

ORDINANCE NO. 99-062

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF NOV 30 1999

AN ORDINANCE ADDING CHAPTER 61.20 TO TITLE 61 OF THE SACRAMENTO CITY CODE RELATED TO BOATING, 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.

Chapter 61.20, pertaining to boating and Long-Term Anchorage Permits, is added to Title 61 of the City Code to read as follows:

CHAPTER 61.20 Boating

61.20.2001 Definitions

- (a) "Anchor" means to fix a vessel on any waterway to any location other than a wharf, using equipment, material, lines, rope, chain, cable or other securing device.
- (b) "Department" means the Police Department of the City of Sacramento.
- (c) "Emergency situation/condition" includes to vessels that are sinking, on fire, or disabled, and where time is of the essence.
- (d) "Garbage" includes the following: garbage, swill, refuse, cans, bottles, paper, vegetable matter, carcass of any dead animal, offal from a slaughter pen or butcher shop, trash, rubbish, radioactive waste material, or discarded, non-biodegradable materials including plastics and broken marine equipment.
- (e) "Graywater" means wastewater from lavatories, bathtubs, showers, clothes washers, dishwashers and other similar plumbing fixtures.

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- (f) "Moor" means to fix or attach a vessel to a wharf.
- (g) "Person" means any person, firm, association, corporation, or any members, agents, or employees of any of the foregoing.
- (h) "Seaworthy" means in good condition, structurally sound, not likely to sink or become a menace to navigation or a nuisance, and capable of getting underway and safely maneuvering over the surface of navigable waters.
- (i) "Sewage" means all waste substance, liquid or solid, associated with human habitation, or which contains, or may be contaminated with, human excreta or excrement, offal, or any feculent matter.
- (j) "Vessel" means any watercraft of any type or size including barges, ferries, boats, yachts, houseboats, floating homes, floating platforms, and rafts.
- (k) "Waterway" means any water, waterway, lake, river, creek, canal, lagoon, bay, inlet, slough, or tributary situated within the City.
- (l) "Wharf" means any floating or non-floating structure along the shore of any waterway that is designed and outfitted for the mooring of vessels, and is constructed and operated in compliance with applicable State and local laws.

61.20.2002 Pollution; Anchoring and Mooring

It shall be unlawful for any person to do any of the following:

- (a) Dump, throw or discharge any sewage, graywater, or garbage into any waterway;
- (b) Anchor or moor any vessel that is not seaworthy on any waterway, or attach any vessel that is not seaworthy to any other vessel that is anchored or moored on any waterway, unless the vessel is in an emergency situation or condition;
  - (1) Vessels that and in an emergency situation or condition shall comply with Section 61.20.2004, and shall only moor or anchor on any waterway until the situation/condition ends, but in no event shall the vessel be moored for more than 72 hours.
  - (2) Determinations of seaworthiness shall be made by the Sacramento Police Department and/or the United States Coast Guard.

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- (c) Anchor, or continue to anchor, any vessel in a location on any waterway 48 hours after receiving notice that, due to threat of flooding, high waters or other public safety reasons, the vessel must be removed from the location or waterway.
- (1) Notice. The notice shall be posted upon the vessel and a copy shall be mailed to the registered owner, if known. Notwithstanding the provisions of Section 61.20.2005, the notice shall order that the boat be moved within 48 hours of posting the citation or it will be towed and impounded at the owner's expense.
  - (2) Removal. Any vessel not in compliance with the notice and order will be subject to immediate removal by the Department, at the owner's expense. No action shall be taken by the Department to remove any vessel pursuant to this chapter without approval by the City Attorney.
  - (3) Nothing in this Chapter is intended to alter, affect or restrict the right of the Department to remove any vessel without compliance with all of the requirements of this section where such action is required to address an immediate threat to public health and safety.

61.20.2003 Long-Term Anchorage Permits

- (a) Long-Term Anchorage Permit Required. It shall be unlawful for any person to anchor any vessel on any waterway in one (1) location for more than six (6) hours a day for a total of thirty (30) or more days in any ninety (90) day period without a valid Long-Term Anchorage Permit issued in accordance with the provisions of this Section.
- (b) Exemption. Subsection (a) shall not apply to any vessel operated by the United States of America, the State of California, or any governmental entity, its agencies, or instrumentalities.
- (c) Permit Applications. All applications for Long-Term Anchorage Permits shall be in writing on a form prepared and supplied by the Department, and shall be accompanied by a non-refundable fee to cover the City's costs of processing and inspection, as established by resolution of the City Council. All applications shall contain at least the following information:
  - (1) Name, registration number, size and description of the vessel;
  - (2) Anchoring location;

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- (3) Name, address and phone number of the owner of the vessel; and
  - (4) Name, address and phone number of the operator of the vessel.
- (d) Issuance. The Department shall issue the Long-Term Anchorage Permit if the Department, after investigation, determines that (i) the vessel is equipped with an operable sanitation device designed to receive, retain and lawfully discharge sewage and graywater; and (ii) the occupancy of the vessel for which the permit is requested will not create a hazard to health, welfare or safety of the occupants thereof, other vessels, or the community in general. All permits may be made subject to such conditions as the Department deems appropriate to insure compliance with this chapter.
- (e) Posting. Long-Term Anchorage Permits shall be permanently posted in a location on the vessel that is clearly visible from the exterior of the vessel, such as an exterior window, wall, or similar location.
- (f) Sanitation. All vessels that possess a valid Long-Term Anchorage Permit and are anchored in any waterway, shall legally discharge its sewage at an authorized pump-out station at least every four (4) days,
- (g) Sanitation Log. All vessels that possess a valid Long-Term Anchorage Permit and are anchored in any waterway, shall submit a sanitation log to the Department no later than the last day of each month in which the vessel is anchored on any waterway. The sanitation log must show compliance with subdivision (f) and contain the times, dates, and locations of each discharge. The sanitation log shall be maintained in writing on a form prepared and supplied by the Department.
- (h) Attached Vessels. All vessels that possess a valid Long-Term Anchorage Permit and are anchored in any waterway, shall not have more than one (1) other vessel attached to it.
- (i) Maintenance. [No nuisance: Reserved]
- (j) Duration, Renewal. All Long-Term Anchorage Permits shall expire ninety (90) days after the date of issuance. Permits may be renewed by applying for a new permit in accordance with the procedure set forth herein.
- (k) Revocation. The Department shall have the right to revoke any permit granted hereunder in the event that any police officer ascertains that the permittee, or any occupant of the vessel, is violating any of the provisions of this Chapter or of the

