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April 28, 1992

**LAW AND LEGISLATION COMMITTEE
SACRAMENTO, CALIFORNIA**

HONORABLE MEMBERS IN SESSION:

SUBJECT: An Emergency Ordinance Adding Sections 27.326 Through 27.329 of the Sacramento City Code, and Amending Sections 27.301 and 27.325 of the Sacramento City Code, Prohibiting Fishing Within the Sacramento Marina and Prohibiting the Operation of Non-Licensee Vessels and Personal Watercraft Within the Sacramento Marina

LOCATION

District 4, Sacramento Marina at Miller Park

SUMMARY

This report presents for committee review a staff recommendation to support and forward to the City Council an emergency ordinance prohibiting fishing within the Sacramento Marina and prohibiting the operation of non-licensee vessels and personal watercraft within the Sacramento Marina.

STAFF RECOMMENDATION

This report recommends that the Law and Legislation Council endorse the proposed emergency ordinance prohibiting fishing within the Sacramento Marina and prohibiting the operation of non-licensee vessels and personal watercraft within the Sacramento Marina and forward the ordinance to the City Council with a recommendation for enactment.

BACKGROUND

The Sacramento Marina was first dredged in 1956 and the Marina improvements were constructed in 1958. The Marina operated as a private concession until 1977 when the City of Sacramento began operation and maintenance of the 277 berth facility. The Sacramento Marina and Miller Park Master Plan was completed in 1984 as the beginning of a major expansion and improvement program. The expansion project included a new 282 berth expansion with on-shore support facilities including picnic areas, parking and the Marina Administration Building.

It has long been a practice at the Sacramento Marina to exclude non-licensee vessels and to prohibit fishing within the boat harbor, in order to prevent conflicts between the berth licensees navigating in and out of the harbor and other vessels. Recently, a number of fishing vessels, notably bass fishermen, have claimed the right to fish within the boat harbor in disregard of the established policy. Their presence has resulted in near collisions and many complaints from berth licensees. In a separate but related development, there has been increasing use of personal watercraft (e.g. Jet Skis) at the mouth of the boat harbor, also creating a conflict with berth licensees and the risk of collisions and personal injuries. In order to rectify this situation, staff recommends that a prohibition against non-licensee vessels, fishing, and personal watercraft be added to the existing ordinances regulating use of the Sacramento Marina.

Section 660 of the California Harbors and Navigations Code authorizes the enactment of local boating regulations pertaining to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control. The attached ordinance declares the Sacramento Marina to be a special-use area and makes findings related to that declaration. As required by Section 660, a copy of the proposed ordinance has been submitted to the California Department of Boating and Waterways.

The proposed ordinance has the following provisions:

- (a) Findings that operation of non-licensee vessels, fishing, and operation of personal watercraft with the Sacramento Marina are activities which are incompatible with the primary use of the Marina for navigation of licensee vessels and which create risks of personal injury and property damage if allowed to continue.
- (b) A prohibition against the operation of vessels within the Sacramento Marina for which a Sacramento Marina berth license has not been issued, with the exception of vessels navigating directly to and from the fuel dock to purchase fuel or other supplies.
- (c) A prohibition against fishing within the Sacramento Marina, whether from a vessel or the shore, with the exception of berth licensees from their berthed vessels.
- (d) A definition of "personal watercraft" and a prohibition against the operation of personal watercraft within the Sacramento Marina or within 200 feet of the boat launch ramp or courtesy dock.

Staff proposes that the ordinance be passed as an emergency measure to take effect immediately. The increasing presence of fishing boats within the Marina over the past few months has created dangerous conditions for all vessels using the Marina and has led to numerous complaints about the hazards from berth licensees. Staff believes the hazards should be abated immediately.

FINANCIAL CONSIDERATIONS

Enactment of the proposed ordinance would have no financial impact on the City.

POLICY CONSIDERATIONS

Enactment of the proposed ordinance would ratify an existing Sacramento Marina policy, and, in light of some claims that we cannot currently exclude non-licensee fishing boats from the Marina, facilitate enforcement of these safety regulations. It has been the policy of the City Council to operate the Sacramento Marina in a manner comparable to first-class private marinas. These ordinances would put into place regulations generally in effect at private marinas.

MBE/WBE

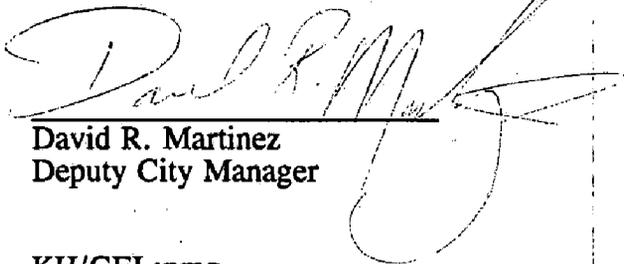
Not applicable.

Respectfully Submitted By:



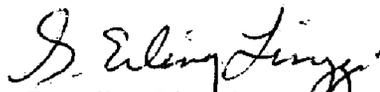
Ken Harris, Manager
Parks and Recreation City-wide

APPROVED:



David R. Martinez
Deputy City Manager

Approved:



G. Erling Linggi, Acting Director
Department of Parks and Community Services

KH/GEL:pmg

Attachments

PERSON TO CONTACT WITH QUESTIONS: Doug Renz, Harbormaster, 264-5712

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTIONS 27.326 THROUGH 27.329 TO THE SACRAMENTO CITY CODE, AND AMENDING SECTIONS 27.301 AND 27.325 OF THE SACRAMENTO CITY CODE, PROHIBITING FISHING WITHIN THE SACRAMENTO BOAT HARBOR AND PROHIBITING THE OPERATION OF NON-LICENSEE VESSELS AND PERSONAL WATERCRAFT WITHIN THE SACRAMENTO BOAT HARBOR, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Subsection (i) is hereby added to Section 27.301 of the Sacramento City Code to read as follows:

§ 27.301 Definitions

- (i) **Personal Watercraft.** The term "personal watercraft" shall mean and include any motorized vessel which has an internal combustion engine powering a water-jet pump or a fully-covered propeller chamber as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting or standing inside the vessel. This term shall include, but not be limited to, those vessels commonly known as "Jet Skis," "Wet Bikes," "Surf Jets," and "Sea-Doos."

