REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

Staff Report
June 17, 2008

Honorable Mayor and
Members of the City Council

Title: Ordinance: Requiring Life Preservers for Access to the Public Waters within the City of Sacramento

Location/Council District: Citywide

Recommendation: 1) Discuss and provide direction on an emergency **Ordinance** adding Section 12.72.250 to the Sacramento City Code requiring all children under 13 years of age be required to wear a Personal Floatation Devise (PFD) while accessing public waterways, **OR** 2) Discuss and adopt an emergency Ordinance adding Section 12.72.250 to the Sacramento City Code requiring all children under 13 years of age be required to wear a Personal Floatation Devise (PFD) while accessing public waterways.

Contact: Michelle Heppner, Special Projects Manager, 808-1226

Presenters: Michelle Heppner, Special Projects Manager

Department: City Manager's Office

Division: Governmental Affairs

Organization No: 0310

Description/Analysis

Issue: At the request of Councilmember McCarty, staff is bringing forward for the City Council's discussion and direction, a draft ordinance requiring children under 13 years of age to wear a life preserver when accessing public waters within the City of Sacramento. The Sacramento County Board of Supervisors adopted a similar emergency life preserver ordinance on June 10, 2008 and this ordinance mirrors their efforts and ensures consistency for law enforcement in the immediate area. The ordinance once adopted will become effective immediately.

Three incidents of drowning in one weekend in the Sacramento and American rivers triggered the need for additional measures to ensure the public safety of community members and visitors accessing these public waterways.

Policy Considerations: Public safety is one of the City's five focus areas. While this emergency ordinance will not guarantee further tragedies, it is intended to create greater awareness and facilitate community outreach related to water safety. The proposed ordinance is consistent with increased public safety and

awareness.

Environmental Considerations: None.

Rationale for Recommendation: As Sacramento's population increases, more people are making use of the public waterways thus increasing the number of drowning and near-drowning incidents. The intent of this ordinance is to facilitate law enforcements ability to create greater awareness for water safety and leverage this ordinance to educate the public that wearing a PFD is not optional, it is required by law for children under 13 years of age.

Financial Considerations: It is anticipated that minimal resources will be required to implement this emergency ordinance. Some minor cost will be absorbed in the existing budget to provide signage at river access points and to cover additional outreach efforts.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: _____
Michelle Heppner
Special Projects Manager

Recommendation Approved:

for _____
Ray Kerridge
City Manager

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING SECTION 12.72.250 TO TITLE 12 OF THE SACRAMENTO CITY CODE RELATING TO REQUIRING LIFE PRESERVERS FOR ACCESS TO THE PUBLIC WATERS WITHIN THE CITY OF SACRAMENTO, 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. Findings

The City Council finds and determines that:

A. The City of Sacramento's population has dramatically increased as has the use of recreational water resources. The increased use of these resources has led to drastically increased incidents of drowning or near drowning in the public waters within the City.

B. As the summer recreational season begins, it is necessary to protect the lives and safety of the more vulnerable residents of the City as well as visitors to the City from dangers inherent in accessing public waters for recreation.

SECTION 2.

Section 12.72.250 is added to Title 12 of the Sacramento City Code to read as follows:

12.72.250 Life Preservers.

A. It is unlawful for any parent to permit his or her child under the age of thirteen (13) or for any guardian to permit any child under the age of thirteen (13) in his or her care to access any public waters located within the city unless such child is wearing a life preserver.

B. For purposes of this section, "life preserver" is any device meeting the definition of "Personal Flotation Device" as set fort in Title 8 of the California Code of Regulations.

C. For purposes of this section, "public waters" means all public waters located within the city in any river, stream, lake, reservoir, or other body of water, including all bays, inlets, and estuaries.

D. A violation of this section shall be a misdemeanor.

SECTION 3. Declaration of Emergency

Pursuant to Section 32(g)(2) of the City Charter, this ordinance shall be enacted as an emergency ordinance to take effect immediately. Upon adoption by the City Council, the facts constituting the emergency are as set forth in Section 1 of this ordinance, all of which are incorporated into this section as facts supporting the emergency nature of this ordinance, and additionally, the summer season has commenced where use of recreational water resources is highest.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective: