 6.20.060 Cancellation of berths.

A. A permittee who wishes to cancel his/her permit to berth vessel shall give the Harbormaster 30 days written notice thereof in accordance with Section 6.20.090 of this chapter.

B. The Harbormaster may at the request of the permittee, reduce the required 30-day notice of cancellation if there is no financial loss to the City as a result of such reduction.

C. The Harbormaster may cancel the permit to berth vessel after 30 days written notice to the permittee for any violation of this chapter or for continuous late payment of charges. The reason for cancellation shall be

stated in said notice. The Harbormaster may cancel a permit to berth vessel with 24 hours written notice to the permittee if the vessel has been removed from the berth and the charges are delinquent and unpaid. However, the Harbormaster may order the immediate cancellation of a permit to berth vessel if the vessel poses a danger to persons or property during a 30-day cancellation notice period.

D. Permittees who have been forced by the City to vacate their berths for the purpose of marina repairs or construction shall have priority for re-entry into a berth when such repair or construction is completed.

E. Nothing in this chapter shall be deemed to create or to have created a relationship between the City and a permittee other than that of a licensor and licensee. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.070 Assignment or sublicensing of berths.

A. Permittees shall have no right or power whatsoever to assign or sublicense the berth or any part thereof, to any other person, or for use by any other person or vessel. Any permit to berth vessel that is assigned, sublicensed or otherwise transferred will be subject to immediate cancellation. However, when a permittee sells his/her vessel and cancels the permit, and the purchaser wishes to retain the berth for the same vessel, the berth may then be assigned to the new owner, if a new application for permit to berth vessel is executed within five days of cancellation.

B. Once during every calendar year, a permittee may allow another boat owner to use his/her berth for a period not to exceed 30 days. The permittee must give written notice, obtain the Harbormaster's permission, and complete a temporary use of berth form, prior to the effective date of change. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.080 Care in berthing vessels.

A. At all times while a vessel is berthed at the marina, the permittee shall cause it to be safely and properly secured, in a manner acceptable to the Harbormaster. If the Harbormaster deems it necessary to re-secure or move a vessel for any reason, the permittee or the owner may be required to pay a reasonable service charge for doing so, plus the cost of all materials used therefor. However, the City shall have no responsibility or liability for fire, theft, sinking, or any other damage to the vessel, its equipment or any property in or on the vessel, by reason of the Harbormaster's decision whether or not to re-secure or move the vessel, , except only such damage caused by the Harbormaster's willful injury or sole gross negligence.

B. No person shall berth within the marina any vessel of any kind whatsoever that is in such a condition that it is liable to sink or damage docks, floats or other vessels, or that may become a hazard to navigation.

C. In the event a vessel is wrecked or sunk within the marina, it shall be the owner's responsibility to mark its position immediately, and to provide for the raising and disposition of such vessel within 24 hours, and to assume all liability for damage caused to City property or other vessels in the marina. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.090 Registration and numbering--Furnishing information to the Harbormaster.

A. Every vessel entering or berthed in the marina shall be currently registered and numbered or documented, as provided by state or federal regulations or by international treaty.

B. The owners or operators of vessels entering the marina shall furnish all documents relating to the vessel and the ownership thereof, upon request by the Harbormaster. The Harbormaster shall have the authority to obtain vessel registration information from state or federal authorities at any time. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.100 Accident reports.

If injury to any person, or damage to private or public property, results from a boating accident within the marina boundaries, the operators of all vessels involved must complete an accident report, on a form provided by the Harbormaster, within 24 hours of the accident. A copy of any boating accident report required to be filed with the Department of Boating and Waterways, shall be provided to the Harbormaster. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.110 Access to vessels.

The berthing areas of the marina are closed to the general public. Only permittees, their guests, hired personnel and those receiving permission from the Harbormaster may enter upon the docks; except, however, that "K" Dock is open and accessible to the general public during regular marina business hours. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.120 Gear lockers/dock boxes.

