REPORT TO COUNCIL
City of Sacramento

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

PUBLIC HEARING
October 17, 2006

Honorable Mayor and
Members of the City Council

Title: Sacramento Marina Ordinance Amendments and Fee Report

Location/Council District: 2710 Ramp Way (District 4)

Recommendation: 1) Adopt an **Ordinance** amending Chapter 12.76 of the Sacramento City Code relating to the Sacramento Marina and Special Use Areas; and 2) adopt a **Resolution** amending the Fees and Charges report.

Contact: Barbara Bonebrake, Department Director, 808-8225

Presenters: Barbara Bonebrake, Department Director; Michelle Heppner, Special Projects Manager

Department: Convention, Culture and Leisure

Division: Sacramento Marina

Organization No: 4370

Description/Analysis:

Issue: The Sacramento Marina ordinance, first enacted in 1977, and other Marina policies and practices have been in need of revision for some time. Current policies and practices create a cumbersome, confusing, and often inequitable system of berth allocation. The proposed ordinance revisions will address changes in the marina industry. In addition, the Marina has developed a book of rules and regulations that ensures equal access for all stakeholders and provides flexibility to meet future needs.

In March 2005, Marina staff attended a California Department of Boating and Waterways (DBW) commission meeting to request Phase II of a loan to complete improvements to the South Basin of the Marina. At that meeting, DBW Commission members expressed concern that the Marina's current policy on transfer of boat berths upon sale of boats does not provide equal access to the public. While the Commission has no direct authority over City policies, loans and grants could be negatively impacted by the DBW Commission.

The significant amendments to the ordinance are:

- Berth will no longer be transferable. Currently, when a boat is sold, the new owner may assume the berth occupied by the boat from the boat seller or former owner, creating a secondary market for berths that delay boaters on the wait lists from obtaining berths. The Marina proposes to end this practice.

- Restructure the wait lists. Currently the Marina maintains an internal trade wait list for existing patrons and another for the general public. The lists are organized according to berth size, slip location, and whether it is covered or not. First choice is given to the existing patrons whenever a berth becomes available, they in turn trade up and their berth reverts back to the internal trade list for the next person willing to trade. Berths are only offered to the general public wait list applicants when there are no existing patrons willing to trade, which are typically the smallest uncovered berths that have a high vacancy rate during the winter months.

  The Marina is proposing to combine both sets of wait lists (existing patrons and general public) into one list based on the characteristics of the berth (size, location, etc.). Under the proposed single wait list, current patrons would receive a one-time preference over the general public in ranking should there be two exact original sign-up dates. Once the lists are merged, people will be offered slips in the order of their sign up date. Combining the lists will provide everyone equal access to the Marina.

- Allow a ten percent overhang and charge for it. Current overhang policy allows up to a two-foot overhang past the end finger dock into the fairway. The Marina proposal is consistent with current industry practices where other public marinas charge by the length of the boat or the length of the berth, whichever is greater. Allowing a ten percent overhang would permit slightly larger boats to occupy existing berths, thus relieving a current shortage of larger berths. An additional benefit to the Marina would be the increased revenue obtained as a result of this proposal.

- Include an insurance requirement for all boat owners with the City named as an additional insured. This proposed requirement is already included on agreements executed by the City to lessen the City's potential liability and ensure the City is notified upon cancellation of the policy. Most boaters and the Marina Advisory Council agreed to the insurance requirement, however, they were opposed to adding the City as additional insured because of the additional cost. As an alternative, they requested the City be added as an "interested party" instead, a less costly option. "Interested party" does not confer additional insured status and the City would not be covered by the policy or defended if a claim was filed against the Marina involving a patron's negligence. Preliminary

research by staff determined that not all insurance companies charge for adding on an additional insured endorsement. For those firms that do levy a fee for this endorsement, the fees vary, but are approximately $50 annually.

In an effort to provide the Council with additional support material related to the Marina's proposed changes, the following attachments are included:

Attachment 1 – Wait list summary (August 2006)
Attachment 2 – Current fee structure comparison
Attachment 3 – Proposed Marina Rules and Regulations
Attachment 4 – Description of outreach process
Attachment 5 – Survey of marina policies
Attachment 6 – Law & Legislature Committee Report Back Items

Policy Considerations: The proposals contained within this staff report reflect the City's core values of treating our customers with respect, concern, and appreciation. We are also committed to honesty, fairness, and doing what's right and earning the public's trust.

Committee/Commission Action: The review process for the ordinance revisions and regulations included several meetings with the Marina Advisory Council (MAC) providing all patrons of the Sacramento Marina the ability to participate and provide suggestions or voice their concerns. While many of the revisions were acceptable to the MAC, three of the proposed changes are not supported by the MAC or the patrons in general, while a fourth proposal generated some uneasiness. The three opposed items are: (1) prohibiting the transfer of the berth with the sale of a vessel, (2) combining the internal trade wait list with the general wait list to create a single wait list that is equally accessible to all, and, (3) increasing the overhang policy to allow charging for the length of the boat or the length of the berth, whichever is greater. It is fair to state that these items are strongly opposed by both the MAC and general Marina patrons. The fourth issue is related to insurance and is discussed further below. The Ordinance Review Committee of the City Attorney's Office has reviewed and approved the proposed changes.

The proposed ordinance changes were reviewed by the Law and Legislation Committee at their September 5, 2006 meeting and forwarded to the City Council for their consideration. However, the Committee had several questions about which they requested additional information as described in Attachment 6.

Environmental Considerations: Not applicable as the proposals within this staff report do not constitute a project under the provisions of the California Environmental Quality Act (CEQA) under Article 20 – Definitions, Section 15378(a)(3) and Section 15378(b)(2). In addition, Council actions to establish or modify fees are exempt from the review requirements of the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(8) if the Council finds that the fees are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits.

Rationale for Recommendation: The proposed revisions to the Sacramento Marina ordinance and the book of rules and regulations are designed to provide Marina customers and staff with clear and consistent policies and rules. The revised ordinance and book of rules and regulations will also provide the flexibility and improved enforcement necessary for the efficient operation of a dynamic business.

Financial Considerations: The Sacramento Marina operates as an Enterprise Fund with revenue from primarily berth rentals and fuel sales. The funds support the operations, capital improvements and debt service. The Sacramento Marina has received and/or applied for a loan from the California DBW of $9 million for renovation of the South Basin. Chapter 1, Section 40 of the California Harbors and Navigation Code requires that all facilities in harbors and connecting waterways funded by the California DBW must be open to all on equal and reasonable terms. The proposed ordinance revisions are consistent with this requirement. Implementation of the ten percent overhang policy and charging for the length of the boat will result in a revenue increase of approximately $40,000 per year to fund marina operating expenses. Adoption of the attached resolution will amend the Fee and Charges report to reflect implementation of the overhang policy.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully submitted by:

REBECCA BITTER
Interim Marina Manager

Approved by:

BARBARA E. BONEBRAKE
Director

Recommendation Approved:

for RAY KERRIDGE
City Manager

Table of Contents:

	Staff Report	Pg 1
Attachments:		
1	Wait list summary (August 2006)	Pg 6
2	Current fee structure comparison	Pg 7
3	Proposed Marina Rules and Regulations (separate booklet)	Pg 8
4	Outreach process	Pg 9
5	Survey of marina policies	Pg 10
6	Law & Legislature Committee Report Back Items	Pg 13
	Resolution	Pg 15
	Ordinance (strike-thru and underline)	Pg 17
	Ordinance (clean)	Pg 31

ATTACHMENT 1

WAIT LIST SUMMARY AS OF AUGUST 19, 2006

	DATE	GENERAL	DATE	INTERNAL	TOTALS
20 COV SB	09/23/05	7	05/13/06	7	14
20 UNC. SB	08/11/05	6	12/03/05	3	9
25 COV SB	08/17/05	8	08/04/06	3	11
30 COV SB	08/28/05	21	08/07/06	2	23
40 UNC. SB	08/01/05	1	01/00/00	0	1
40 COV SB	12/28/02	13	09/16/96	16	29
25 UNC. NB	08/17/05	3	11/13/03	1	4
25 COV NB	08/17/05	10	07/16/02	52	62
30 UNC. NB	08/28/05	13	05/01/06	2	15
30 COV NB	02/22/99	17	05/10/03	26	43
35 COV NB	12/29/02	18	01/07/97	38	56
40 UNC. NB	09/30/03	9	11/13/02	5	14
40 COV NB	12/29/02	18	07/16/02	39	57
50 UNC. NB	09/01/04	2	11/25/03	7	9
50 COV NB	12/29/02	8	09/06/99	30	38
END TIES	08/08/06	1	04/09/00	4	5
TOTALS		155		235	390

MARINA FEE COMPARISON
FY2006/2007

	Sacramento Marina				Riverbank Marina				Riverview Marina	
	South Basin		North Basin		Month to Month		1 Year Lease			
	Covered	Uncovered	Covered	Uncovered	Covered	Uncovered	Covered	Uncovered	Covered	Uncovered
20	$ 168.00	$ 108.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
24	$ -	$ -	$ -	$ -	$ 330.00	$ 300.00	$ 270.00	$ 240.00	$ -	$ -
25	$ 210.00	$ -	$ 237.50	$ 197.50	$ -	$ -	$ -	$ -	$ -	$ -
28	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 365.00	$ 240.00
30	$ 252.00	$ -	$ 285.00	$ 237.00	$ 450.00	$ 365.00	$ 400.00	$ 340.00	$ -	$ -
32	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 456.00	$ 303.00
33	$ -	$ -	$ -	$ -	$ -	$ 405.00	$ -	$ 360.00		
35	$ -	$ -	$ 332.50	$ -	$ -	$ -	$ -	$ -		
36	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 466.00	
40	$ 336.00	$ 216.00	$ 380.00	$ 316.00	$ 715.00	$ -	$ 650.00	$ 560.00	$ 569.00	
44	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 654.00	
50	$ -	$ -	$ 475.00	$ 395.00	$ -	$ -	$ -	$ -	$ -	
Per foot	**$ 8.40**	**$ 5.40**	**$ 9.50**	**$ 7.90**	**Varies by Berth Size - $10.00 to $17.90**				**Varies by Berth Size $8.60 - 14.90**	

NOTE: Above rates exclude utilities at all facilities.

7

ATTACHMENT 3
Proposed Marina Rules and Regulations

SACRAMENTO MARINA

SEE SEPARATE BOOKLET

ATTACHMENT 4

OUTREACH EFFORTS

January 25th, 2006
Proposed Ordinance presented to Marina Advisory Council (MAC)

February 2006
Modified website to provide all reference materials including proposal, MAC minutes and regular updates to patrons.
Bulk mail out notifying all patrons of the proposed ordinance changes and special meeting scheduled for March 1, 2006. Meeting noticed on all gates and website two weeks prior to meeting.

