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Editor's note—

Ord. No. 550, adopted August 10, 2009, repealed the former Chapter 15.40, §§ 15.40.010—15.40.130, and enacted a new Chapter 15.40 as set out herein. The former Chapter 15.40 pertained to similar subject matter and derived from Ord. No. 427, 1993.

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To regulate liveaboard use on tidelands granted to the city of Morro Bay by the State Lands Commission for public health and safety.

(Ord. No. 550, 8-10-09)

[15.40.020 - Definitions.](#)

For the purposes of this chapter the following definitions shall apply:

- A. For the purposes of this chapter, "Morro Bay Harbor" shall be the tidelands and submerged lands granted to the city of Morro Bay as successor to the county of San Luis Obispo under Chapter 1076 Statutes of 1947 of the State of California.
- B. Liveaboard—Individual(s) and/or Vessel(s).
 1. A "liveaboard" is defined as any person(s) who uses a vessel as a residence and/or is occupying that vessel for four or more days or nights within any seven day period engaging in those usual and customary activities associated with a person's residence or abode such as, but not limited to, sleeping and preparation of meals. This definition will also include any individual using a vessel for four or more days or nights within any seven-day period as a place of business, professional location or other commercial enterprise, as evidenced by a business license, when transportation is a secondary or subsidiary use.
 2. A "liveaboard vessel" is any vessel which is moored in Morro Bay Harbor for more than sixty days in any twelve-month period and is occupied by a liveaboard. Liveaboard vessels shall be considered single family residences for purposes of health, safety, welfare and public nuisances and shall at no time house such number of persons so as to create a public nuisance or to be detrimental to the health, safety and welfare of others.
- C. "Harbor director" means the harbor director or his/her designate.
- D. "Off-shore mooring" means any site where a vessel is secured within Morro Bay Harbor which is not directly connected to the shore or land by means of a dock, pier, float or other structure providing direct access from the vessel to the land or shore.

- E. "Shore-side mooring" means any site where a vessel is secured within Morro Bay Harbor which is directly connected to the shore or land by means of a dock, pier, float or other structure providing direct access from the vessel to the land or shore.
- F. "Sewage" means that portion of the wastewater from toilets or any other receptacles containing human or animal excreta and urine, commonly known as blackwater.
- G. "Sewage holding tank" means a permanently installed receptacle on a vessel which is used to retain sewage.
- H. "Sewage pump-out" means a mechanical device which is temporarily connected to a vessel for the purpose of removing sewage from its holding tank.
- I. An "adequate vessel sanitation facility" means an operational marine sanitation device or portable toilet approved by the United States Coast Guard as suitable to prevent direct discharge of human waste into Morro Bay Harbor.

(Ord. No. 550, 8-10-09)

15.40.030 - Permit required.

It shall be unlawful for any person to occupy or own a liveaboard vessel within Morro Bay Harbor unless the vessel has been permitted under this chapter.

- A. **Liveaboard Vessel—Permit Application and Fees.** An application for liveaboard permit shall be filed with the harbor director upon forms provided by the city. The permit is valid for two fiscal years, including the year issued, and may be renewable after payment of the biennial renewal and inspection and completion of the required biennial re-inspection. The harbor director shall have the discretion to provide applicants a six-month extension of their existing permit to complete inspection requirements of the vessel. An applicant must provide a written request to the harbor director for the six-month re-inspection including an explanation of why the extension is needed. Should any existing liveaboard permittee not complete the permitting process and obtain a new valid liveaboard permit within this six-month extension period, the permit will expire. Applications shall be filled out completely and submitted with the required non-refundable fees. Fees shall be paid as set and established in the city master fee schedule.
- B. **General Restrictions for Issuance.** Liveaboard vessels are prohibited from the city T-Piers. Permits will not be granted for vessels or floating structures such as houseboats, barges, floating homes or other such vessels or floating structures not specifically designed for or not safely capable of navigating ocean waters under their own power. An exception for work barges actively engaged in construction activity in Morro Bay Harbor may be made by the harbor director.

(Ord. No. 550, 8-10-09)

15.40.040 - Permit issuance.

