

ORDINANCE NO. 97-049

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF AUG 26 1997

AN ORDINANCE ADDING SECTION 26.01.079 TO CHAPTER 26.01 OF THE SACRAMENTO CITY CODE, RELATING TO THE WITHDRAWAL OF THE NORTH LAGUNA CREEK WILDLIFE AREA FROM ACCESS AND USE BY UNAUTHORIZED MEMBERS OF THE PUBLIC.

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

SECTION 1. Findings

(a) The City property known as the North Laguna Creek Wildlife Area, which consists of approximately 117 acres, consists of an area that is bounded by Sheldon Road to the South, Jacinto Road to the North, Bruceville Road to the East and Franklin Boulevard to the West.

(b) In the mid-1980's the City of Sacramento proposed floodway modifications to Laguna Creek for the purposes of flood protection and urban development. It was estimated that the project would fill or excavate approximately 64.6 acres of wetlands within the Laguna Creek Area.

(c) In 1988 the City received a permit from the United States Army Corps of Engineers, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), for floodway improvements in the Laguna Creek area. Such permit was issued with the stipulation that the City implement wetland habitat restoration along with the floodway improvements. The wetland restoration project included the development of vernal pools/seasonal wetlands, freshwater marsh and riparian habitat within the modified flood channel. This area is now known as the North Laguna Creek Wildlife Area.

(d) Currently, the wildlife area is separated from an off-street bikeway and linear parkway by a three-foot high post and cable network. The wetland restoration project is

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an official mitigation area and is not intended for intensive human use.

(e) Members of the public routinely use the wildlife area for fishing, hunting, rafting, hiking, swimming, off-road biking and running dogs. Such activity has resulted in make-shift trails, trampled native grasses, erosion, broken sprinkler heads and damaged trees and shrubs. The long term effects of such activities may be a reduction in fish, mammal and bird populations due to over-fishing and habitat disturbance.

(f) Pursuant to the terms of its 404 Permit, the City is required to monitor and maintain the North Laguna Creek Wildlife Area to ensure that the wetlands are restored and preserved.

(g) An ordinance creating a no-trespassing zone upon the North Laguna Creek Wildlife Area is needed to decrease the negative human impact on the wildlife habitat and increase the numbers of plant and animal species in the wildlife area. Such measures will assist the City in its efforts to maintain and preserve the wetlands within the wildlife area, and help to ensure the ultimate success of the mitigation program.

(h) This ordinance is enacted pursuant to the rights, power and authority enjoyed by the City pursuant to Section 10 of the City Charter and the authority provided in Section 37359 of the Government Code.

SECTION 2.

Section 26.01.079 is hereby added to Chapter 26.01 of the Sacramento City Code, to read as follows:

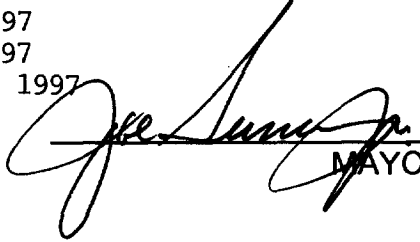
26.01.079. Withdrawal of North Laguna Creek Wildlife Area from public use.

(a) The North Laguna Creek Wildlife Area is hereby withdrawn from the personal access and use of members of the public. Except as provided below, it shall be unlawful and a misdemeanor for any member of the public to stand, loiter, or stay within the North Laguna Creek Wildlife Area, and anyone found therein is hereby deemed to be a trespasser and shall be punished pursuant to the provisions of the California Penal Code.

Definition: The "North Laguna Creek Wildlife Area" is the area that is bounded by Sheldon Road to the South, Jacinto Road to the North, Bruceville Road to the East and Franklin Boulevard to the West, which is enclosed by a post and cable network or fence.

(b) Subsection (a) above shall not apply to (1) Federal, State, County or City employees acting within the course and scope of their employment or; (2) any other person granted permission to enter the North Laguna Creek Wildlife Area for scientific, environmental, educational or maintenance purposes by the City Manager or the City Manager's designee; provided, however, that no person shall be granted entry for any purpose which is inconsistent with the terms and conditions of the permit received by the City from the United States Army Corps of Engineers, pursuant to Section 404 of the Clean Water Act.

DATE PASSED FOR PUBLICATION: August 19, 1997
DATE ENACTED: August 26, 1997
DATE EFFECTIVE: September 25, 1997


MAYOR

ATTEST:


CITY CLERK

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