March 1, 2006
Special MAC meeting to continue discussion on the proposed ordinance revisions. Next meeting announced at last MAC, notice placed on all gates and website two weeks prior to meeting.

March 13, 2006
Bulk mail out notifying all patrons of the proposed ordinance changes and special meeting scheduled for March 29, 2006. Meeting noticed on all gates and website two weeks prior to meeting.

March 29, 2006
Special MAC meeting to continue discussion on the proposed ordinance revisions. Next meeting announced at last MAC, noticed placed on all gates and website two weeks prior to meeting.

April 26, 2006
MAC meeting to continue discussion on the proposed ordinance revisions. Meeting included the City Attorney's Office to speak to legality issues. MAC voted to oppose four (4) proposed policy changes.

May 19, 2006
Uploaded approved (by Ordinance Review Committee) ordinance to website.

June 2006
Bulk mail notification of the status of the Ordinance Revisions as an insert when mailing out biannual coupons in June.
Notified MAC of Law & Legislation and tentative City Council dates for policy and ordinance changes.

August 21, 2006
Mailed out draft staff report to all Marina patrons and those on the wait lists.

ATTACHMENT 5

SURVEY OF MARINA POLICIES

	Type of Marina	Do you allow the transfer of the berth with the sale of the boat?	Do you maintain wait lists?	Do you have an application process?	What is your Overhang Policy?
Antioch Marina	PUBLIC	YES, if they qualify	YES, very short	YES	5', charges boat length or berth length, whichever greater
Avalon Marina	PUBLIC	**NO**	YES		NO slips, only moorings, so no overhang
Berkeley Marina	PUBLIC	YES		YES, app, seaworthy	2', boat length or berth length, whichever greater
Brisbane Marina	PUBLIC	**NO**	YES	YES, ins, dep, credit chks	NO overhang allowed
Channel Islands Harbor	PUBLIC	**NO**	YES	YES,one month's rent for waitlist, which is then applied to deposit, physical inspection of vessel, survey if older wooden vessel.	3', boat length or berth length, whichever greater
Coyote Point Marina	PUBLIC	YES for 40' or less	YES	YES	1', charge only slip length
Crescent City Harbor	PUBLIC	**NO**	NO, but if they did the berth would go to the wait list		10%, charge for boat length or berth length, whichever greater
Dana Point Harbor	PUBLIC	**NO**	YES	YES	3', charges slip length only
Eureka Boat Basin	PUBLIC	YES	NO		
Fisherman's Wharf	PUBLIC	**NO**	currently no	YES, check vessel documents	Allows overhang as long as no obstruction, charges boat length or berth length, whichever greater.
King Harbor	PUBLIC	YES	YES		
Long Beach Marina	PUBLIC	**NO**	YES		
Marin County-Richardson Bay	PUBLIC				Discretionary to the Harbor Master, he said he wouldn't go past 3', and he charges for overhang.
Marina Del Rey	PUBLIC	**NO**	YES		4', comprised of smaller privately owned marinas, they may charge
Mission Bay Harbor - San Diego	PUBLIC	**NO**	YES		N/A

Monterey Harbor	PUBLIC	Conditional	YES		3', charge for slip length only. If a boat does overhang, they try to accommodate the correct size slip.
Morro Bay Marina	PUBLIC	**NO**	YES	YES	Boat length or berth length, whichever greater,with a 36' minimum
Moss Landing Marina	PUBLIC	YES	YES	YES	10% max over slip length.Boat length or berth length, whichever greater
Noyo Mooring Basin	PUBLIC	**NO**, unless available berths	YES	YES, first month's deposit	Boat length or berth length, per foot, whichever greater
Oceanside Marina	PUBLIC	YES	YES	YES	
Oxnard Marina	PUBLIC	**NO**	NO	YES, physical inspection of vessel, survey if older wooden vessels	
Oyster Point Marina	PUBLIC	YES, upon approval from Harbormaster	Only for live aboard	YES, app, deposit, insurance, inspection, proof of operability, current boat reg.	NO overhang allowed
Pillar Point Marina	PUBLIC	**NO**	YES		Max 2', charges boat length or berth length, whichever greater.
Pittsburg Marina	PUBLIC	**NO**			Berth length or boat length, whichever is greater, tries not to allow any overhang.
San Francisco Yacht Harbor	PUBLIC	Conditional	YES		
San Leandro Marina	PUBLIC	**NO**	NO	YES, stopped doing background checks	NO overhang allowed
San Mateo Marina	PUBLIC	YES, (but if they had wait lists, he may reconsider that policy)	YES		
Santa Barbara Marina	PUBLIC	YES	YES		Allow for overhang between 2' and 3'6" and charge for overall length of boat or slip length, whichever greater.
Santa Cruz Harbor	PUBLIC	Conditional	YES	YES	2', boat length or berth length, whichever greater
South Beach Harbor	PUBLIC	YES			1 foot overhang, charge slip length only
Spud Point Marina	PUBLIC	**NO**	YES		NO overhang allowed
Suisun City Marina	PUBLIC	YES	sometimes		4', boat length or slip length, whichever greater.
Vallejo Marina	PUBLIC	YES	YES		NO overhang allowed
Ventura Harbor Marina	PUBLIC	**NO**, only if they decide they want that particular boat in the Marina	YES, $75.00 annual fee	YES, credit checks included	
Woodley Island Marina	PUBLIC	**NO**	YES (one for both)	YES	10%, charge for boat length or berth length, whichever greater

Clarksburg Marina	PRIVATE	**NO**	NO		
Emeryville Marina	PRIVATE	**NO**	YES	YES	Used to allow 2 feet, now are charging for the overhang for all the grandfathered boats.
Grand Marina	PRIVATE	**NO**	YES	YES, credit checks, surveys on wooden boats 30 years+	
Oxbow Marina	PRIVATE	YES	YES	NO	
Pier 39 Marina	PRIVATE	**NO**	YES	YES, credit checks, personal references	
Port of San Luis (privately owned moorings)	PRIVATE	N/A	N/A	N/A	N/A
Riverbank Marina	PRIVATE	**NO**	YES	NO, just registration, insurance req.	
Riverview Marina	PRIVATE	YES	YES	NO	
Sherwood Marina	PRIVATE	YES	not right now	YES, no credit checks	
Stan's Yolo Marina	PRIVATE	**NO**	NO	NO	
Westrec Marina	PRIVATE				3', boat length or berth length, whichever greater

ATTACHMENT 6
Law & Legislation Committee Report Back

At the September 5 Law and Legislation Committee meeting, Councilmembers asked for additional information on the following issues:

- How quickly has the wait list moved on the 30 foot covered slips in the North Basin? This question was based on public comment by an individual who has been at the top of the general wait list for a 30 foot covered slip in the North Basin since 2001. In the last five years, the 30 foot covered slips in the North Basin have never made it to the general wait list. They have either been snapped up through the internal trade list or transferred with a boat sale. For example, since 1999, 30 foot covered slips in the North Basin have been transferred with the sale of a boat 54 times. In another example, from March 2004 to October 2005, one patron traded three times from one 30 foot covered slip in the North Basin to another (I-XX to D-XX to D-XX to D-XX), and at the end sold his boat and transferred the slip with it.

  Another example of slip turnover is as follows: Since January 2006, thirty-seven slips, 30 feet or larger, have turned over in the Marina. Twenty-one of those slips were the subject of transfers with the sale of boats, eighteen of which were in the North Basin. Three 30 foot covered slips were turned over through the internal wait list. And thirteen slips were turned over through the general wait list, ten of which were 30 foot covered slips in the South Basin.

- How is the taxable possessory interest allocated from the County to the City of Sacramento? The City receives twenty-eight percent of one percent of the possessory interest collected by the County Assessor. A taxable possessory interest (PI) exists when anyone leases, occupies or has exclusive use of government property (examples: a space on the Cal Expo grounds, a slip at a government-owned marina, or a hangar at Executive Airport.) The PI value is based on the rent paid to the governmental agency involved. The PI value is not the same as rent paid for the berth. The bill is based on approximately 1.15% of the PI value. The PI value is determined by capitalizing (at a comparable rate) the rent paid, less a proportionate share of the owner's expenses, over a typical holding-period. Based on calculations from one patron's bill, the possessory interest amounts to roughly $0.20/linear ft/month.

- How many slips are held by boat brokers? The only boat broker currently holding slips in the Marina is Barry Paulsen. At one time, Mr. Paulsen had as many as twelve slips in the Marina. He currently rents five slips (two 30 foot slips and three 40 foot slips), two of which are sub-leased, one of which is unoccupied, and two of which contain his own boats. The practice since 2002 has been to prohibit patrons from leasing more than three slips. Mr. Paulsen was 'grandfathered' into his slips when the three-slip rule was instituted. The new Rules and Regulations contained within this staff report would memorialize

the prohibition against renting more than three slips and as such, Mr. Paulson would have to give up two of his existing slip leases.

In addition to these questions, the Law and Legislation Committee discussed the following possible compromises to the immediate elimination of slip transfers:

- "Grandfathering" slip transfers for a period of one, two or five years. This would allow existing patrons to continue to transfer a slip with a boat sale for a limited amount of time; however, new patrons would not be allowed to transfer slips.

- Allowing patrons to transfer slips with the sale of a boat; however, the new patron could remain in the slip for a limited period of time, e.g. for six months. Then the Marina would terminate the berth license for the new patron. If an end tie is available, the Marina could endeavor to accommodate a boat for up to 90 days on the end tie.

RESOLUTION NO.

Adopted by the Sacramento City Council

October 17, 2006

SACRAMENTO MARINA ORDINANCE AMENDMENTS AND FEE REPORT

BACKGROUND

A. Current Marina policies and practices create a cumbersome, confusing, and often inequitable system of berth allocation. The proposed revisions to the Sacramento Marina and Special Use Areas ordinance, Chapter 12.76, will address changes in the marina industry that ensure equal access for all stakeholders and provides flexibility to meet future needs.

B. Current overhang policy allows up to a two-foot overhang past the end finger dock into the fairway. The Marina proposal is consistent with current industry practices where other public marinas charge by the length of the boat or the length of the berth, whichever is greater. Allowing a ten percent overhang would permit slightly larger boats to occupy existing berths, thus relieving a current shortage of larger berths. An additional benefit to the Marina would be the increased revenue obtained as a result of this proposal.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City of Sacramento hereby adopts the proposed changes to Chapter 12.76 of the Sacramento City Code relating to the Sacramento Marina and Special Use Areas

Section 2. The City of Sacramento Fee and Charge Report is amended to include fees for boats that overhang their berth to a maximum of ten percent, by charging the per linear foot rate for the length of the boat or the length of the berth, whichever is greater.