One gear locker/dock box may be assigned to a permittee. Individual gear lockers and dock boxes shall be kept in a safe condition and may contain no flammable or combustible liquids, (i.e. gasoline and other fuels, oil and oil based paints, paint thinner and other thinners, epoxy resin and other resins, etc.) or other hazardous materials, (i.e. acids, oxidizers, poisons, etc.), and are subject to inspection by the Harbormaster at all reasonable times. Gear lockers/dock boxes must be emptied upon cancellation of permit to berth vessel. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.130 Disposing of refuse.

A. No person shall discharge or deposit or cause to be discharged or deposited, from any vessel or from the shore, dock, float or gangway, or otherwise, any refuse matter of any kind whatsoever into or upon the waters or land area of the marina.

B. No person shall discharge or cause to be discharged oil (including emulsified oils and excessive, unburned fuels from engine exhaust), spirits, flammable liquids or contaminated bilge water onto the waters or lands of the marina, or into any drains in the marina.

C. All garbage must be deposited in receptacles furnished by the City for that purpose.

D. No person shall discharge or deposit any matter into the sanitary sewer system except as provided in Berkeley Municipal Code Chapter 17.16, Sanitary Sewers. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.140 Hazardous conditions prohibited.

Floats, gangways, tops of lockers and docks shall be kept clear at all times of skiffs, dinghies, boat gear, debris, hazardous or flammable materials, and other equipment. Only boarding steps approved by the Harbormaster are permitted on the docks. No boarding step shall be more than 18 inches wide and three feet long, unless written permission is obtained from the Harbormaster upon his/her determination that steps exceeding these measurements are necessary. Boarding steps shall be easily movable, and shall not be used as a storage locker and may not obstruct passage on any dock or float. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.150 Maintenance of vessel.

A. Repairs to and maintenance of a vessel may be made or accomplished while such vessel is at its assigned berth, provided all such work is done within the confines of the vessel itself and is not carried on in any manner whatsoever upon floats, gangways or docks in accordance with Section 6.20.140 of this chapter. Repairs on vessels may not interfere with any other vessels. No debris or fluids from repairs or maintenance, including paint chips and sanding dust, may be allowed to accumulate on any dock or enter the marina waters.

B. No person shall use welding equipment or a burning torch on or near any dock or vessel in the marina, other than at areas designated by the Harbormaster.

C. No person shall use spray paint or sand blasting equipment in the marina, other than at areas designated by the Harbormaster.

D. An individual or entity receiving compensation for repairing or maintaining a vessel berthed at the marina must possess proper work authorization from the permittee and a City business license. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.160 Marina restrictions.

- A. Vessels and vessel operators must comply with California Harbors and Navigation Code Division 3, Chapter 5, "Operation and Equipment of Vessels" (Sections 650 et seq.), as amended from time to time.
- B. All vessels and vessel operators must comply with applicable sections of Berkeley's Uniform Fire Code, Berkeley Municipal Code Chapter 19.48 as amended from time to time.
- C. The permittee is legally responsible for the conduct of his/her crew, hired personnel and guests. All persons shall comply with applicable sections of Berkeley's Community Noise Code, Berkeley Municipal Code Chapter 13.40 as amended from time to time.
- D. Gates to berthing area are to be locked at all times. Blocking open or climbing over gates is prohibited.
- E. Except when on board a vessel, animals must be on a leash not to exceed six feet in length. Violators may be cited and fined, and repeated or continuous violations may result in cancellation of the permit to berth vessel. All animals in the marina are subject to the provisions of Berkeley Municipal Code Title 10, Animals.
- F. No person shall willfully injure, break, remove or tamper with any part of any vessel in the marina, nor shall any person climb into or upon any vessel without consent of the owner, unless in performance of official duties or to protect life and/or property.
- G. No person shall land on or take off from any land or waters of the marina in any helicopter, seaplane or other aircraft without prior approval of the Harbormaster except in an emergency.
- H. All vessels must keep a minimum of 200 feet from the Berkeley Municipal Fishing Pier, except when using the designated boat passage at the end of the fishing pier.
- I. No structure may be built for the purpose of berthing, anchoring or mooring vessels within the marina, without advance permission from the Harbormaster, provided however, that floating lift docks are permissible if the berther signs an agreement that he or she will remove failed or damaged lift dock equipment at his or her sole expense.
- J. Length of the vessel means the extreme length of the vessel as defined in 6.20.010G above, as berthed. At the discretion of the Harbormaster, the length of a vessel may exceed the nominal length of its berth by up to 10% of the nominal berth length. In cases where there is no opposite berth or the berth is an inside corner, length may exceed nominal berth length by up to 20% at the discretion of the Harbormaster.
- K. Vessels may not extend beyond the limits of the berth width.
- L. No vessel may anchor in the marina without prior authorization from the Harbormaster.
- M. No fires of any type are allowed in the marina, except in designated fire pits and barbecues and in properly and safely operated barbecues on the docks and vessels.
- N. No part of any vessel may at any time extend over any portion of any dock in the Marina. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.170 Vessel traffic within the marina.

