

16857

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON MAY 11 1987

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 63.40 RELATING TO THE SAN DIEGO-LA JOLLA UNDERWATER PARK ECOLOGICAL RESERVE.

WHEREAS, the San Diego-La Jolla Underwater Park Ecological Reserve has been created as a marine preserve and attracts large numbers of swimmers and underwater divers; and

WHEREAS, the operation of motor boats and other vessels within this heavily used area presents a distinct threat to the safety of swimmers and divers; and

WHEREAS, the operation of boats at speeds greater than 5 nautical miles per hour within and adjacent to certain portions of the Reserve is incompatible with other permitted uses and purposes for which the Reserve was created; and

WHEREAS, a boat-free zone needs to be established to ensure the safety of swimmers in a designated section; and

WHEREAS, the Harbors and Navigation Code authorizes the establishment of special restrictions and special use areas consistent therewith; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 3 of the San Diego Municipal Code be and the same is hereby amended by adding section 63.40 to read as follows:

SEC. 63.40 SAN DIEGO-LA JOLLA UNDERWATER PARK ECOLOGICAL
RESERVE - BOATING REGULATIONS

a. DEFINITIONS

1. As used herein, the San Diego-La Jolla Underwater Park Ecological Reserve is all that portion of District 19 consisting of the Pacific Ocean and tide and submerged lands lying within the boundaries of the City of San Diego, County of San Diego, State of California beginning at the most northerly point of Alligator Head Point as shown on La Jolla, Map 352 filed in the office of the County Recorder of said County; having a latitude of 32° 51' 04", and a longitude of 117° 16' 20", thence northeasterly to a point having a latitude of 32° 51' 13" north and a longitude of 117° 16' 10" west, thence northerly to a point being the intersection of longitude 117° 16' 15" west with the westerly prolongation of the southerly line of Pueblo Lot 1298 as shown on the map of Pueblo Lands of San Diego made by James Pascoe, known as Miscellaneous Map No. 36 filed in the office of the County Recorder of said County; thence easterly along said prolongation of the southerly line of Pueblo Lot 1298 to the intersection with the Mean High Tide Line; thence in a generally southerly direction along said Mean High Tide Line to the point of beginning, as established by license agreement between The City of San Diego and the State of California pursuant to Council Resolution No. R-253779, adopted March 16, 1981.

2. As used herein, the terms "vessel" or "boat" are as defined in Harbors and Navigation Code section 651 and shall include motorized and non-motorized craft, including wind surfers, but shall exclude surf boards and paddle boards.

b. Except as provided herein, no person shall operate a vessel or boat at a speed in excess of 5 nautical miles per hour within any area marked by buoys or markers which are moored along the perimeter, or as close thereto as is practicable, or adjacent to that portion of the San Diego-La Jolla Park Ecological Reserve as shown on Document No.

00-16857 on file in the office of the City Clerk, which is hereby designated a restricted area pursuant to Harbors and Navigation Code section 660 and described as follows:

Beginning at Point "97" on Alligator Head Point thence 1939.69 feet N 20° 18' 47.0" E, more or less, to Point "42" (Lambert Coordinates: N 252,279.844, E 1,686,757.560; Geodetic Coordinates 32° 51' 21.0" North Latitude, 117° 16' 12.0" West Longitude), thence 2662.27 feet S 88° 08' 12.2" E, more or less, to Point "43" (Lambert Coordinates N 252,193.281, E 1,689,418.425; Geodetic Coordinates 32° 51' 20.4" North Latitude, 117° 15' 40.8" West Longitude), thence 125 feet N 30° 0' 00" E, more or less, to Point "44" (Lambert Coordinates N 252,301.534, E 1,689,480.925; Geodetic Coordinates 32° 51' 21.47" North Latitude, 117° 15' 40.08" West Longitude), thence 3028.48 feet N 10° 24' 55.6" E, more or less, to Point "45" (Lambert Coordinates N 255,280.115 E

1,690,028.427; Geodetic Coordinates 32° 51' 51.0" North Latitude, 117° 15' 34.0" West Longitude), thence 1741.11 feet S 81° 24' 29.1" E, more or less, to Point "82" (Lambert Coordinates N 255,020.000 E 1,691,750.000; Geodetic Coordinates 32° 51' 48.59" North Latitude, 117° 15' 13.78" West Longitude), thence generally southerly and westerly following the Mean High Tide Line to Point of Beginning.

c. Except as provided herein, no person shall use or operate a vessel or boat within an area marked by buoys or markers which are moored within that portion of the San Diego-La Jolla Park Ecological Reserve, or as close thereto as is practicable, as shown on Document No. 00-16857 on file in the office of the City Clerk, which is hereby designated a special use area pursuant to Harbors and Navigation Code section 660 and described as follows:

Beginning at Point "97" on Alligator Head Point, thence 2771.67 feet N 59° 29' 31.1" E, more or less, to Point "90" (Lambert Coordinates: N 251,867.843 E 1,688,472.153; Geodetic Coordinates: 32° 51' 17.09" North Latitude, 117° 15' 51.85" West Longitude), thence 400 feet S 30° 30' 28.9" E, more or less, to Point "91" (Lambert Coordinates: N 251,523.220 E 1,688,675.217; Geodetic Coordinates: 32° 51' 13.70" North Latitude, 117° 15' 49.43" West Longitude), thence 2450 feet S 59° 29' 31.1" W, more or less, to Point "99" (Lambert Coordinates: N 250,279.455 E 1,686,564.399; Geodetic Coordinates: 32° 51' 01.2" North Latitude, 117° 16' 14.0" West Longitude), thence generally southerly and westerly following the Mean High Tide Line to point of beginning.

d. The provisions of subsections (b) or (c) shall not apply to any vessel or boat used or operated by or under the authority of any governmental agency nor during emergency use or operation affecting life or property.

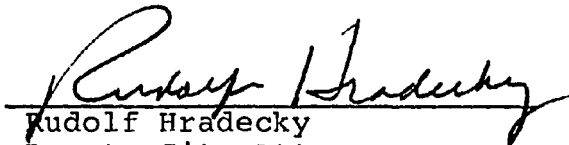
e. The City Manager may promulgate any additional rules and regulations necessary and consistent with these provisions regulating or limiting the use of boats, vessels, surf boards or paddle boards within the San Diego-La Jolla Underwater Park Ecological Reserve designated herein.

f. The City Manager shall cause appropriate buoys or markers to be moored to mark the perimeters of the special use and restricted areas hereby designated, or as close thereto as shall be practicable.

Section 2. The City Clerk shall transmit a copy of this ordinance immediately following its introduction to the Department of Boating and Waterways of the State of California pursuant to Harbors and Navigation Code section 660.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 
Rudolf Hradecky
Deputy City Attorney

RH:mem:mrh
09/18/86
04/14/87 REV. 1
Or.Dept:Pk.&Rec.
O-87-59
Form=o.code

Passed and adopted by the Council of The City of San Diego on.....**MAY 11 1987**,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

.....**MAUREEN O'CONNOR**.....
Mayor of The City of San Diego, California.

.....**CHARLES G. ABDELNOUR**.....
City Clerk of The City of San Diego, California.

(Seal)

By *Maureen L. Preece*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

.....**APR 27 1987**....., and on**MAY 11 1987**.....

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

.....**CHARLES G. ABDELNOUR**.....
City Clerk of The City of San Diego, California.

(Seal)

By *Maureen L. Preece*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0 - 16857** **MAY 11 1987**

Number Adopted

RECEIVED
CITY CLERK'S OFFICE
1987 APR 23 PM 2 12
SAN DIEGO, CALIF.

APR 23 1987

APR 23 1987

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
SAN DIEGO, CALIF.
1987 MAY 29 AM 11:16

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: MAYDELL L. PONTECORVO

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3 OF
THE SAN DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16857 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3 OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION
63.40 RELATING TO THE SAN DIEGO-LA JOLLA UNDER-
WATER PARK ECOLOGICAL RESERVE.

This ordinance amends the San Diego Municipal Code by adding section 63.40 relating to the San Diego-La Jolla Underwater Park Ecological Reserve. It defines the outer limits of the Ecological Preserve and limits boats and vessels (motorized and non-motorized) within a designated portion of the Ecological Preserve to a maximum speed of five (5) nautical miles per hour. It further prohibits boating in a smaller designated one-half mile long swimming lane area extending northeasterly from La Jolla Cove. Exceptions to these restrictions are provided for emergency and governmental operations. The City Manager is authorized to promulgate additional rules and regulations and to regulate boats and vessels, including wind surfers, surf boards and paddle boards within the Ecological Preserve. Markers and buoys are to be placed by the City Manager along the perimeter of the special use areas, or as close thereto as is practicable.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON APRIL 27, 1987

Passed and Adopted by the Council of The City of San Diego on

MAY 11, 1987

AUTHENTICATED BY MAUREEN O'CONNOR

Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, CA

(SEAL)

By MAYDELL L. PONTECORVO, Deputy.

Pub. May 28

78097

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-16875 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MAY 25

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 25 day of MAY, 1987.

Thomas D. Kelleher
(Signature)

3" x 10.24 x 2 = 61.44