Section 3. Authorize the City Manager or his designee to annually increase the overhang fee consistent with berth rate increases identified in the Fee and Charge report.

Section 4. Based on the information presented to it and upon information in the public record, and in compliance with Public Resources Code Section 21080(b)(8), the City Council finds:

a) The fees are for the purpose of meeting operating expenses including employee wage rates and fringe benefits.

Section 5. Authorize the City Manager to adjust department operating and revenue budgets to reflect the recommended actions.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CHAPTER 12.76 OF THE SACRAMENTO CITY CODE RELATING TO THE SACRAMENTO MARINA AND SPECIAL USE AREAS

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

SECTION 1.

Chapter 12.76 of the Sacramento City Code is amended to read as follows:

Chapter 12.76

SACRAMENTO ~~BOAT HARBOR~~ MARINA AND SPECIAL USE AREAS

12.76.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meaning set forth in this section.

"Berth" means a place to tie a vessel as assigned by the Director.

"Berthing area" means the area of the Sacramento marina in which vessels are berthed.

"Berth license fee" means and includes the monthly or daily fee paid by the licensee for the use of the assigned berth.

"Director" means the ~~department head of the department of recreation and parks,~~ person designated by the city manager to perform the functions and duties of the Director under this chapter, or the Director's designated representative.

"Float" means and includes any floating platform normally used for the mooring or securing of vessels.

"Licensee" means the person in whose name a specific berth at the Sacramento ~~Boat Harbor~~ marina is assigned by the Director pursuant to a berth license agreement.

"Person" means ~~and includes an individual; a receiver; a trustee; a co-partnership; joint venturers; a firm; an unincorporated association; a syndicate; a club; a society; a trust; a private corporation; a county, state, or federal agency, board or commission; a school district; a water district; a utility district; a political subdivision; and a drainage, irrigation, levee, reclamation, flood control, or water conservation district, whether acting for itself, or in any representative capacity.~~ any individual, firm, partnership, joint venture, limited liability company, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

"Personal watercraft" means and includes any motorized vessel ~~which~~ that has an internal combustion engine powering a water-jet pump or a fully-covered propeller chamber as its primary source of motor propulsion and ~~which~~ that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting or standing inside the vessel. This term shall include, but not be limited to, those vessels commonly known as "jet skis," "wet bikes," "surf jets," and "sea-doos."

"Sacramento ~~Boat Harbor~~ marina" means and includes the area within the boundaries of Miller Park that is operated by the City of Sacramento as a facility for the berthing of vessels.

"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.

"Vessel" means and includes every description of watercraft, other than a seaplane on water, that is used or is capable of being used as a means of transportation on water.

12.76.020 Authority of Director.

A. The Director shall have the authority to promulgate regulations to effectuate this chapter. ~~All such regulations shall be approved by resolution of the city council before coming effective. Any violation of such a regulation, once it has been approved by the city council, shall, unless otherwise, specified, be an infraction.~~

B. The Director may refuse entry into the Sacramento marina any vessel that is not seaworthy or that is of inappropriate size to operate within the Sacramento marina, except in cases of extreme emergency, in which case the owner shall be liable for any damage caused by such vessel.

C. Every vessel entering the Sacramento ~~Boat Harbor~~ marina shall immediately become subject to the direction and order of the Director ~~who may enter upon any vessel in~~

~~the harbor in the performance of the director's duties~~. To the extent authorized by law, the Director may enter upon any vessel in the Sacramento marina to make such inspections and to take such actions as may be required to enforce the provisions of this chapter.

D. The Director may designate the area in which any vessel shall be berthed and may require any vessel to change its berth in the marina to such other position as may reasonably be designated. In the event that such orders are not complied with, in addition to any other penalty or remedy provided by law, the Director may cause such vessel to be so moved and the cost of such move shall become due and payable in the same manner and subject to the same regulations as berth license fees.

E. Should an emergency occur in which any vessel is in danger of being seriously damaged, or seriously damaging other boats or any of the Sacramento ~~Boat Harbor~~ marina facilities, the Director may take such action as in the Director's sole discretion is necessary for the protection of any property of the city or its licensees. The Director shall render a bill for such services to the vessel owner, and such amount shall become due and payable in the same manner and subject to the same regulations as berth license fees.

F. The Director may execute on behalf of the city all licenses for berthing space within the Sacramento ~~Boat Harbor~~ marina~~, provided, however, that all licenses so executed shall be on the terms and conditions contained herein, as provided by resolution approved by the council~~.

G. When there is suitable space available, the Director may allow vessels other than those for which a berth license has been issued to berth in the Sacramento ~~Boat Harbor~~ marina on an overnight basis. Operators of such vessels shall sign agreements and shall pay fees ~~as provided~~ established by resolution ~~approved by~~ of the City Council.

12.76.030 Registration of vessels.

Every vessel entering the Sacramento ~~Boat Harbor~~ marina must be registered and numbered as provided by the laws of the State of California or any other state, or documented under the laws of the United States. All vessels must remain currently registered by the State of California or any other state, or documented by the United States to retain a berth license. The owner or any person operating a vessel for which a berth license has been issued shall present the registration or identification card or other evidence of registration or documentation of the vessel for examination and copying upon demand of the Director.

12.76.040 Berth license applications.

~~Any person who desires a berth license shall complete a berth application form and submit it to the director. The applicant shall furnish all documents and information relating to the vessel and ownership thereof, as the director requires, before a berth application shall be completed. If the director determines that the applicant is not qualified, the director shall return the application, informing the applicant of the reasons for the rejection. In evaluating~~

~~an application, the director may consider factors such as the applicant's credit rating, performance with previous city license or permits, the condition of the vessel to be berthed, and other appropriate criteria.~~

A. Berth licenses shall only be issued to the registered or documented owner or owners of a vessel. No berth license will be issued in the name of a partnership (general or limited), corporation, limited liability company, joint venture or other legal entity; provided, however, the Director may establish procedures for the issuance of a berth license for a vessel that is registered, documented or owned by a partnership (general or limited), corporation, limited liability company, joint venture or other legal entity to a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership of stock of a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates.

B. An application for a berth license shall be submitted in writing on the form provided by the Director and shall be accompanied by appropriate fees, vessel specifications, title documentation, credit information, and any other information required by the Director. Only complete applications shall be accepted by the Director for processing.

12.76.050 Issuance of berth license—Waiting list therefor; Insurance and Indemnity Requirements.

~~If the director determines that the applicant is suitable and there is an appropriate berth available, the director shall issue a license to the applicant upon receipt of the applicable berth license fee and a signed license agreement. Such license agreement shall be signed by the licensee and the director and be on a form approved by resolution of the city council.~~

~~If there is no suitable berth available, the director shall place the applicant at the bottom of the waitng list. As berths become available, the director shall issue licenses to applicants on the waiting list.~~

A. Upon receipt of a complete berth license application, the Director shall determine if a berth of appropriate dimensions to accommodate the vessel is available and if the applicant qualifies for a berth license.

1. If an appropriate berth is available and if the applicant qualifies for a berth license, the Director shall issue a berth license to the applicant upon receipt of the applicable berth license fee, proof of insurance, and a signed license agreement. The license agreement shall be signed by the licensee and the Director.

2. If the applicant qualifies for a berth license, but there is no appropriate berth available, the Director shall place the applicant at the bottom of the waiting list. As berths become available, the Director shall issue licenses to applicants on the waiting list in order of their priority.

B. An applicant shall qualify for a berth license if the Director finds, based on the

information provided in the complete application, the following:

1. The applicant is either (i) a natural person and the registered or documented owner of the vessel, or (ii) in the event the registered or documented owner of the vessel is a partnership (general or limited), corporation, limited liability company, joint venture or other legal entity, that the applicant is a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership of stock of a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates, and

2. The vessel is seaworthy and of appropriate size to operate in the Sacramento marina, and

3. The applicant is credit worthy.

C. During the term of a berth license issued pursuant to this chapter, the licensee or owner(s) of a vessel authorized by a license to berth in the Sacramento marina shall maintain in full force and effect at no cost to the City a protection and indemnity insurance policy:

1. In an amount established by the city manager; and

2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and

3. Providing that the city, its officers, employees and agents are to be named as additional insured under the policy; and

4. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and

5. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the berth license, without thirty (30) days written notice to the Director prior to the effective date of such cancellation or change in coverage.

Within thirty days of the effective date of this ordinance, the Director shall provide written notice of the requirements of this subsection C to every person who is a licensee on the effective date of this ordinance. A person who is a licensee on the effective date of this ordinance shall have ninety days from the effective date of this ordinance to comply with the requirements of subsection C.

D. The licensee and owner(s) of a vessel authorized by a license to berth in the Sacramento marina shall assume the defense of, and indemnify and hold harmless, the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the licensee or owner or

the licensee's or owner's agents, officers or employees, directly or indirectly arising from the berthing of the vessel in the Sacramento marina. The foregoing is not intended to and shall not be construed to limit any responsibility or liability that the licensee or owner(s) may be subjected to under other laws.

E. Berth licenses are non-transferable. No person shall gift, sell, assign, or transfer, whether voluntarily or involuntarily, a berth license, and any attempt to do so shall not be recognized or honored by the City; provided, however, the Director may establish regulations authorizing the temporary use of berths.

12.76.060 Revocation of berth license.

The Director may revoke a berth license if the Director determines that the licensee has failed to comply with any provisions of this chapter, or any regulation promulgated thereunder, or any provision of the license agreement.

12.76.070 Berth license fees.

The berth license fees at the Sacramento ~~Boat Harbor~~ marina shall be established by resolution of the city council.

12.76.080 Delinquent payments.

All monthly license fees shall be due and payable monthly in advance, on or before the first day of each month, and shall become delinquent on the tenth day of the month for which payment is due. All charges for other services and supplies shall be due on the first day of the month following performance of the service or delivery of the supplies, and shall become delinquent on the tenth day thereafter.

12.76.090 Access to berthing area.

A. No person other than licensees, owners of vessels berthed in the ~~harbor~~ Sacramento marina, their invitees, and authorized personnel of the city, shall go upon any of the floats, gangways or vessels within the berthing area.

B. No person shall leave a gate to the berthing area of the Sacramento marina open for a period of time longer than necessary for the person to enter or exit the berthing area.

12.76.100 Maintenance of vessels.

A. Repairs to and maintenance of a vessel may be made or accomplished while ~~such~~ the vessel is at its assigned berth, provided that all such work is done within the confines of the vessel itself and is not carried on upon the floats or gangways. All materials used in ~~such~~ repair or maintenance work shall be stored within the confines of the vessel when ~~such~~ work is not being performed, and shall not be kept upon floats or gangways when the person performing ~~such~~ the work is not in attendance at the vessel. Any ~~such~~ repairs or

maintenance shall be accomplished in such a manner as not to interfere with access to, or use of, any other vessel. No debris, removed parts or fluids from repairs and maintenance may be allowed to accumulate on any dock or enter the Sacramento marina waters.