- A. All vessels approaching or within the marina area must be operated in a safe and prudent manner and in no event shall the entrance to the marina be blocked by general boating activities or fishing.
- B. The speed of any vessel within the marina breakwaters shall not exceed five miles per hour, and no person shall operate a vessel upon the waters of the marina in such a manner that the speed thereof creates an unnecessary or excessive wake.
- C. No vessel shall be operated in such a manner as to interfere with the operation of another vessel. (Ord. 6925-NS § 1 (part), 2006: Ord. 6674-NS § 1, 2002: Ord. 6645-NS § 1, 2001)

Section 6.20.180 Prohibited activities.

- A. It is unlawful for any person to swim, bathe, wade or windsurf in any portion of the marina except at Shorebird Park, and in South Sailing Basin.
- B. Prohibited use of personal watercraft:
 - 1. No jetski or personal watercraft of any kind may be operated within 1,500 feet of the Berkeley shoreline or the Berkeley Fishing Pier except in the 200-foot wide access corridor for personal watercraft designated by the Harbormaster from a boat launch at the marina to a point further than 1,500 feet from the shoreline.

2. The access corridor shall be marked by buoys or designated by other means chosen by the Harbormaster, and the speed limit in the corridor shall be 15 miles per hour.

3. Signs summarizing relevant provisions of this section shall be erected at the location from which personal watercraft are permitted to launch, as provided in paragraph (B)(1).

4. The restrictions imposed by this section shall not apply to the use of personal watercraft by Fire Department, Police Department, or Coast Guard personnel in the performance of their official duties.

C. Nothing in this section shall prevent a permittee or his/her authorized representative from working on his/her vessel under water at the vessel's berth. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.190 Cruising vessels used as a residence.

To provide additional security and assistance in emergency situations, the Harbormaster may designate a limited number of berths as residences. These berths will be dispersed throughout depending upon the total number of berths in a section, and will be subject to the following conditions:

Staying aboard a vessel four or more days and nights in any seven consecutive day/night period, or more than 12 nights, whether or not consecutive, during any 30-day period, shall be considered residing on a vessel and is prohibited except as provided below. The Harbormaster will consider written requests for temporary use of a vessel for residency; for purposes of vacation, temporary or visitor's berthing, or extenuating circumstances or other reasonable use. Unauthorized use of a vessel as a place of residence may result in cancellation of the permit to berth vessel.

A. The Harbormaster will grant residential privileges only for a cruising vessel minimum 24 feet in length, kept in good repair and in seaworthy condition. The vessels must not be permanently attached to the dock and must leave the marina waters at least once each 180-day period.

B. Any emergency situation, unusual event, or violation of this chapter or any regulations promulgated hereunder noted by a permittee with residence privileges shall be reported to the Harbormaster.

C. Only a permittee with residential privileges and up to three other persons may use the vessel as a residence on a continuing basis. Persons who are not permittees may reside on the vessel only when a permittee is in residence. The Harbormaster is to be notified in writing of the names of all persons residing on the vessel. A cruising vessel may not be rented for residential purposes.

