

ORDINANCE NUMBER O- 21066 (NEW SERIES)

DATE OF FINAL PASSAGE APR 25 2019

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3, DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 63.20; AMENDING SECTION 63.20.3; AMENDING SECTION 63.20.22; AND AMENDING SECTION 63.25.1 RELATING TO ANCHORING OR MOORING IN ZUNIGA JETTY SHOALS AND OTHER WATERS WITHIN THE CITY'S JURISDICTION.

WHEREAS, the City's jurisdictional waters encompass the area east of the Zuniga Jetty in the Pacific Ocean, known as the Zuniga Jetty Shoals; and

WHEREAS, vessels abandoned in the Zuniga Jetty Shoals may leave debris and hazardous materials on the shore and in the water and may pose a threat to the public's health safety; and

WHEREAS, the City desires to prevent the abandonment of such and wishes to hold accountable those who do not abide by City regulations; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 3, Division 00 is amended by amending section 63.20, to read as follows:

§63.20 Beach Areas — Authority and Control

- (a) The Park and Recreation Department of the City of San Diego shall have jurisdiction and control over all beaches owned or controlled by the City of San Diego and all waters abutting or adjacent to them within the limits of the City of San Diego, and of all lands owned or controlled by the City, adjoining the waterfront of the Pacific Ocean and the waters of Mission Bay, and it shall be responsible for the control and management of these

beaches and lands, and waters abutting or adjacent to them, and of the recreational activities on them.

- (b) Throughout this Division, the term “beach area” means any beach or land and the waters abutting or adjacent thereto under the jurisdiction and control of the Park and Recreation Department, as set forth in paragraph (a) of this section.
- (c) Throughout this Division, the term “vessel” has the same meaning as in the California Harbors and Navigation Code.

Section 2. That Chapter 6, Article 3, Division 00 is amending by amending section 63.20.3, to read as follows:

§63.20.3 Warning Signals

- (a) It is unlawful for any person to bathe, swim, surfboard ride, row, canoe, or operate a sailboat or power boat or similar device on or upon water when warning signals have been placed on or upon that water or the adjacent beach area except for the purpose of making a rescue.
- (b) It is unlawful for any person to operate a vessel, or a windsurfer, sailboard, or similar device within a swimming area which has been marked by means of buoys or to operate same within one hundred (100) feet of such area at a speed in excess of five (5) miles per hour.

Section 3. That Chapter 6, Article 3, Division 00 is amending by amending section 63.20.22, to read as follows:

§63.20.22 Abandoning Boats and Other Property Prohibited, Mooring and Anchorage Regulated

- (a) Except as otherwise permitted by this Code and except as may be permitted by the Director, it is unlawful:
- (1) To allow vessels, boats, vehicles, or trailers to remain unattended in any beach area, including the waters thereof and Mission Bay Park.
 - (2) To moor or anchor any vessel, or for the owner of a vessel to allow that vessel to be moored or anchored, whether occupied or unoccupied, between the hours of ten (10:00) o'clock p.m. and seven (7:00) o'clock a.m. in any area of Mission Bay Park.
 - (3) To moor or anchor any vessel, or for the owner of a vessel to allow that vessel to be moored or anchored, and leave that vessel unoccupied for more than two hours in Zuniga Jetty Shoals. For purposes of section 63.20.22, Zuniga Jetty Shoals means the area within the following Global Positioning System coordinates:

32°41'00" N/ 117°13'25' W

32°41'09" N/ 117°11'38' W

32°40'00" N/ 117°11'38' W

32°40'00" N/ 117°13'25' W

- (b) Any vessel, boat, vehicle, or trailer left in violation of Section 63.20.22(a) may be removed by the Director without notice and any cost of removal and storage of that property may be recovered by the City of San Diego from the owner or any other person responsible for a violation of section 63.20.22. Nothing in this section will prevent impounding of a vessel as may be authorized by the California Harbors and Navigation Code or by this Code.
- (c) Upon impounding a boat or vessel under the authority of subsection 63.20.22(b), the Director will, within ten calendar days of the impounding, send a registered notification letter to the owner of record advising of the impounding and what actions the owner may take to reclaim the property. If inadequate identifying information is available on the impounded property, no notification is required. If the owner of the property fails to appear and pay all fees owed the City within thirty calendar days of the impounding of the property, the property will be subject to removal, destruction, sale, or other disposal by the Director at the expense of the owner and without any liability to the City for any damage to any property of the owner.
- (d) Any sunken or abandoned vessels, rafts, wharves, buildings, or other obstructions found upon any beach area within the City of San Diego, including the waters thereof and Mission Bay Park, may be removed, destroyed, sold, or otherwise disposed of by the Director at the expense of

the owner and without any liability to the City for any damage to any property of the owner.

- (e) The City may recover from the owner of any vessel, boat, vehicle, trailer, raft, wharf, building, or obstruction all City costs incurred as a result of any violations of this section, including costs associated with the clean-up or repair of damaged City property.

Section 4. That Chapter 6, Article 3, Division 00 is amending by amending section 63.25.1, to read as follows:

§63.25.1 Same — Definitions

“Commercial Vessel” through “Personal Watercraft” [No change in text.]


“Vessel” has the same meaning as in the California Harbors and Navigation Code.

“Waters of Mission Bay” [No change in text.]