- A. **Issuance of a Liveaboard Permit.** Upon receipt of the original liveaboard permit application, or any renewal thereof, the harbor director shall notify applicant that the applicant must make arrangements within a specified period with the harbor department to have the liveaboard vessel, under its own power, make way to the harbor patrol docks or other facility designated by the harbor patrol to submit to an inspection to insure the liveaboard vessel is in compliance with the conditions of this chapter. The inspection shall be accomplished by a city of Morro Bay Harbor patrol officer or a qualified marine surveyor acceptable to the city provided that if applicant chooses to have an inspection completed by a marine surveyor, then applicant will bear all costs thereof and provide city a copy of the inspection report. Conditions for issuance of a liveaboard permit are as follows:
 1. Vessels to be used for liveaboard purposes must be in good material condition not likely to sink or become a menace to navigation and to be of a design suitable for operation on the waters of the Pacific Ocean. All vessels must be currently registered or documented.
 2. All liveaboard vessels are required to have adequate vessel sanitation facilities on board.

3. The proposed liveaboard individual and the vessel to be used for liveaboard purposes must be in compliance with all sections and provisions of this chapter.
4. Liveaboard vessels must have on board a working VHF marine radio with minimum channels of twelve and sixteen, or have a functioning telephone.
5. The individual(s) submitting the application must be the owner of the vessel and shall liveaboard the vessel during any liveaboard use thereof except that paid crew member(s) of qualified commercial fishing vessels may liveaboard without the vessel owner and may receive liveaboard permits with the vessel owner's consent. No permit will be issued in the name of a partnership (general or limited), corporation, joint venture or other legal entity. A permit for a vessel which is registered, documented or owned by a partnership (general or limited), corporation, joint venture or other legal entity will be issued only to a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership or stock or a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates. An applicant for a permit in Morro Bay for a vessel which is owned by a partnership (general or limited), corporation, joint venture, or other legal entity shall submit for approval by the harbor director, a valid certificate of ownership or valid marine document. Notwithstanding the form of ownership of the vessel, the permit to liveaboard the same within the city of Morro Bay shall not be transferable under any circumstances. If a permittee fails or refuses to notify the harbor director of a change to any of the information contained in the liveaboard permit application within five days from the date of any such change, such failure or refusal shall constitute grounds for revocation of the permit.
6. The liveaboard vessel must have a safe and legal berthing location in Morro Bay Harbor other than the A1-5 anchorage area or the city T-Piers.
7. The permit will be valid for two fiscal years and the applicant must meet the requirements for permit issuance biennially thereafter or the harbor director shall not reissue the liveaboard permit. Liveaboard vessels which are not in Morro Bay Harbor as provided for in Section 15.040.070 shall not have to meet requirements for permit reissuance until the vessel returns to Morro Bay Harbor.
8. The permit will be issued for the vessel, and will state the specific names of the liveaboards authorized to occupy the vessel.
9. No more than fifty liveaboard permits may be issued at any time. City will not maintain a liveaboard permit waiting list unless fifty permits are issued and additional individuals desire to apply for liveaboard permits.

(Ord. No. 550, 8-10-09)

15.40.050 - Termination/revocation of permit.

- A. Conditions for Termination/Revocation. Liveaboard permits may be revoked for the following reasons:
1. Discharge of sewage.
 2. Violation of any section of this chapter not specifically listed in this section, for a period in excess of thirty days after having been notified to correct the violation. Notice of violation shall be given by first-class mail or personal service or by attachment of said notice in a conspicuous location on the vessel or any combination of the above. Proof of correction of any violation shall be deemed to be the obligation of the permittee, or liveaboard, and shall be to the satisfaction of the harbor director.
 3. If twice in any twelve-month period the permittee has been found in violation of the terms of this chapter, it shall be evidence of non-compliance with the intent of this chapter to maintain an orderly harbor operation and shall constitute grounds for revocation of the permit.
 4. In the event that city policy concerning the number of liveaboard permits issued shall change and the number of liveaboard permits shall be reduced, notice of revocation of liveaboard permits shall be given by first-class mail or personal service or by attachment of said notice in a conspicuous location on the vessel or any combination of the above. Since this will require relocation of a personal residence, sixty days notice of termination of the liveaboard permit will be given in this situation. This shall also include requirements established by other agencies whose jurisdiction may be imposed upon the city of Morro Bay. In the event terms and or

conditions of maintaining a liveaboard permit are modified by the city council, then those persons holding current liveaboard permits shall have a period of sixty days after adoption of said modifications in which to fully comply with such new regulations. Those permittees with the shortest tenure as a permitted liveaboard will be the first to receive such notice.