D. Residence privileges are not transferable with the sale of the vessel. Permittees who have residence privileges may purchase a new vessel and still retain these privileges, provided that a suitable berth for the new vessel is available, and the vessel otherwise meets the requirements in subsection A of this section.

E. The owner of a pet that creates a public nuisance will be required to remove the pet from the marina permanently.

F. Permission to use a vessel as a residence will be revoked if complaints are received by the Harbormaster of loud, boisterous, or inappropriate conduct that disturbs others, by those on board, or for violation of this chapter or the regulations promulgated hereunder.

G. The vessel must be equipped with a sink and marine head and must be equipped with a holding tank designed to retain all sewage from the marine head until these wastes can be discharged into a sanitary sewer system or otherwise discharged in accordance with law. The permittee shall allow the Harbormaster to inspect such holding tanks from time-to-time upon demand. No waste matter from marine heads, holding tanks or any other receptacles shall be discharged into the waters of the marina, and no waste or other matter shall be discharged or thrown into said water.

H. Permittees receiving residential privileges shall keep the area immediately surrounding their vessels in a sanitary and orderly condition in order to assure the preservation of the public health and safety. Failure of any person residing on a vessel in the marina to abide by these requirements shall be cause for revocation of the residence privilege.

I. Payments of berthing fees and all other residence related charges must be kept current. If any charges become delinquent for 35 days, the residence privilege will be revoked unless there are extenuating circumstances.

J. On June 30th and December 31st of each year, a permittee granted residence privileges must submit to the Harbormaster a log of his/her vessel's trips out of the marina and a log of the dates the holding tank

pump-out station was used by the permittee.

K. Permittee must reside at least 50% of the year in his/her vessel or his/her residence privilege shall be revoked.

L. Persons residing on board a vessel must obtain a permit from the Harbormaster to park his/her vehicle in a marina parking lot on a regular basis. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.200 Residential houseboats.

To provide additional security and assistance in emergency situations, the Harbormaster may designate a limited number of berths as residential houseboat berths. Nothing in this section shall alter the obligation at all times of Permittees and renters with vessels occupying such berths to be in compliance with applicable conditions set forth in the permit issued to the City by the San Francisco Bay Conservation and Development Commission ("BCDC"), as described in Section 6.20.280. The vessels occupying these berths may have permanent sewer hookups and are subject to the following conditions:

A. Residential houseboat owners and renters shall have no right or power whatsoever to assign, sublet or sublicense any part of the houseboat or berth to any other party except a residential houseboat may be rented for no more than two months in any 12-month period. The Harbormaster shall be given prior written notice, including names, of such rental. The Harbormaster may permit a residential houseboat to be rented for an additional four months if he/she determines there is good cause. If permission is denied for any rental, a permittee may appeal to the City Manager. All appeals must be filed with the Harbormaster within 30 days of the date of the notice of denial. Only an owner of a houseboat may be granted a permit to berth a residential houseboat.

B. Renters must abide by the rules and regulations set forth in this chapter, and any violations will result in appropriate action taken against the permittee in accordance with this chapter.

C. A residential houseboat cannot be replaced by another residential houseboat once a berth is vacated, unless the Permittee has obtained prior written approval from BCDC for the replacement vessel. Prior to the Permittee submitting any plans to BCDC for approval of a replacement vessel, the Permittee must obtain written approval from the Harbormaster for any such proposed replacement vessel. No more than thirteen residential houseboats may be berthed in the marina at any time.

D. Permittees receiving residential houseboat privileges shall keep the areas immediately surrounding such residential houseboats in a sanitary and orderly condition in order to assure the preservation of the public health and safety. Failure of any person living on a residential houseboat in the marina to abide by such requirements shall be cause for revocation of the privilege of using such berth for residential purposes.