B. No person shall use welding equipment, a burning torch or any other open flame apparatus within the confines of the Sacramento ~~boat harbor~~ marina without written permission from the Director. If such permission is given, and welding equipment, burning torch, or any other open flame apparatus is used, care shall be exercised for the safety of all vessels and ~~harbor~~ Sacramento marina facilities, and an approved fire extinguisher of the proper type and of sufficient size shall be readily available. In addition, a water hose attached to an outlet shall also be available as a standby facility. Any work requiring the use of welding equipment, a burning torch, or any other open flame apparatus shall be conducted only in an area designated by the Director.

C. No person shall spray paint a vessel, equipment, or any other portion thereof, within the Sacramento ~~Boat Harbor~~ marina.

12.76.110 Commercial maintenance on vessels within the marina.

No person shall perform any work on, or provide any service to, any licensee or vessel within the Sacramento ~~Boat Harbor~~ marina for which said person receives a fee, compensation, or any other thing of value, unless such person has first complied with the following provisions:

A. Shown the Director proper work authorization from the owner of the vessel; and

B. Shown the Director evidence of the issuance of an applicable business license from the city; and

C. Obtained permission from the Director to enter the berthing facility; and

D. Agreed to perform such service or work in conformance with instructions of the Director; and

E. Shown the Director a statement from the ~~director of finance~~ city manager or his or her designee indicating that said person has insurance coverage to include:

1. Workers compensation and employer's liability,

2. General liability insurance,

3. Products and completed operation liability,

4. Broad form property damage liability, and

5. Personal injury liability.

The amount of the policy shall be ~~no less than three hundred thousand dollars ($300,000.00) single limit per occurrence,~~ established by the city manager, and it shall name the city, its officers, employees, and agents as additional insureds. The policy shall stipulate that it will operate as primary insurance and that no other insurance by the city or other named insured shall be called on to contribute to a loss covered thereunder. The policy shall also contain a provision requiring a ten (10) days' notice must be given to the Director prior to cancellation, modification or reduction of the limits of the policy by the insured.

12.76.120 ~~Berthing of~~ Unseaworthy vessels.

~~No person shall berth within the Sacramento Boat Harbor any vessel of any kind whatsoever which is so unseaworthy, or in such deteriorated condition that is liable to sink or damage floats or other vessels, or which may become a menace to navigation, except in cases of extreme emergency, in which case the owner shall be liable for any damage caused by such vessel.~~

A. It is unlawful and a public nuisance for any person to operate or berth any vessel that is not seaworthy in the Sacramento marina, unless the vessel is in an emergency situation or condition:

1. Vessels that are in an emergency situation or condition shall only be operated or berthed in the Sacramento marina until the emergency situation/condition ends, but in no event shall the vessel remain in the Sacramento marina for more than seventy-two (72) hours;

2. Determinations of seaworthiness shall be made by the Director.

B. Any vessel that is not seaworthy shall be removed from the waters of the Sacramento marina upon the order of the Director. If the owner of any vessel or the owner's agent refuses to comply with the Director's order, the refusal shall constitute grounds for revocation of any berth license issued by the Director for berthing the vessel. The Director may order the vessel removed and stored for a period not to exceed sixty days. Upon the expiration of the sixty-day period, the vessel shall be sold at public auction in accordance with the provisions of Article 4 of Chapter 2 of Division 3 of the Harbors and Navigation Code (commencing with Section 500 thereof). The owner of the vessel shall be civilly liable to the City for all costs, fees, damages and expenses incurred by the City in raising, towing, keeping, storing and selling the vessel. All such costs shall be a lien upon the vessel and the proceeds of sale thereof.

~~12.75.130 Vessels sinking within the harbor~~

~~In the event a vessel is wrecked or sunk within the Sacramento Boat Harbor, the owner shall mark its position immediately by a buoy or beacon by day, and by an electric light visible for at least one hundred (100) yards by night, and maintain such markings until the~~

~~obstruction is removed. The owner of such sunken vessel shall immediately commence removal of said vessel and prosecute the removal diligently to completion, and shall be liable for any damage which results to city property or other vessels in the harbor.~~

12.76.130 Failure or refusal to comply with lawful order of Director

A. No person shall willfully fail or refuse to comply with any lawful order of the Director to remove a vessel from a berth in the Sacramento marina.

B. No person shall willfully fail or refuse to comply with any lawful order of the Director to remove a vessel from the Sacramento marina.

C. In the event that such orders are not complied with, in addition to any other penalty or remedy provided by law, the Director may cause such vessel to be so removed and the cost of such removal shall become due and payable in the same manner and subject to the same regulations as berth license fees.

12.76.140 Wrecked or sunken vessels.

Whenever a vessel is wrecked or sunk within the Sacramento marina, accidentally or otherwise, the owner shall immediately mark its position by a buoy or beacon by day, and by an electric light visible for at least one hundred (100) yards by night, and maintain such markings until the obstruction is removed. The owner of such a wrecked or sunken vessel shall immediately commence removal of said vessel and prosecute the removal diligently to completion, and the failure to do so shall constitute an abandonment of the vessel and subject the vessel to removal and disposition in accordance with the provisions of Section 12.76.120. No person shall return a wrecked or sunken vessel to its berth within the Sacramento marina without the prior approval of the Director. The owner of a sunken or wrecked vessel shall be liable for any damage which results to city property or other vessels in the marina.

~~12.76.140~~ 12.76.150 Accident reports

Any person involved in an activity or collision which causes damage to any other person, vessel, property, or city facilities within the Sacramento ~~Boat Harbor~~ marina, of any nature whatsoever, whether said person be at fault, or not, shall fill out an accident report provided by the Director within twelve (12) hours of such incident. The completion of this accident report shall be in addition to such notices and/or reports required by the laws of the state.

~~12.76.150~~ 12.76.160 Vessel traffic—Speed limit.

All vessels approaching or within the Sacramento ~~Boat Harbor~~ marina shall be operated in a safe and prudent manner and in no event shall the entrance to the Sacramento ~~Boat Harbor~~ marina be blocked by general boating activities or fishing. The speed of any vessel within the Sacramento ~~Boat Harbor~~ marina shall not exceed three miles per hour. No person shall operate a vessel upon the waters of the ~~harbor~~ Sacramento marina in such a

manner that the speed thereof creates an unnecessary or excessive wake, or interferes with the operation of any other vessel.

~~12.76.160~~ 12.76.170 Children in ~~harbor~~ marina.

It is unlawful for any child under the age of fifteen (15) years to ~~go~~ enter, remain, or be upon any of the floats, gangways, or vessels in the Sacramento ~~Boat Harbor~~ marina, unless such child is accompanied by a responsible adult who is authorized to be in the ~~harbor~~ Sacramento marina pursuant to Section 12.76.090 of this chapter.

~~12.76.170~~ 12.76.180 Animals in ~~harbor~~ marina.

No owner or person in control of any dog or other animal shall permit the animal to run at large within the Sacramento ~~Boat Harbor~~ marina. All animals shall be deemed to be running at large unless: the animal is led or restrained by a leash, chain, strap, cord, or other similar device attached to the animal's collar, and which is securely fastened around the animal; and the leash, chain, strap, cord, or other similar device is actually held by a person capable of controlling the animal or made fast to the vessel of the owner or the vessel of the person in control of ~~such dog or other animal~~ the animal. Owners shall be responsible for all actions of the animal.

~~12.76.180~~ 12.76.190 Refuse.

A. No person shall throw, deposit, discharge, or otherwise place any refuse, garbage, debris, bait, sewage, or waste matter of any description, upon or into the floats or waters of the Sacramento ~~Boat Harbor~~ marina.

B. No person shall throw, deposit, discharge, or otherwise place any oil, paint, varnish, spirits, coal tar, contaminated bilge water, inflammable liquid, refuse or residuary produce of coal, petroleum, asphalt, bitumen, or other carbonaceous material or substance, upon or into the floats or waters of the Sacramento ~~Boat Harbor~~ marina.

C. All garbage shall be deposited in receptacles furnished by the city for that purpose.

D. No person shall clean fish on the floats or other areas of the Sacramento ~~Boat Harbor~~ marina. No person shall place or leave dead animals, fish, parts of fish, shellfish, bait, or other putrefying matter on or along the floats, gangways, or ~~harbor~~ marina structures, or throw or deposit such materials upon or into the waters of the Sacramento ~~Boat Harbor~~ marina.

~~12.76.190~~ 12.76.200 Sanitary facilities.

No person shall discharge sewage in the Sacramento ~~Boat Harbor~~ marina. The Director shall require owners of vessels which are used for eating or sleeping purposes to post notices that the toilet facilities aboard may not be used while the vessel is moored or berthed in the ~~harbor~~ marina or is using the waters of the ~~harbor~~ marina, unless such

vessel is equipped with a properly functioning sewage holding tank.

~~12.76.200~~ 12.76.210 Living on board.

No person shall live on board any vessel within the Sacramento ~~Boat Harbor~~ marina. This prohibition against living on vessels shall not prevent the use of vessels in the ~~harbor~~ marina for eating and sleeping purposes for a period not to exceed three days in any seven-day period. One or more persons on board between the hours of one a.m. and six a.m. shall be considered as living aboard that night; unless the vessel ~~was entering or leaving the harbor~~ enters or leaves the Sacramento marina during that time.

~~12.76.210~~ 12.76.220 Open flame devices.

No person shall use barbecues, hibachis or other similar open flame devices within the confines of the Sacramento ~~Boat Harbor~~ marina.

~~12.76.220~~ 12.76.230 Tampering with or boarding vessels.

No person shall willfully injure, break, remove, or tamper with any part of any vessel or any other private or public property in the Sacramento ~~Boat Harbor~~ marina, nor shall any person climb into, or upon, any vessel without the consent of the owner, unless in the performance of official duties, or to protect life or property.

~~12.76.230~~ 12.76.240 Liability for damage and/or loss of property.

The owner of a vessel shall assume all liability for damage or loss of any kind to ~~his~~ the owner's property while within the confines of the Sacramento ~~Boat Harbor~~ marina. The city assumes no risk on account of fire, theft, act of God, or damage of any nature, from any cause whatever, to vessels or other property.

~~12.76.240~~ 12.76.250 Advertising and soliciting.

No person shall advertise or solicit on any vessel or any berthing area within the Sacramento ~~Boat Harbor~~ marina, except one ~~"For Sale"~~ sign not to exceed one square foot in area is permitted on any vessel.

~~12.76.250~~ 12.76.260 Findings re special use area.