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Noah J. Brazier
Deputy City Attorney

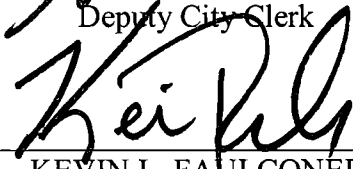
NJB:hm
01/08/2019
Or.Dept:PSE
Doc. No.: 1583379

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of **APR 23 2019**

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/25/19
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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§63.20 Beach Areas — Authority and Control

- (a) The Park and Recreation Department of ~~The~~the City of San Diego shall have jurisdiction and control over all beaches owned or controlled by ~~The~~the City of San Diego and all waters abutting or adjacent ~~theretoto~~them within the limits of ~~The~~the City of San Diego, and of all lands ~~heretofore and hereafter~~ owned or controlled by the City, adjoining the waterfront of the Pacific Ocean and the waters of Mission Bay, and it shall be responsible for the control and management of ~~said~~these beaches and lands, and waters abutting or adjacent ~~theretoto~~them, and of the recreational activities ~~thereon and therein~~on them.
- (b) ~~In the following sections dealing with the same subject, wherever the context thereof shall permit,~~Throughout this Division, the term “beach area” ~~shall~~ means any beach or land and the waters abutting or adjacent

thereto under the jurisdiction and control of the Park and Recreation Department, as set forth in paragraph (a) of this section.

(c) Throughout this Division, the term "vessel" has the same meaning as in the California Harbors and Navigation Code.

§63.20.3 Warning Signals

- (a) It is unlawful for any person to bathe, swim, surfboard ride, row, canoe, or operate a sailboat or power boat or ~~other~~similar device on or upon water when warning signals have been placed on or upon ~~said~~that water or the adjacent beach area except for the purpose of making a rescue.
- (b) It is unlawful for any person to operate a vessel, ~~as defined in the California Harbors and Navigation Code~~, or a windsurfer, sailboard, or similar device within a swimming area which has been marked by means of buoys or to operate same within one hundred (100) feet of such area at a speed in excess of five (5) miles per hour.

§63.20.22 Abandoning Boats and Other Property Prohibited, Mooring and Anchorage Regulated

- (a) Except as otherwise permitted by this Code and except as may be permitted by the Director, it is unlawful:
 - (1) To allow vessels, boats, vehicles, or trailers to remain unattended in any beach area, including the waters thereof and Mission Bay Park.
 - (2) To moor or anchor any vessel, or for the owner ~~thereof~~of a vessel to allow ~~it~~that vessel to be moored or anchored, whether occupied

or unoccupied, between the hours of ten (10:00) o'clock p.m. and seven (7:00) o'clock a.m. in any area of Mission Bay Park.

(3) To moor or anchor any vessel, or for the owner of a vessel to allow that vessel to be moored or anchored, and leave that vessel unoccupied for more than two hours in Zuniga Jetty Shoals. For purposes of section 63.20.22, Zuniga Jetty Shoals means the area within the following Global Positioning System coordinates:

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32°40'00" N/ 117°11'38' W

32°40'00" N/ 117°13'25' W

- (b) Any vessel, boat, vehicle, or trailer left in violation of Section 63.20.22(a) may be removed by the Director without notice and any cost of removal and storage of ~~said~~that property may be recovered by ~~The~~the City of San Diego from the owner or any other person responsible for a violation of ~~this Section,~~section 63.20.22. Nothing ~~herein shall~~in this section will prevent impounding of a vessel as may be authorized by the California Harbors and Navigation Code or by this Code.
- (c) Upon impounding a boat or vessel under the authority of ~~Subsection~~subsection 63.20.22(b), the Director ~~shall~~will, within ten ~~(10)~~ calendar days of the impounding, send a registered notification letter to the owner of record advising of the impounding and what actions the owner may take to reclaim the property. If inadequate identifying information is available

on the impounded property, no notification is required. If the owner of the property fails to appear and pay all fees owed the City within ~~ninety~~ (90)thirty calendar days of the impounding of the property ~~and pay all fees~~, the property ~~shall~~will be subject to removal, destruction, sale, or other disposal by the Director at the expense of the owner ~~or owners~~ and without any liability to the City for any damage to any property of the owner ~~or owners~~.

(d) Any sunken or abandoned vessels, rafts, wharves, buildings, or other obstructions found upon any beach area within the City of San Diego, including the waters thereof and Mission Bay Park, may be removed, destroyed, sold, or otherwise disposed of by the Director at the expense of the owner ~~or owners~~ and without any liability to the City for any damage to any property of the owner ~~or owners~~.

(e) The City may recover from the owner of any vessel, boat, vehicle, trailer, raft, wharf, building, or obstruction all City costs incurred as a result of any violations of this section, including costs associated with the clean-up or repair of damaged City property.

§63.25.1 Same — Definitions

“Commercial Vessel” through “Personal Watercraft” [No change in text.]

“Vessel” ~~includes every description of watercraft used or capable of being used as~~

~~a means of transportation on water~~has the same definition as in the California
Harbors and Navigation Code.

“Waters of Mission Bay” [No change in text.]

NJB:hm
1/08/2019
Or.Dept:PSE
Doc. No.: 1591050_4

Passed by the Council of The City of San Diego on APR 23 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 25 2019.

AUTHENTICATED BY: KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], 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 09 2019, and on APR 25 2019.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21066