E. No external modifications which result in additions in overall height, width or length of the houseboat may be made, unless the Permittee has obtained prior written approval from BCDC for the external modifications. Prior to the Permittee submitting any plans to the BCDC for approval for external modifications to a houseboat, the Permittee must obtain written approval from the Harbormaster for any such proposed external modifications.

F. No permittee may be granted more than one permit to berth a residential houseboat.

G. All permittees and persons residing on board a residential houseboat must obtain a permit from the Harbormaster to park his/her vehicle in a marina parking lot on a regular basis.

H. Only a permittee with residential privileges or a renter authorized by the Harbormaster pursuant to subsection A of this section and up to three other persons may use the residential houseboat as a residence on a continuing basis. Persons who are not permittees may reside on the vessel only when a permittee is in residence. In all cases, the Harbormaster is to be notified in writing of the names of all persons residing on the residential houseboat. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.210 Sanitary facilities.

Sanitary facilities (marina toilet, head, sinks, etc.) shall not be used while a vessel is in the marina unless the vessel is equipped with an approved or acceptable operating device for containment of sewage and gray water (i.e., holding tank). It is unlawful for any person to discharge or cause to be discharged any solid or liquid wastes (including bilge water, sewage or gray water) or other pollutants into the waters of the marina.

Vessels in the marina, and the areas immediately surrounding the vessel, shall be kept in a clean, neat and orderly condition at all times. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.220 Children in marina.

It is unlawful for any child under the age of 16 years to go, remain, or be upon any of the docks, gangways, floats or vessels in the Berkeley Marina, unless such child is accompanied by a parent or other adult person, or unless such child has the written permission of the owner of any vessel located at the marina to go upon such vessel. Permanent written permission may be left on file with the Harbormaster. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.230 Fishing in marina prohibited--Unloading, cleaning and disposal of fish.

It is unlawful for any person to fish from any vessel, structure, float, dock or shoreline in the marina, the marina breakwaters or in the marina entrance. Fishing is allowed from the Berkeley Municipal Fishing Pier and any other area so designated for fishing.

No fish caught with a commercial license may be unloaded within the marina other than at designated fish unloading areas. No person shall dispose of fish, fish parts or bait into any trash receptacle in the marina, or onto the marina waters or lands, from any shore, dock, float, gangway or vessel. Fish cleaning is not permitted on vessels, floats or any other area of the marina, except at designated fish cleaning areas. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.240 Damage and/or loss of property.

The owner of a vessel must assume all liability for loss to his/her vessel and any other property, while it is within the limits of the boundary of the marina. The City assumes no risk on account of fire, theft, act of God, or damages of any nature to vessels. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.250 Vehicle or trailer parking in marina areas.

A. Permission from the Harbormaster must be obtained prior to parking any vehicle, trailer or boat in the parking areas within the marina area for a period exceeding 72 consecutive hours. If permission is not requested or granted, the vehicle, trailer or boat may be cited and removed from the marina area at the owner's expense.

B. Any vehicle, trailer, or boat/trailer combination parked in restricted areas, in limited parking areas beyond the allowed time, or in driveways, walks, or breezeways, may be cited and removed from the marina at the owner's expense.

C. The use of any vehicle for the sole purpose of storage while parked in the marina area is prohibited.

D. No person shall perform repairs to a motor vehicle anywhere in the marina except in an emergency.

E. Use of all bicycles, skateboards, roller skates, roller blades, and motor-driven or sail-propelled vehicles, except wheelchairs for the disabled and City maintenance and police vehicles, is prohibited on any path, sidewalk, pier, dock, float or gangway in the marina, other than on paths so designated for their specific use. The use of any vehicle for eating or sleeping for over four hours per day while parked in the marina is prohibited. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.255 Vehicle, trailer, heavy duty commercial and over-sized vehicle parking prohibited on public streets in the marina area.

It is unlawful for the operator of any vehicle to stop, stand, park, or leave standing such vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal, on Seawall Drive, Spinnaker Way, Marina Boulevard and University Avenue between Frontage Road and Seawall Drive.