The council of the city finds as follows:

A. The Sacramento ~~Boat Harbor~~ marina, as described in Section 12.76.010 of this chapter, is designated as a "special use area," as defined in the Harbors and Navigation Code, Section 651(aa). The Sacramento ~~Boat Harbor~~ marina is operated by the city as a facility for the berthing of vessels. Local regulation of the Sacramento ~~Boat Harbor~~ marina is required to prevent accidents and to facilitate the use of the marina for its primary purpose of berthing licensee vessels.

B. The areas within two hundred (200) feet of the ~~Sacramento Marina~~ Miller Park boat launch ramp and courtesy dock and within two hundred (200) feet of the Garcia Bend boat launch ramp are hereby designated as "special use areas," as defined in the Harbors and Navigation Code, Section 651(v). The boat launch ramps and courtesy dock are operated by the city for the launching and delaunching of vessels and for the coming and going of vessels using the courtesy dock on a temporary basis. Local regulations of the area within two hundred (200) feet of the boat launch ramps and courtesy dock is necessary to prevent accidents and to facilitate the use of the boat launch ramps and courtesy dock for their primary purpose.

C. The configuration of the Sacramento ~~Boat Harbor~~ marina, and the large number of boats berthed therein, which navigate in and out of the marina, make use of the ~~harbor~~ marina area by persons other than ~~harbor~~ marina berth licensees incompatible with the primary use of the marina by licensees. The presence of nonlicensee vessels within the ~~harbor~~ Sacramento marina reduces the city's ability to provide a safe channel to navigate in and out of the ~~harbor~~ Sacramento marina, because it increases the likelihood of collisions, and reduces the city's ability to protect licensees' boats and other property.

D. The presence of persons fishing from shore or from vessels that are not properly berthed within the Sacramento ~~Boat Harbor~~ marina is incompatible with the primary use of the ~~harbor~~ marina by licensees. Fishing by nonlicensees within the ~~harbor~~ Sacramento marina reduces the city's ability to provide a safe channel to navigate in and out of the ~~harbor~~ Sacramento marina, because it increases the likelihood of collisions, and reduces the city's ability to protect licensees' boats and other property.

E. The presence of nonlicensees' personal watercraft within the Sacramento ~~Boat Harbor~~ marina is incompatible with the primary use of the ~~harbor~~ marina by licensees. The presence of nonlicensees' personal watercraft within the ~~harbor~~ Sacramento marina reduces the city's ability to provide a safe channel to navigate in and out of the ~~boat harbor~~ Sacramento marina, because it increases the likelihood of collisions, and reduces the city's ability to protect licensees' boats and other property.

F. The presence of personal watercraft within two hundred (200) feet of the boat launch ramps and courtesy dock, other than for launching and delaunching, presents a threat to public safety, in that wakes produced by the personal watercraft endanger the safety of other vessels which are launching and delaunching, and the presence of personal watercraft increases the likelihood of collisions between personal watercraft and other vessels.

G. The regulations contained in Sections 12.76.260 through 12.76.280 of this chapter are necessary to promote public safety and to protect the property of those vessels licensed by the city to berth in the ~~harbor~~ marina and vessels using the boat launch ramps and courtesy dock.

H. This chapter is adopted pursuant to the police powers of the city granted by the

California Constitution, Article XI, Section 7, and the statutory authority conferred upon local governments by the Harbors and Navigation Code, Sections 268(a) and 660(a).

~~12.76.260~~ 12.76.270 No nonlicensed vessels in Sacramento ~~Boat Harbor~~ marina.

It is unlawful for any person to operate within the Sacramento ~~Boat Harbor~~ marina a vessel for which a Sacramento ~~Boat Harbor~~ marina berth license has not been issued, except with prior approval; provided, however, that it shall not be unlawful to enter the ~~harbor~~ marina for the purpose of navigating directly to and from the fuel dock to purchase fuel or other supplies.

~~12.76.270~~ 12.76.280 No fishing in the Sacramento ~~Boat Harbor~~ marina.

It is unlawful for any person to fish within the Sacramento ~~Boat Harbor~~ marina, whether from a vessel or from the shore; provided, however, that berth licensees and their invitees may fish from properly berthed vessels.

~~12.76.280~~ 12.76.290 No personal watercraft in Sacramento ~~Boat Harbor~~ marina or within two hundred feet of the ~~Sacramento Marina~~ Miller Park boat launch ramp/courtesy dock or Garcia Bend launch ramp.

A. It is unlawful for any person to operate a personal watercraft within the Sacramento ~~Boat Harbor~~ marina; provided, however, that berth licensees and their invitees may operate personal watercraft within the Sacramento marina.

B. It is unlawful for any person to operate a personal watercraft within two hundred (200) feet of the ~~Sacramento Marina~~ Miller Park boat launch ramp or courtesy dock or within two hundred (200) feet of the Garcia Bend boat launch ramp, except to launch or delaunch the personal watercraft.

~~12.76.290~~ 12.76.300 Violation—Penalty.

Any person violating Section ~~12.76.210~~ 12.76.220, ~~12.76.260~~ 12.76.270, 12.76.280 or 12.76.290 of this chapter is guilty of a misdemeanor. Any person violating any other provision of this chapter is guilty of an infraction.

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:

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CHAPTER 12.76 OF THE SACRAMENTO CITY CODE RELATING TO THE SACRAMENTO MARINA AND SPECIAL USE AREAS

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

SECTION 1.

Chapter 12.76 of the Sacramento City Code is amended to read as follows:

Chapter 12.76

SACRAMENTO MARINA AND SPECIAL USE AREAS

12.76.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meaning set forth in this section.

"Berth" means a place to tie a vessel as assigned by the Director.

"Berthing area" means the area of the Sacramento marina in which vessels are berthed.

"Berth license fee" means and includes the monthly or daily fee paid by the licensee for the use of the assigned berth.

"Director" means the person designated by the city manager to perform the functions and duties of the Director under this chapter, or the Director's designated representative.

"Float" means and includes any floating platform normally used for the mooring or securing of vessels.

"Licensee" means the person in whose name a specific berth at the Sacramento marina is assigned by the Director pursuant to a berth license agreement.

"Person" means any individual, firm, partnership, joint venture, limited liability company, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

"Personal watercraft" means and includes any motorized vessel that has an internal combustion engine powering a water-jet pump or a fully-covered propeller chamber as its primary source of motor propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting or standing inside the vessel. This term shall include, but not be limited to, those vessels commonly known as "jet skis," "wet bikes," "surf jets," and "sea-doos."

"Sacramento marina" means and includes the area within the boundaries of Miller Park that is operated by the City of Sacramento as a facility for the berthing of vessels.

"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.

"Vessel" means and includes every description of watercraft, other than a seaplane on water, that is used or is capable of being used as a means of transportation on water.

12.76.020 Authority of Director.

A. The Director shall have the authority to promulgate regulations to effectuate this chapter.

B. The Director may refuse entry into the Sacramento marina any vessel that is not seaworthy or that is of inappropriate size to operate within the Sacramento marina, except in cases of extreme emergency, in which case the owner shall be liable for any damage caused by such vessel.

C. Every vessel entering the Sacramento marina shall immediately become subject to the direction and order of the Director. To the extent authorized by law, the Director may enter upon any vessel in the Sacramento marina to make such inspections and to take such actions as may be required to enforce the provisions of this chapter.

D. The Director may designate the area in which any vessel shall be berthed and may require any vessel to change its berth in the marina to such other position as may reasonably be designated. In the event that such orders are not complied with, in addition to any other penalty or remedy provided by law, the Director may cause such vessel to be so moved and the cost of such move shall become due and payable in the same manner and subject to the same regulations as berth license fees.

E. Should an emergency occur in which any vessel is in danger of being seriously damaged, or seriously damaging other boats or any of the Sacramento marina facilities, the Director may take such action as in the Director's sole discretion is necessary for the protection of any property of the city or its licensees. The Director shall render a bill for such services to the vessel owner, and such amount shall become due and payable in the same manner and subject to the same regulations as berth license fees.

F. The Director may execute on behalf of the city all licenses for berthing space within the Sacramento marina.

G. When there is suitable space available, the Director may allow vessels other than those for which a berth license has been issued to berth in the Sacramento marina on an overnight basis. Operators of such vessels shall sign agreements and shall pay fees established by resolution of the City Council.

12.76.030 Registration of vessels.

Every vessel entering the Sacramento marina must be registered and numbered as provided by the laws of the State of California or any other state, or documented under the laws of the United States. All vessels must remain currently registered by the State of California or any other state, or documented by the United States to retain a berth license. The owner or any person operating a vessel for which a berth license has been issued shall present the registration or identification card or other evidence of registration or documentation of the vessel for examination and copying upon demand of the Director.

12.76.040 Berth license applications.

A. Berth licenses shall only be issued to the registered or documented owner or owners of a vessel. No berth license will be issued in the name of a partnership (general or limited), corporation, limited liability company, joint venture or other legal entity; provided, however, the Director may establish procedures for the issuance of a berth license for a vessel that is registered, documented or owned by a partnership (general or limited), corporation, limited liability company, joint venture or other legal entity to a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership of stock of a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates.

B. An application for a berth license shall be submitted in writing on the form provided by the Director and shall be accompanied by appropriate fees, vessel specifications, title documentation, credit information, and any other information required by the Director. Only complete applications shall be accepted by the Director for processing.

12.76.050 Issuance of berth license—Waiting list therefor; Insurance and Indemnity Requirements.

A. Upon receipt of a complete berth license application, the Director shall determine if a berth of appropriate dimensions to accommodate the vessel is available and if the

applicant qualifies for a berth license.

1. If an appropriate berth is available and if the applicant qualifies for a berth license, the Director shall issue a berth license to the applicant upon receipt of the applicable berth license fee, proof of insurance, and a signed license agreement. The license agreement shall be signed by the licensee and the Director.

2. If the applicant qualifies for a berth license, but there is no appropriate berth available, the Director shall place the applicant at the bottom of the waiting list. As berths become available, the Director shall issue licenses to applicants on the waiting list in order of their priority.

B. An applicant shall qualify for a berth license if the Director finds, based on the information provided in the complete application, the following:

1. The applicant is either (i) a natural person and the registered or documented owner of the vessel, or (ii) in the event the registered or documented owner of the vessel is a partnership (general or limited), corporation, limited liability company, joint venture or other legal entity, that the applicant is a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership of stock of a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates, and

2. The vessel is seaworthy and of appropriate size to operate in the Sacramento marina, and

3. The applicant is credit worthy.

C. During the term of a berth license issued pursuant to this chapter, the licensee or owner(s) of a vessel authorized by a license to berth in the Sacramento marina shall maintain in full force and effect at no cost to the City a protection and indemnity insurance policy:

1. In an amount established by the city manager; and

2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and

3. Providing that the city, its officers, employees and agents are to be named as additional insured under the policy; and

4. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and

5. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the berth license, without thirty (30) days written notice to the Director prior to the effective date of such cancellation or change in coverage.