SECTION 2.

Sections 27.326 through 27.329 are hereby added to the Sacramento City Code to read as follows:

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DATE ADOPTED: _____

§ 27.326 Findings re Special-Use Area

The Council of the City of Sacramento finds as follows:

- (a) The Sacramento Boat Harbor, as described in Sacramento City Code Section 27.301(g), is hereby designated as a "special-use area," as defined in the Harbors and Navigation Code, Section 651(aa). The Sacramento Boat Harbor is operated by the City of Sacramento as a facility for the berthing of vessels. Local regulation of the Sacramento Boat Harbor is required to prevent accidents and to facilitate the use of the Harbor for its primary purpose of berthing licensee vessels.
- (b) The area within two hundred (200) feet of the Sacramento Marina boat launch ramp and courtesy dock is hereby designated as a "special-use area," as defined in the Harbors and Navigation Code, Section 651(aa). The boat launch ramp and courtesy dock are operated by the City of Sacramento for the launching and delaunching of vessels and for the coming and going of vessels using the courtesy dock on a temporary basis. Local regulation of the area within two hundred (200) feet of the boat launch ramp and courtesy dock is necessary to prevent accidents and to facilitate the use of the boat launch ramp and courtesy dock for their primary purpose.
- (c) The configuration of the Sacramento Boat Harbor, and the large number of boats berthed therein, which navigate in and out of the Harbor, make use of the Harbor area by persons other than Harbor berth licensees incompatible with the primary use of the Harbor by licensees. The presence of non-licensee vessels within the Harbor reduces the City's ability to provide a safe channel to navigate in and out of the Harbor, because it increases the likelihood of collisions, and reduces the City's ability to protect licensees' boats and other property.
- (d) The presence of persons fishing from vessels or shore within the Sacramento Boat Harbor is incompatible with the primary use of the Harbor by licensees. Fishing by non-licensees within the Harbor reduces the City's ability to provide a safe channel to navigate in and out of the Harbor, because it increases the likelihood of collisions, and reduces the City's ability to protect licensees' boats and other property.
- (e) The presence of personal watercraft within the Sacramento Boat Harbor is incompatible with the primary use of the Harbor by licensees. The presence

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of personal watercraft within the Harbor reduces the City's ability to provide a safe channel to navigate in and out of the Boat Harbor, because it increases the likelihood of collisions, and reduces the City's ability to protect licensees' boats and other property.

- (f) The presence of personal watercraft within two hundred (200) feet of the boat launch ramp and courtesy dock, other than for launching and delaunching, presents a threat to public safety, in that wakes produced by the personal watercraft endanger the safety of other vessels which are launching and delaunching, and the presence of personal watercraft increases the likelihood of collisions between personal watercraft and other vessels.
- (g) The regulations contained in Sections 27.327 through 27.329 are necessary to promote public safety and to protect the property of those vessels licensed by the City to berth in the Harbor and vessels using the boat launch ramp and courtesy dock.
- (h) This ordinance is adopted pursuant to the police powers of the City of Sacramento granted by the California Constitution, Article XI, Section 7, and the statutory authority conferred upon local governments by the Harbors and Navigation Code, Sections 268(a) and 660(a).

§ 27.327 No Non-Licensee Vessels in Sacramento Boat Harbor

It shall be unlawful for any person to operate within the Sacramento Boat Harbor a vessel for which a Sacramento Boat Harbor berth license has not been issued, except with prior approval; provided, however, that it shall not be unlawful to enter the Harbor for the purpose of navigating directly to and from the fuel dock to purchase fuel or other supplies.

§ 27.328 No Fishing in the Sacramento Boat Harbor

It shall be unlawful for any person to fish within the Sacramento Boat Harbor, whether from a vessel or from the shore; provided, however, that berth licensees may fish from properly berthed vessels.

§ 27.329 No Personal Watercraft in Sacramento Boat Harbor or Within Two Hundred Feet of the Sacramento Marina Boat Launch Ramp/Courtesy Dock

- (a) It shall be unlawful for any person to operate a personal watercraft within the Sacramento Boat Harbor.

- (b) It shall be unlawful for any person to operate a personal watercraft within two hundred (200) feet of the Sacramento Marina boat launch ramp or courtesy dock, except to launch or delaunch the personal watercraft.

SECTION 3.

Section 27.325 of the Sacramento City Code is hereby amended to read as follows:

§ 27.325 Violation and Penalty

Any person violating Section 27.321, 27.327, 27.328, or 27.329 is guilty of a misdemeanor. Any person violating any other provision of this article is guilty of an infraction.

SECTION 4.

This ordinance is hereby declared to be an emergency ordinance to take effect immediately. The grounds for the emergency are the existing and increasing conflicts within the Sacramento Boat Harbor among vessels berthed in the Harbor, non-licensee vessels, fishing vessels and personal watercraft, and conflicts between personal watercraft and other vessels using the boat launch ramp and courtesy dock, which conflicts present an immediate threat to personal safety of the boaters and their vessels.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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DATE ADOPTED: _____