A. Heavy duty commercial or over-sized vehicles are prohibited from parking in the above areas at all times. For purposes of this section a heavy duty commercial or over-sized vehicle is a single vehicle or combination of vehicles, with a commercial license plate, having more than two axels; a single vehicle or combination of vehicles 25 feet or more in length regardless of type of license plate; or a trailer or semi-trailer

with commercial license plate or trailer identification plate. Heavy duty commercial vehicle or trailer shall include, but shall not be limited to, truck tractor, semi-trailer, trailer, trailer bus, trailer coach, camp trailer, mobile home, gantry truck, dump truck, moving vans and pole or pipe dollies. Excluded are commercial pickup trucks, tour buses, school buses, public transit buses, and paratransit buses.

B. All other vehicles and trailers not defined as heavy duty commercial or over-sized vehicles in subsection A above are prohibited from parking in the above areas between the hours of 2:00 a.m. and 6:00 a.m. daily. (Ord. 6925-NS § 1 (part), 2006: Ord. 6803-NS § 1, 2004; Ord. 6711-NS § 1, 2002)

Section 6.20.260 Overnight camping in marina land areas prohibited.

A. Use of marina land areas for overnight camping or sleeping is prohibited.

B. Use of campfires in the marina land areas other than in designated areas, without prior written permission of the Harbormaster, is prohibited. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.270 Solicitation and advertising.*

A. Solicitation of patronage for private or commercial business in the marina without a permit is prohibited pursuant to Berkeley Municipal Code Chapter 9.40 as amended from time to time.

B. The Harbormaster shall establish and maintain bulletin boards for posting commercial and noncommercial literature. Literature may not be posted in any other place within the marina except as designated by the Harbormaster.

C. No distribution of commercial or noncommercial literature (brochures, pamphlets or other material) is permitted in the marina area at any point more than six feet from any trash, litter or refuse receptacle. Such receptacle may be furnished by the distributor of the literature.

D. No person shall row, propel, navigate or maintain any vessel or float in the marina for the purpose of advertising.

E. No sign advertising commercial use of a vessel shall be displayed on any vessel, float, dock or other structure; except, however, that properly licensed commercial vessels operating from the marina on Dock K may have the vessel's name, telephone number and message displayed on the vessel. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

*For provisions on business licensing, see Chapter 9.04 of this code.

Section 6.20.280 San Francisco Bay Conservation and Development Commission permit.

All persons using the marina shall comply with the provisions of BCDC Permit No. 5-79 granted to the City by the San Francisco Bay Conservation and Development Commission (BCDC), as amended from time to time, and with any additional or successive permits as may be issued by said commission. Copies of said permit(s) and amendments thereto shall be available for inspection at the office of the Harbormaster during regular business hours. Any application for an amended, additional or successive permit may be made only by the City. In the event that the City makes such an application on behalf of an individual Permittee (e.g., for a proposed modification to a residential houseboat), the individual will be responsible for an equitable portion of the application fee actually charged by BCDC and any other costs associated with the application. Amendments to this section shall be retroactive to January 1, 2006. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.290 Notice.

Unless otherwise provided in this chapter, notice or communication given pursuant to this chapter shall be in writing, and may be delivered personally or be sent by first class mail, postage prepaid and deposited in the United States mail.

All notices to the Harbormaster shall be addressed as follows:

Berkeley Harbormaster
201 University Avenue
Berkeley, CA 94710

All notices to permittee shall be addressed to the residence or business address shown on the application form for a permit to berth vessel as provided for in Section 6.20.030 of this chapter.

Notices and communications sent as provided above shall be deemed given when received by the party to whom addressed; provided, however, if sent by registered or certified mail, postage prepaid, and deposited in the United States mail, such notices and communications shall be deemed given three business days after being deposited in the mail. A party may change its address to which notices and communications are to be given by giving written notice thereof to the other party. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.300 Administrative regulations.

The City Manager is authorized to promulgate any rules and regulations necessary or appropriate to carry out the purpose and requirements of this chapter. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.310 Penalty.