Within thirty days of the effective date of this ordinance, the Director shall provide written notice of the requirements of this subsection C to every person who is a licensee on the effective date of this ordinance. A person who is a licensee on the effective date of this ordinance shall have ninety days from the effective date of this ordinance to comply with the requirements of subsection C.

D. The licensee and owner(s) of a vessel authorized by a license to berth in the Sacramento marina shall assume the defense of, and indemnify and hold harmless, the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the licensee or owner or the licensee's or owner's agents, officers or employees, directly or indirectly arising from the berthing of the vessel in the Sacramento marina. The foregoing is not intended to and shall not be construed to limit any responsibility or liability that the licensee or owner(s) may be subjected to under other laws.

E. Berth licenses are non-transferable. No person shall gift, sell, assign, or transfer, whether voluntarily or involuntarily, a berth license, and any attempt to do so shall not be recognized or honored by the City; provided, however, the Director may establish regulations authorizing the temporary use of berths.

12.76.060 Revocation of berth license.

The Director may revoke a berth license if the Director determines that the licensee has failed to comply with any provisions of this chapter, or any regulation promulgated thereunder, or any provision of the license agreement.

12.76.070 Berth license fees.

The berth license fees at the Sacramento marina shall be established by resolution of the city council.

12.76.080 Delinquent payments.

All monthly license fees shall be due and payable monthly in advance, on or before the first day of each month, and shall become delinquent on the tenth day of the month for which payment is due. All charges for other services and supplies shall be due on the first day of the month following performance of the service or delivery of the supplies, and shall become delinquent on the tenth day thereafter.

12.76.090 Access to berthing area.

A. No person other than licensees, owners of vessels berthed in the Sacramento marina, their invitees, and authorized personnel of the city, shall go upon any of the floats,

gangways or vessels within the berthing area.

B. No person shall leave a gate to the berthing area of the Sacramento marina open for a period of time longer than necessary for the person to enter or exit the berthing area.

12.76.100 Maintenance of vessels.

A. Repairs to and maintenance of a vessel may be made or accomplished while the vessel is at its assigned berth, provided that all such work is done within the confines of the vessel itself and is not carried on upon the floats or gangways. All materials used in repair or maintenance work shall be stored within the confines of the vessel when work is not being performed, and shall not be kept upon floats or gangways when the person performing the work is not in attendance at the vessel. Any repairs or maintenance shall be accomplished in such a manner as not to interfere with access to, or use of, any other vessel. No debris, removed parts or fluids from repairs and maintenance may be allowed to accumulate on any dock or enter the Sacramento marina waters.

B. No person shall use welding equipment, a burning torch or any other open flame apparatus within the confines of the Sacramento marina without written permission from the Director. If such permission is given, and welding equipment, burning torch, or any other open flame apparatus is used, care shall be exercised for the safety of all vessels and Sacramento marina facilities, and an approved fire extinguisher of the proper type and of sufficient size shall be readily available. In addition, a water hose attached to an outlet shall also be available as a standby facility. Any work requiring the use of welding equipment, a burning torch, or any other open flame apparatus shall be conducted only in an area designated by the Director.

C. No person shall spray paint a vessel, equipment, or any other portion thereof, within the Sacramento marina.

12.76.110 Commercial maintenance on vessels within the marina.

No person shall perform any work on, or provide any service to, any licensee or vessel within the Sacramento marina for which said person receives a fee, compensation, or any other thing of value, unless such person has first complied with the following provisions:

A. Shown the Director proper work authorization from the owner of the vessel; and

B. Shown the Director evidence of the issuance of an applicable business license from the city; and

C. Obtained permission from the Director to enter the berthing facility; and

D. Agreed to perform such service or work in conformance with instructions of the Director; and

E. Shown the Director a statement from the city manager or his or her designee indicating that said person has insurance coverage to include:

1. Workers compensation and employer's liability,

2. General liability insurance,

3. Products and completed operation liability,

4. Broad form property damage liability, and

5. Personal injury liability.

The amount of the policy shall be established by the city manager, and it shall name the city, its officers, employees, and agents as additional insureds. The policy shall stipulate that it will operate as primary insurance and that no other insurance by the city or other named insured shall be called on to contribute to a loss covered thereunder. The policy shall also contain a provision requiring a ten (10) days' notice must be given to the Director prior to cancellation, modification or reduction of the limits of the policy by the insured.

12.76.120 Unseaworthy vessels.

A. It is unlawful and a public nuisance for any person to operate or berth any vessel that is not seaworthy in the Sacramento marina, unless the vessel is in an emergency situation or condition:

1. Vessels that are in an emergency situation or condition shall only be operated or berthed in the Sacramento marina until the emergency situation/condition ends, but in no event shall the vessel remain in the Sacramento marina for more than seventy-two (72) hours;

2. Determinations of seaworthiness shall be made by the Director.

B. Any vessel that is not seaworthy shall be removed from the waters of the Sacramento marina upon the order of the Director. If the owner of any vessel or the owner's agent refuses to comply with the Director's order, the refusal shall constitute grounds for revocation of any berth license issued by the Director for berthing the vessel. The Director may order the vessel removed and stored for a period not to exceed sixty days. Upon the expiration of the sixty-day period, the vessel shall be sold at public auction in accordance with the provisions of Article 4 of Chapter 2 of Division 3 of the Harbors and Navigation Code (commencing with Section 500 thereof). The owner of the vessel shall be civilly liable to the City for all costs, fees, damages and expenses incurred by the City in raising, towing, keeping, storing and selling the vessel. All such costs shall be a lien upon the vessel and the proceeds of sale thereof.

12.76.130 Failure or refusal to comply with lawful order of Director

A. No person shall willfully fail or refuse to comply with any lawful order of the Director to remove a vessel from a berth in the Sacramento marina.

B. No person shall willfully fail or refuse to comply with any lawful order of the Director to remove a vessel from the Sacramento marina.

C. In the event that such orders are not complied with, in addition to any other penalty or remedy provided by law, the Director may cause such vessel to be so removed and the cost of such removal shall become due and payable in the same manner and subject to the same regulations as berth license fees.

12.76.140 Wrecked or sunken vessels.

Whenever a vessel is wrecked or sunk within the Sacramento marina, accidentally or otherwise, the owner shall immediately mark its position by a buoy or beacon by day, and by an electric light visible for at least one hundred (100) yards by night, and maintain such markings until the obstruction is removed. The owner of such a wrecked or sunken vessel shall immediately commence removal of said vessel and prosecute the removal diligently to completion, and the failure to do so shall constitute an abandonment of the vessel and subject the vessel to removal and disposition in accordance with the provisions of Section 12.76.120. No person shall return a wrecked or sunken vessel to its berth within the Sacramento marina without the prior approval of the Director. The owner of a sunken or wrecked vessel shall be liable for any damage which results to city property or other vessels in the marina.

12.76.150 Accident reports

Any person involved in an activity or collision which causes damage to any other person, vessel, property, or city facilities within the Sacramento marina, of any nature whatsoever, whether said person be at fault, or not, shall fill out an accident report provided by the Director within twelve (12) hours of such incident. The completion of this accident report shall be in addition to such notices and/or reports required by the laws of the state.

12.76.160 Vessel traffic—Speed limit.

All vessels approaching or within the Sacramento marina shall be operated in a safe and prudent manner and in no event shall the entrance to the Sacramento marina be blocked by general boating activities or fishing. The speed of any vessel within the Sacramento marina shall not exceed three miles per hour. No person shall operate a vessel upon the waters of the Sacramento marina in such a manner that the speed thereof creates an unnecessary or excessive wake, or interferes with the operation of any other vessel.

12.76.170 Children in marina.

It is unlawful for any child under the age of fifteen (15) years to enter, remain, or be upon

any of the floats, gangways, or vessels in the Sacramento marina, unless such child is accompanied by a responsible adult who is authorized to be in the Sacramento marina pursuant to Section 12.76.090 of this chapter.

12.76.180 Animals in marina.

No owner or person in control of any dog or other animal shall permit the animal to run at large within the Sacramento marina. All animals shall be deemed to be running at large unless: the animal is led or restrained by a leash, chain, strap, cord, or other similar device attached to the animal's collar, and which is securely fastened around the animal; and the leash, chain, strap, cord, or other similar device is actually held by a person capable of controlling the animal or made fast to the vessel of the owner or the vessel of the person in control of the animal. Owners shall be responsible for all actions of the animal.

12.76.190 Refuse.

A. No person shall throw, deposit, discharge, or otherwise place any refuse, garbage, debris, bait, sewage, or waste matter of any description, upon or into the floats or waters of the Sacramento marina.

B. No person shall throw, deposit, discharge, or otherwise place any oil, paint, varnish, spirits, coal tar, contaminated bilge water, inflammable liquid, refuse or residuary produce of coal, petroleum, asphalt, bitumen, or other carbonaceous material or substance, upon or into the floats or waters of the Sacramento marina.

C. All garbage shall be deposited in receptacles furnished by the city for that purpose.

D. No person shall clean fish on the floats or other areas of the Sacramento marina. No person shall place or leave dead animals, fish, parts of fish, shellfish, bait, or other putrefying matter on or along the floats, gangways, or marina structures, or throw or deposit such materials upon or into the waters of the Sacramento marina.

12.76.200 Sanitary facilities.

No person shall discharge sewage in the Sacramento marina. The Director shall require owners of vessels which are used for eating or sleeping purposes to post notices that the toilet facilities aboard may not be used while the vessel is moored or berthed in the marina or is using the waters of the marina, unless such vessel is equipped with a properly functioning sewage holding tank.

12.76.210 Living on board.

No person shall live on board any vessel within the Sacramento marina. This prohibition against living on vessels shall not prevent the use of vessels in the marina for eating and sleeping purposes for a period not to exceed three days in any seven-day period. One or more persons on board between the hours of one a.m. and six a.m. shall be considered as

living aboard that night; unless the vessel enters or leaves the Sacramento marina during that time.

12.76.220 Open flame devices.

No person shall use barbecues, hibachis or other similar open flame devices within the confines of the Sacramento marina.

12.76.230 Tampering with or boarding vessels.

No person shall willfully injure, break, remove, or tamper with any part of any vessel or any other private or public property in the Sacramento marina, nor shall any person climb into, or upon, any vessel without the consent of the owner, unless in the performance of official duties, or to protect life or property.

12.76.240 Liability for damage and/or loss of property.

The owner of a vessel shall assume all liability for damage or loss of any kind to the owner's property while within the confines of the Sacramento marina. The city assumes no risk on account of fire, theft, act of God, or damage of any nature, from any cause whatever, to vessels or other property.