5. In the event that the liveaboard permit holder moves from the area or no longer resides on the vessel for minimum time periods required or voluntarily terminates liveaboard status.
 6. Non-payment of fees associated with liveaboard permit or vessel associated with liveaboard permit, service charges, dockage charges or other fees due to the city of Morro Bay for a period in excess of ten days after written notice. Notice shall be given as described in subsection (A)(2) of this section.
- B. Termination/Revocation Procedure. Upon determining that grounds for revocation of a permit exist, the harbor director shall give written notice of intent to revoke (including the grounds thereof) to the permit holder by first-class mail, personal delivery, by attachment in a conspicuous location on the vessel or any combination of the above, or if the permit holder cannot be located with reasonable effort such notice shall be given to any person aboard the vessel. The revocation shall be effective fifteen days following the giving of such notice except as provided below:
1. Appeal. A decision by the harbor director to terminate or revoke a liveaboard permit pursuant to this section shall be appealable to the harbor advisory board. Any such appeal must be filed in writing with the harbor director within ten days of the date of notice of revocation. The revocation shall be stayed while the appeal is pending, unless it is determined by the harbor director that immediate cessation of overnight occupancy of the vessel is necessary for the preservation of the public peace, health or safety. The appeal shall be filed in writing and shall specify all of the grounds for the appeal. The harbor advisory board shall provide the permit holder an opportunity to present evidence on his behalf and to challenge the determination of the harbor director. Formal rules of evidence or procedure need not be followed. If the harbor advisory board is unable to approve any formal motion regarding the appeal after two publicly held hearings on the appeal then the revocation shall become effective three days following the second public meeting. If the appeal is denied revocation shall become effective three days following the harbor advisory board's decision.

(Ord. No. 550, 8-10-09)

15.40.060 - Transferability of liveaboard permit.

No transfer of liveaboard permits between individuals is allowed. Under no circumstances will the sale of a vessel or any interest therein maintain any associated liveaboard permit with the vessel for the benefit of the new owner or interested party. Should a new owner or interested party wish to liveaboard a vessel purchased from a prior liveaboard permittee, said party must apply for a new liveaboard permit for the vessel in their name.

In the event that a permitted liveaboard shall purchase a new vessel, they may retain their liveaboard permit and level of seniority providing that the new vessel is inspected within sixty days and that the inspection fee is paid for the new vessel.

(Ord. No. 550, 8-10-09)

15.40.070 - Temporary leaves, retention of permit.

Absence of either the vessel, the permit holder or both from Morro Bay harbor or failure to maintain residency aboard the vessel shall result in revocation of the liveaboard permit. The liveaboard permit may be retained up to five years without meeting these minimum residency requirements provided that:

- A. All fees are kept current.
- B. The absence has been requested in writing and approved by the harbor director in advance of absence; or if the absence is related to vessels of a commercial nature actively fishing in areas away from Morro Bay.

(Ord. No. 550, 8-10-09)

15.40.080 - Occupancy by non-owner.

Rental or sublease of vessels resulting in liveaboard uses are prohibited. "Boat sitting", caretaking, maintenance or any other activity related to vessels resulting in liveaboard use either for compensation or no compensation are prohibited. Only the person(s) named on the application for liveaboard permit or as amended and approved are permitted to reside on the vessel.

(Ord. No. 550, 8-10-09)

15.40.090 - Use of pumpout facilities.

Where permittees are required to have adequate vessel sanitation facilities permittees shall use pumpout facilities on a regular basis or otherwise discharge greywater, human waste and sewage in a legal manner.

(Ord. No. 550, 8-10-09)

15.40.100 - Enforcement.

The harbor director shall be responsible for enforcing the provisions of this chapter. Enforcement guidelines shall be developed and made available to the public at the harbor office.

(Ord. No. 550, 8-10-09)

15.40.110 - Applicability of chapter.

This chapter shall not apply to vessels in the State Park Marina or any vessels berthed outside the city of Morro Bay limits.

(Ord. No. 550, 8-10-09)

15.40.120 - Fees.

Permit application fees, renewal fees and service fees shall be set forth in the city of Morro Bay master fee schedule. Fees are non-refundable and permits may be revoked at any time under the terms and conditions of this chapter. A ten percent late payment fee will apply for failure to pay fees when due. Service fees will apply to any liveaboard permittee in city mooring areas or slips. Service fees shall not apply to those permittees berthed at leased sites or moorings where the leaseholder is providing restroom, water and trash services to the permittee at no cost to the city.

(Ord. No. 550, 8-10-09)