Violations of this chapter are misdemeanors but may be charged as infractions in the discretion of the enforcing officer, as provided in the Berkeley Municipal Code Chapter 1.20. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.320 Appeals.

A. The Harbormaster and Waterfront Manager have full authority to interpret and enforce all the rules and regulations affecting the Marina. Their decisions and those of their designated representatives shall be final, except that such decisions shall be subject to appeal only when they result in (1) cancellation of a berthing permit, or (2) any other action for which an appeal is required in order to accord due process. All other actions shall be final and unappealable.

B. An individual directly affected by and who wishes to dispute a decision subject to appeal under paragraph (A) of this section may file a written appeal with the City Manager within ten calendar days of the date notice of said decision is mailed by first class mail or equivalent means. To be considered, an appeal must be timely and comply fully with the requirements of paragraph (C) below. The City Manager shall have the discretion, where in the City's best interests, to stay and/or modify further enforcement of the disputed decision, including without limitation the collection of fees, pending resolution of an appeal; however, any such interim stay or modification shall not impact other remedies, if any.

C. Appeals must include

1. A heading in the words, "Appeal Pursuant to B.M.C. Chapter 6.20, Marina Appeals Procedure";
2. The names and mailing addresses of all parties to the appeal (appellant(s));
3. A signed and dated verification, by declaration under penalty of perjury;
4. A brief statement, in ordinary and concise language, of the specific order or decision being disputed, together with any material facts claimed to support the appellant's contentions, including the affected vessel's registration or documentation number (state and/or federal as appropriate);
5. A brief statement setting forth each appellant's legal interest in the vessel(s) involved in the dispute, and including without limitation identification of all owners, part-owners, lessees, occupants, and anyone else known to have a financial interest in the vessel;
6. A copy of any written decisions of, correspondence with, Marina or other City staff, and any other relevant documentation, including permit(s), regarding the subject matter of the appeal;
7. A brief statement, in ordinary and concise language, of the relief sought, and the reasons why it is claimed the disputed order or decision should be reversed, modified, or set aside;
8. Any appeal fee authorized by the City Council;
9. If the notice provided pursuant to Section 6.20.290 includes as a basis for the decision a determination that the vessel is not seaworthy, the appeal must also include a current vessel survey certified by a professional marine surveyor.

D. Where a timely and complete appeal has been filed, the City Manager shall, within ten calendar days, set the appeal for hearing before a Hearing Officer to be designated by the City Manager. Notice of the time,

place, and any other information the City deems necessary regarding such hearing shall be mailed to the appellant(s) not less than five business days prior to the time set for hearing. The formal rules of evidence shall not apply to such hearings, but the Hearing Officer shall ensure that evidence presented is reliable and protects the rights of the parties in that regard. The Hearing Officer shall serve a written decision upon the appellant within ten calendar days of the hearing, with a copy to the Waterfront Manager and the City Manager. The Hearing Officer's decision shall be final when mailed. Where the appeal includes a current vessel survey certified by a Professional Marine Surveyor, the Hearing Officer shall accept the conclusions of that survey.

E. Any person entitled to submit an appeal but who fails or chooses not to file an appeal as provided herein, or who files an untimely or incomplete appeal, or who fails to appear for any scheduled hearing regarding the appeal, waives any right to appeal a disputed decision of Marina staff. Only those matters or issues specifically raised by an appellant pursuant to these procedures shall be considered in the processing of his/her appeal.

F. The provisions of Section 1094.6 of the California Code of Civil Procedure, as amended from time to time, shall apply to the judicial review, if any, of a final decision made under this chapter; except that, where a shorter statute of limitations applies pursuant to state or federal law, it shall control. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)

Section 6.20.330 Charter vessels.

A. Charter vessels may use or operate from public docks in the Berkeley Marina only as set forth in this section and pursuant to a charter permit.