12.76.250 Advertising and soliciting.

No person shall advertise or solicit on any vessel or any berthing area within the Sacramento marina, except one sign not to exceed one square foot in area is permitted on any vessel.

12.76.260 Findings re special use area.

The council of the city finds as follows:

A. The Sacramento marina, as described in Section 12.76.010 of this chapter, is designated as a "special use area," as defined in the Harbors and Navigation Code, Section 651(aa). The Sacramento marina is operated by the city as a facility for the berthing of vessels. Local regulation of the Sacramento marina is required to prevent accidents and to facilitate the use of the marina for its primary purpose of berthing licensee vessels.

B. The areas within two hundred (200) feet of the Miller Park boat launch ramp and courtesy dock and within two hundred (200) feet of the Garcia Bend boat launch ramp are hereby designated as "special use areas," as defined in the Harbors and Navigation Code, Section 651(v). The boat launch ramps and courtesy dock are operated by the city for the launching and delaunching of vessels and for the coming and going of vessels using the courtesy dock on a temporary basis. Local regulations of the area within two hundred (200) feet of the boat launch ramps and courtesy dock is necessary to prevent accidents and to

facilitate the use of the boat launch ramps and courtesy dock for their primary purpose.

C. The configuration of the Sacramento marina, and the large number of boats berthed therein, which navigate in and out of the marina, make use of the marina area by persons other than marina berth licensees incompatible with the primary use of the marina by licensees. The presence of nonlicensee vessels within the Sacramento marina reduces the city's ability to provide a safe channel to navigate in and out of the Sacramento marina, because it increases the likelihood of collisions, and reduces the city's ability to protect licensees' boats and other property.

D. The presence of persons fishing from shore or from vessels that are not properly berthed within the Sacramento marina is incompatible with the primary use of the marina by licensees. Fishing by nonlicensees within the Sacramento marina reduces the city's ability to provide a safe channel to navigate in and out of the Sacramento marina, because it increases the likelihood of collisions, and reduces the city's ability to protect licensees' boats and other property.

E. The presence of nonlicensees' personal watercraft within the Sacramento marina is incompatible with the primary use of the marina by licensees. The presence of nonlicensees' personal watercraft within the Sacramento marina reduces the city's ability to provide a safe channel to navigate in and out of the Sacramento marina, because it increases the likelihood of collisions, and reduces the city's ability to protect licensees' boats and other property.

F. The presence of personal watercraft within two hundred (200) feet of the boat launch ramps and courtesy dock, other than for launching and delaunching, presents a threat to public safety, in that wakes produced by the personal watercraft endanger the safety of other vessels which are launching and delaunching, and the presence of personal watercraft increases the likelihood of collisions between personal watercraft and other vessels.

G. The regulations contained in Sections 12.76.260 through 12.76.280 of this chapter are necessary to promote public safety and to protect the property of those vessels licensed by the city to berth in the marina and vessels using the boat launch ramps and courtesy dock.

H. This chapter is adopted pursuant to the police powers of the city granted by the California Constitution, Article XI, Section 7, and the statutory authority conferred upon local governments by the Harbors and Navigation Code, Sections 268(a) and 660(a).

12.76.270 No nonlicensed vessels in Sacramento marina.

It is unlawful for any person to operate within the Sacramento marina a vessel for which a Sacramento marina berth license has not been issued, except with prior approval; provided, however, that it shall not be unlawful to enter the marina for the purpose of navigating directly to and from the fuel dock to purchase fuel or other supplies.

12.76.280 No fishing in the Sacramento marina.

It is unlawful for any person to fish within the Sacramento marina, whether from a vessel or from the shore; provided, however, that berth licensees and their invitees may fish from properly berthed vessels.

12.76.290 No personal watercraft in Sacramento marina or within two hundred feet of the Miller Park boat launch ramp/courtesy dock or Garcia Bend launch ramp.

A. It is unlawful for any person to operate a personal watercraft within the Sacramento marina; provided, however, that berth licensees and their invitees may operate personal watercraft within the Sacramento marina.

B. It is unlawful for any person to operate a personal watercraft within two hundred (200) feet of the Miller Park boat launch ramp or courtesy dock or within two hundred (200) feet of the Garcia Bend boat launch ramp, except to launch or delaunch the personal watercraft.

12.76.300 Violation—Penalty.

Any person violating Section 12.76.220, 12.76.270, 12.76.280 or 12.76.290 of this chapter is guilty of a misdemeanor. Any person violating any other provision of this chapter is guilty of an infraction.

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:

October 17, 2006
Item #
ATTACHMENT 3
Proposed Marina Rules and Regulations

SACRAMENTO MARINA

General Information Handbook
Published by the City of Sacramento

Sacramento Marina
2710 Ramp Way
Sacramento, CA 95818
(916) 264-5712

WELCOME

Welcome to the Sacramento Marina...nestled amidst a beautiful riverfront park, just minutes from downtown Sacramento, California. Our marina is the largest along the Sacramento River, providing the only off-river dockage in the area. The location offers the convenience of easy vehicle-access to the entire metropolitan freeway system.
The Sacramento Marina is easily accessible from US-50, I-80 and I-5. Its natural, serene setting and proximity to the Sacramento and American Rivers offer abundant opportunities for outdoor activities. Boating and water sports can be enjoyed on the area's lakes and rivers, and along over 1,000 miles of the Sacramento-San Joaquin Delta's waterways.

The Sacramento Marina is home to approximately 540 vessels, and has its own fuel dock and administration building. The Sacramento Marina is open to the boating public 24 hours a day, 365 days a year. City employees staff the facility from 8:00 a.m. until midnight, and a security guard patrols the marina from 11:00 p.m. until 8:00 a.m.

For the convenience and guidance of Marina patrons, applicable Sacramento Marina regulations, policies, practices and procedures have been summarized in this handbook. For further information, Sacramento Marina staff is available to serve you at our Ramp Way office at (916) 808-5712. The Sacramento Marina administration office is open Monday to Friday from 8AM to 4:30PM and Saturdays from 8AM to 4PM. The fuel dock is also open every day of the year except Christmas and New Year. The hours of operation vary depending on the season. Utilize the quick reference chart provided at the end of this book for hours of operation and contact information including emergencies.

The information contained in this handbook is derived from the City of Sacramento Code, City Council resolutions, and Sacramento Marina procedures, and is provided to help you in understanding your rights and responsibilities as a berth licensee or visitor to the Sacramento Marina and to help create a pleasant environment for all Sacramento Marina users. It's completely up to you!

We hope you have a pleasant stay at the Sacramento Marina!

TABLE OF CONTENTS

ABOUT THIS BOOK 6

1 AUTHORITY 6
2 APPLICATION AND SCOPE 6
3 ORGANIZATION 6

ADVERTISING 6

ANIMALS 6

BERTHING 6

1 BERTH LICENSE APPLICATIONS. (§12.76.040) 6
2 BERTH ASSIGNMENT. (§12.76.050(A)(1)) 7
3 BERTH ISSUANCE. (§12.76.050(A)(1)) 7
4 EXCHANGING BERTHS. 7
5 TEMPORARY USE OF BERTH BY PERSON OTHER THAN LICENSEE. (12.76.050 (E)) 8
6 BERTH TRANSFERS. (12.76.050 (E)) 8
7 MAXIMUM NUMBER OF BERTH LICENSE AGREEMENTS 8
8 BERTH AND BOAT SIZES. 8

BOARDING VESSELS. 9

CHILDREN ON DOCKS. 9

COMMERCIAL MAINTENANCE ON VESSELS IN THE MARINA 9

DOCK LINES/HALYARDS. 10

DAMAGE TO DOCKS. 10

DESTRUCTION OF PROPERTY 10

DINGHIES 10

DISPOSAL IN WATER PROHIBITED. 10

DOCK GATES. 11

DRINKING IN PUBLIC. 11

FEES, DEPOSITS, FEE CLASSIFICATIONS AND DELIQUENT FEES 11

GUEST VESSELS. 12

EMERGENCY BOARDING OF VESSELS. 12

ENGINES, OPERATION OF. 12

FENDERS AND DOCK WHEELS. 12

FISHING REGULATIONS. 12

FLAMMABLE AND COMBUSTIBLE LIQUIDS/MATERIALS. 12

INSPECTIONS 12

INDEMNITY 13

KEYS 13

LICENSES 13

LITTERING. 13
LIVEABOARDS 13
MOORING LINES, WATER HOSES AND CABLE. 13
MOVEMENT OF VESSELS WITHIN THE SACRAMENTO MARINA. 13
NOISE - UNNECESSARY NOISE PROHIBITED. 14
PARKING 14
SANITATION AND REFUSE 14
SECURITY, ON-SITE 14
SPEED LIMIT. 14
STEPS AND STAIRS. 15
STORAGE — USE OF FLOATS FOR STORAGE PROHIBITED. 15
SWIMMING PROHIBITED IN THE SACRAMENTO MARINA. 15
TAMPERING WITH VESSELS 15
TELEPHONE SERVICES 15
TERMINATION NOTICES 15
UNSEAWORTHY/DERELICT VESSELS 15
WAIT LIST. 16
CHAPTER 12.76 SACRAMENTO MARINA AND SPECIAL USE AREAS ORDINANCE 18
12.76.010 DEFINITIONS. 18
12.76.020 AUTHORITY OF DIRECTOR 19
12.76.030 REGISTRATION OF VESSELS. 19
12.76.040 BERTH LICENSE APPLICATIONS 20
12.76.050 ISSUANCE OF BERTH LICENSE—WAITING LIST THEREFOR; INSURANCE AND INDEMNITY REQUIREMENTS. 20
12.76.060 REVOCATION OF BERTH LICENSE 22
12.76.070 BERTH LICENSE FEES. 22
12.76.080 DELINQUENT PAYMENTS. 22
12.76.090 ACCESS TO BERTHING AREA. 22
12.76.100 MAINTENANCE OF VESSELS. 22
12.76.110 COMMERCIAL MAINTENANCE ON VESSELS WITHIN THE MARINA. 23
12.76.120 UNSEAWORTHY VESSELS 24
12.76.130 FAILURE OR REFUSAL TO COMPLY WITH LAWFUL ORDER OF DIRECTOR 24
12.76.140 WRECKED OR SUNKEN VESSELS. 24
12.76.150 ACCIDENT REPORTS. 25
12.76.160 VESSEL TRAFFIC—SPEED LIMIT. 25
12.76.170 CHILDREN IN MARINA. 25
12.76.180 ANIMALS IN MARINA. 25
12.76.190 REFUSE. 25
12.76.200 SANITARY FACILITIES 26
12.76.210 LIVING ON BOARD. 26
12.76.220 OPEN FLAME DEVICES. 26

12.76.230 TAMPERING WITH OR BOARDING VESSELS 26
12.76.240 LIABILITY FOR DAMAGE AND/OR LOSS OF PROPERTY. 26
12.76.250 ADVERTISING AND SOLICITING 27
12.76.260 FINDINGS RE SPECIAL USE AREA 27
12.76.270 NO NONLICENSED VESSELS IN SACRAMENTO MARINA. 28
12.76.280 NO FISHING IN THE SACRAMENTO MARINA. 28
12.76.290 NO PERSONAL WATERCRAFT IN SACRAMENTO MARINA OR WITHIN TWO HUNDRED FEET OF THE MILLER PARK BOAT LAUNCH RAMP/COURTESY DOCK OR GARCIA BEND LAUNCH RAMP. 28
12.76.300 VIOLATION—PENALTY. 29

QUICK REFERENCE GUIDE 30

ABOUT THIS BOOK

1 *Authority*

These regulations ("Sacramento Marina Regulations") are adopted pursuant to the provisions of Section 12.76.020(A) of the Sacramento City Code in order to implement, make specific, and otherwise carry out the policy of maintaining the Sacramento Marina in a sanitary, sightly, and orderly condition and of preserving the public health, safety, peace, welfare, and convenience in the use thereof.