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conditions of issuance of the permit set forth in Subsection (d).

- (l) Appeal. In the event that any applicant or permittee is for any reason dissatisfied with the Department's actions of denying a permit, revoking a permit, or imposing conditions on the permit, or renewing a permit, the applicant or permittee shall have the right to appeal the action. The applicant or permittee shall submitting the appeal, in writing, to the Chief of Police within ten (10) days after notification of the action of the Department. The appeal shall be submitted with a non-refundable fee to cover the City's administrative costs of processing the appeal, as established by resolution of the City Council. Upon receipt of an appeal, the Chief of Police or designee shall schedule a hearing to be held no later than fifteen (15) days after receipt of the appeal and shall give the applicant notice thereof by registered or certified mail addressed to the appellant at the address shown on the application or permit. At the conclusion of the hearing, the Chief of Police or designee shall render a decision, which decision shall be final.

61.20.2004 Vessels in Emergency Situations or Conditions

- (a) If any vessel on any waterway is in an emergency situation or condition, the owner or operator of the vessel shall immediately report the situation or condition to the Department. The owner or operator of the vessel shall be subject to the Department's directives and shall immediately move and/or secure the vessel as instructed. It shall be unlawful for any person to fail or refuse to comply with the Department's orders or directions with regard to the disposition of the vessel.
- (b) Notwithstanding the provisions of Section 61.20.2005, in the event that the owner or operator of a vessel in an emergency situation or condition fails to comply with the directives of the Department, the Department shall forthwith move and/or secure the vessel at the owner's expense.

61.20.2005 Penalty

- (a) Misdemeanor. Any person violating any provision of this chapter shall be guilty of a misdemeanor. The person shall be guilty of a separate offense for each and every day on which a violation of this chapter occurs.
- (b) Removal. The Sacramento Police Department may cite any vessel in violation of the provisions of this chapter for removal.
  - (1) Notice. The citation shall be posted upon the vessel and a copy shall be mailed to the registered owner, if known. The citation shall order that the

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boat be moved within 72 hours of posting the citation or it will be towed and impounded by the Department at the owner's expense.

- (2) Removal. Any vessel not in compliance with the notice and order will be subject to immediate removal by the Department, at the owner's expense. No action shall be taken by the Department to remove any vessel pursuant to this chapter without prior approval by the City Attorney.

#### 61.20.2006 Redemption of Removed Vessels; Unclaimed Vessels

- (a) Redemption. Any vessel removed pursuant to the provisions of this chapter may be redeemed within 30 days of removal, upon proof of ownership and payment of all costs incident to removal and storage.
- (b) Unclaimed Vessels. Any vessel which has not been redeemed pursuant to Subsection (a), shall be subject to disposal and/or sale pursuant to Article 4 (commencing with section 500) of Chapter 2 of Division 3 and/or section 522 of the Harbors and Navigation Code or any successor statutes thereto.
- (c) Liability. The City, its employees, agents and officers shall not be liable for damages of any nature whatsoever arising out of, or in any way connected with, the removal or disposition of a vessel or other property in accordance with the provisions of this Chapter.

#### 61.20.2007 Injunctive Relief & Other Remedies

- (a) Injunctive Relief. In addition to any other relief provided by the City Code, the City Attorney may apply to a court of competent jurisdiction for injunctive relief to prohibit the continuation of any violation of this chapter. Such application for relief may include, but is not limited to, seeking a temporary restraining order, preliminary and/or permanent injunction.
- (b) Nuisance. Any violation of this chapter is hereby declared to be a nuisance.
- (c) Other Remedies. Nothing in this Chapter is intended to alter, affect or restrict any other remedies available to the City to enforce the provisions of this Chapter.
- (d) Immediate Threat to Public Health and Safety. Nothing in this Chapter is intended to alter, affect or restrict the right of the Department to remove any vessel without compliance with all of the requirements of this Chapter where such action is required to address an immediate threat to public health and safety.

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**SECTION 2.**

This ordinance is declared to be an emergency measure, to become effective immediately upon its adoption by the City Council pursuant to Sacramento City Charter section 32(g)(2). The facts constituting the emergency are as follows. Currently there are no restrictions similar to the provisions of this ordinance in the City Code. As such, vessels that are unseaworthy reside in the waterways. Given the absence of regulation, and the approaching high water season, the current situation poses immediate health and safety concerns that these unseaworthy vessels will break loose from their anchorage and float freely and uncontrolled downstream, becoming a menace to other boats, bridges and structures. Furthermore, without the provisions in this ordinance, vessels currently occupy the waterways for unlimited periods of time without the proper sanitation devices. This also poses an immediate threat to the public health. It is therefore necessary for the ordinance to take effect immediately.

DATE PASSED FOR PUBLICATION: 11/23/99  
DATE ENACTED: 11/30/99  
DATE EFFECTIVE: 11/30/99

  
ACTING MAYOR

ATTEST:

  
CITY CLERK

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