B. Upon application therefor, the Harbormaster or Waterfront Manager may issue a charter permit. Charter permits shall require compliance with all applicable provisions of federal, state and City laws, ordinances and regulations, current commercial general liability insurance naming the City as additional insured in an amount not less than one million dollars (which amount shall be subject to adjustment by the Risk Manager) and payment of all fees and taxes required by City ordinances.

C. Use of slips for charter vessels shall be in accordance with assignments made by Harbormaster or Waterfront Manager, who may establish procedures for orderly reservation, assignment and allocation of slips. Operators of charter vessels shall pay a slip use and passenger loading fee established by resolution of the City Council.

D. Charter vessels which use or operate from private docks in the Berkeley Marina shall pay a Marina use fee established by resolution of the City Council. The purpose of said fee is to compensate the City for services and benefits provided to such vessels through maintenance and improvement of the Berkeley Marina and associated public facilities.

E. Upon three violations of this section within any 12-month period, the operator of a charter vessel shall be prohibited from operating any charter vessel in or from the Berkeley Marina for one year. For purposes of this section, conviction of an infraction shall be conclusive evidence of violation. In addition, for purposes of this section, written notice of violation by the Harbormaster or Waterfront Manager in the manner set forth in Section 6.20.290 shall also constitute conclusive evidence of violation, provided that said notice shall be subject to appeal as set forth in Section 6.20.320.

F. As used in this section, "Charter vessel" means any vessel used to carry passengers for consideration, direct or indirect. (Ord. 6925-NS § 1 (part), 2006: Ord. 6645-NS § 1, 2001)



Date Submitted: _____

30 DAY CANCELLATION FORM

Return To: City of Berkeley– Berkeley Marina / 201 University Ave. / Berkeley, CA 94710
or Email: marina@berkeleyca.gov

Slipholder Name _____ Vess Name _____ Slip _____

Address _____ City _____ State _____ Zip _____

Email _____ Phone # _____

Reason for cancellation: _____

If selling vessel, what is buyer's name? _____ Phone: _____

In accordance with the terms and conditions of my executed berthing permit for the above referenced vessel, effective _____ I will be giving up my berth at Berkeley Marina, thus cancelling my current Permit to Berth Vessel and vacating my current berth assignment.

➤ I understand that my cancellation will not be processed until I return all assigned Marina Parking Passes. (If any) This includes Launch Ramp Parking Passes.

➤ I agree that I am responsible for any and all dockage fees for the above referenced vessel, as long as it remains berthed at the Berkeley Marina. If the vessel has been sold, I will remain liable for dockage payments until such time as the new owners have entered into a Transient Dockage Agreement with the Berkeley Marina, and I will provide a copy of bill of sale to the marina.

➤ I understand that no security deposit will be refunded to me until Berkeley Marina has determined that my vessel has left the facility; my dockage account has a zero balance; and my slip area has been left in a clean condition. If I have sold my vessel, I will not receive my security deposit refund until such time as the buyer has satisfactorily entered into a Transient Dockage Agreement with Berkeley Marina or the vessel has been removed from our property.

➤ I certify that I will remove all gear and equipment from my assigned dock box and adjacent area around my slip; I will remove all dock lines and any other appurtenances from the pilings, finger dock, and area around my slip; and I will leave my dock area in a clean condition. I understand that the Berkeley Marina is Not Responsible for any gear, equipment, or other articles left by me in my dock box or slip area after the above effective date.

➤ I understand that my security deposit will be mailed to the address I have listed above.

➤ I understand that all dry storage keys and launch passes must be returned in order to receive credit/refund. (If applicable)

➤ I understand that there will be a \$75 administrative fee for requests to void cancellations.

Signature of Vessel Owner/ Slipholder

Date

Vessel has vacated slip, no dockage owed, parking passes returned, dock box empty, slip area in clean condition, , dry storage keys returned:

Deposit Released By

Date

For Office Use Only:

Parking Pass(s) Returned: _____

Account #: _____

Account Bal: _____

Entered on MR Log _____

MMS Closed: _____

Launch Pass/ DS Key Returned: _____

Dock Box Insp: _____

Keys Deactivated: _____