2 *Application and Scope*

The Sacramento Marina Regulations shall apply to the berthing of vessels and other activities and operations within the Sacramento Marina, as defined in Section 12.76.010 of the Sacramento City Code.

3 *Organization*

For easy reference, this handbook is subdivided into categories which are listed in alphabetical order. Sections of the Sacramento City Code are referenced as follows: "§12.76.xxx". As used in this handbook, the term "Director" means the person designated by the City Manager to perform the functions and duties of the Director under Chapter 12.76 of the Sacramento City Code, or the Director's designated representative.

ADVERTISING

One sign not exceeding one square foot in area is permitted on any vessel.

ANIMALS

See PETS on page 13

BERTHING

1 Berth License Applications. (§12.76.040)

a) Any person who desires a Berth License shall complete a Berth License Application form furnished by the Sacramento Marina and submitted to the Director. The applicant shall furnish the appropriate application fees, all documents and information relating to the vessel and ownership thereof, showing evidence that the applicant has legal authority to occupy, use and incur charges to the vessel as the Director requires, before a Berth License Application shall be considered completed and a Berth License Agreement issued. All co-owners names must appear on the application. Co-owners may be deleted from the Berth License Agreement upon written request; however, no additions or amendments may be made after the execution of a Berth License Agreement.

b) If the Director determines that the applicant is not qualified, the Director shall return the application, informing the applicant of the reasons for the rejection. In evaluating an application, the Director may consider factors such as the applicant's credit rating, performance with previous City licenses or permits, the condition of the vessel to be berthed, and other appropriate criteria.

2 Berth Assignment. (§12.76.050(A)(1))

a No person shall berth a vessel in the Sacramento Marina without first having secured a month - to month or temporary Berth License Agreement from the Director for an assigned berth. Berth License Agreements authorize a person to berth a specific vessel in a specific berth. Unauthorized berth occupancy is prohibited. The Director is authorized to move, secure and/or impound any vessel occupying an unauthorized berth. All fees involved in such action will be charged to the vessel's owner.

3 Berth Issuance. (§12.76.050(A)(1))

a If the Director determines that the applicant is suitable and there is an appropriate berth available, the Director shall issue a Berth License Agreement to the applicant upon receipt of the applicable Berth License fee, proof of insurance, proof of registration, and a security deposit equivalent to one month's berthing fees, as amended from time to time by resolution of the City Council, a key deposit for each key issued and a signed Berth License Agreement. The Berth License Agreement shall be signed by the Licensee and the Director.

b Before a Berth License Agreement can be issued, each vessel owner shall furnish a copy of the following documentation:

i The vessels Certificate of Documentation from the United States Coast Guard or vessel registration from the Department of Motor Vehicles in the Licensee's name. No vessel other than the one specified on the Berth License Agreement shall be kept in the assigned berth by the Licensee, unless the Berth License Agreement is amended as approved by the Director.

ii Copy of Proof of Protection and indemnity Insurance at no cost to the City, in an amount established by resolution of the City Council, naming the City as additional insured and stipulating that the policy will operate as primary insurance and that no other insurance effected by the City or other named insured will be called on to contribute to the loss covered thereunder.

c Berth licenses are non-transferable.

4 Exchanging Berths.

a Licensees may request to exchange their berth. Such requests are subject to the Sacramento Marina's berth exchange policy which requires that the two berths to be exchanged to be of the same size and same type, e.g., sunny/shady. It is the responsibility of the Licensee requesting to exchange berths to find another Licensee who is willing to exchange berths.

b If the Sacramento Marina is aware of a Licensee who is willing to exchange berths, the Sacramento Marina may facilitate an exchange. There is no charge

for a first exchange by a Licensee; however any subsequent exchanges shall be subject to an administrative fee.

5 Temporary Use of Berth by Person Other than Licensee. (12.76.050 (E))

a Licensees may not allow others to temporarily use their berths, nor may they sublicense their berths. The City retains the right to assign subtenants to berths that are temporarily vacated for a period of up to six months of each calendar year. The Licensee shall remain financially liable for the berth license fees associated with the berth until such time that a suitable subtenant is located and executes a separate Berth License Agreement and has paid all associated fees in full. A Licensee shall notify the Director in writing of his or her intent to temporarily vacate the berth and provide departure and return dates. If at any point the subtenant vacates the berth or is provided with a notice of termination, the Licensee immediately gains back the responsibility for berth license fees.

b The Licensee may refer a prospective subtenant to the City and will be given preference provided such subtenant meets the criteria in Sacramento City Code Sections 12.76.040 and, 12.76.050 (B, C, D and E).

6 Berth Transfers. (12.76.050 (E))

a Transfer of a berth is prohibited. All potential Licensees are subject to the application process.

b Licensees who sell their boat may retain their berth if it is their intention to purchase another boat to place in the berth.

7 Maximum Number of Berth License Agreements.

a An individual may not hold more than three permanent Berth License Agreements in the Sacramento Marina at one time. Each berth license agreement is for a specific berth and must be for berthing boats registered to the individual only.

b A boat dealer, having a separate valid lease with the City of Sacramento, may hold up to ten permanent berth license agreements for that leaseholder's business purposes.

8 Berth and Boat Sizes.

a In order to ensure maximum public use of berthing facilities, a vessel shall not extend more than ten (10%) percent of the berth size beyond the end of any finger float, including, but not limited to, the vessel's davits, booms, swimstep, boomkin or bowsprit. No part of any vessel shall extend over the main walkway.

Berth Size		Maximum Overall Boat Length
20.0'	-	22.0'
25.0'	-	27.5'
28.0'	-	30.8'
30.0'	-	33.0'
35.0'	-	38.5'
40.0'	-	44.0'
45.0'	-	49.0'

50.0' - 55.0'

b To determine the size of vessel which can be accommodated in a specific berth, the overall length determines the berth assignment or placement on the berth wait list. Since there is a different waiting list for each berth size, the overall length should be known prior to applying for a wait list or accepting a berth. Overall length is the actual measured length, including bow pulpit, swim platform, etc. not the registered or manufactured length.

Overall length will be utilized for wait list and berth assignment. Signing up for the wrong size berth or wrong waiting list could result in last-minute denial of a berth license. Extra care in this area can prevent last-minute problems.

c For more information on measurement standards, contact the Sacramento Marina Office.

9 Berth License Compliance.

Licensees shall comply with all provisions of Chapter 12.76 of the Sacramento City Code and these Sacramento Marina Regulations governing berthing and use of facilities and any applicable City of Sacramento resolution or ordinance provisions; failure to do so shall be grounds for revocation of the Licensee's berth license agreement. Upon a violation of the provisions of Chapter 12.76 of the Sacramento City Code and these Sacramento Marina Regulations, the Sacramento Marina may remove the Licensee's boat from the Sacramento Marina at the Licensee's expense and retake possession of the berth.

Boarding Vessels.

A person shall not climb into or upon a vessel berthed in the Sacramento Marina without consent of the owner unless in the performance of official duties or to protect lives and property.

Children on docks.

Children under fifteen (15) years of age are not permitted on the floats, gangways or vessels unless they are accompanied by a responsible adult authorized to be in the marina.

Commercial Maintenance on Vessels in the Marina

1 When a licensee contracts with a vendor to provide maintenance on their vessel, they will be required to notify the Sacramento Marina prior to the vendor being authorized to access the docks. All vendors are required to:

a Check in at the Sacramento Marina administration office prior to commencing with commercial maintenance on any vessel.

b Provide proper work authorization from the owner of the vessel.

c Provide evidence of issuance of an applicable business license from the City of Sacramento.

d Agree to provide services in conformance with instructions of the Director; and

e Provide proof of Insurance coverage which includes Workers Compensation and Employees liability, general liability insurance, products and completed operation liability, broad form property damage liability and personal injury liability. The

insurance policy shall be in an amount established buy resolution of the City Council and it shall name the City, its officers, employees, and agents as additional insureds. The policy will operate as primary insurance and that no other insurance effected by the City or other named insured will be called on to contribute to the loss covered thereunder.

2 Owners are encouraged to maintain their vessels in proper operating order, and to see that a vessel reflects good appearance. Toward this end, maintenance, repairs and/or alterations are permitted under certain conditions. The general rule is this: such activities must not generate paint aerosols, dusts, other particulates or material which will deposit upon nearby vessels, docks, water or other facilities; not, produce odors, vapors/gasses which will prove offensive or pose health, fire or other safety hazards. The use of open flame devices (welding torches, blowtorches, etc.) or electric welders shall not be permitted without the express permission of Sacramento Marina management.

3 Obstruction of docks and/or access to fingers with tools or equipment prohibited.

4 Vessels shall be maintained in a neat, clean and seaworthy condition at all times.

Dock Lines/Halyards.
Dock lines shall be maintained in a safe and non-chafed manner and be of adequate size for the vessel. Halyards shall be tied off to eliminate noise.

Damage to docks.
Owners shall be responsible for any damage to docks and dock facilities and utilities including, but not limited to, oil, paint or other materials spilled, dripped or otherwise applied to the concrete fingers or walks adjacent to the berth. Should it become necessary for the Sacramento Marina personnel to clean the area, it will be done at the Licensee's expense, whether the damage has been caused by the Licensee, his or her agents or guests.
Dock boxes, steps, stairs, ladders or other devices shall not be secured to docks or finger floats.

Destruction of Property.
No person shall destroy, damage, deface or interfere with any building, aid to navigation, buoy, float, life preserver, sign, notice or other property within the Sacramento Marina.

Dinghies.
Valid berth Licensees will be permitted to store a dinghy in the water if space permits, but only within the confines of the licensee's berth. Do not use dinghies as storage facilities for equipment or trash.

Disposal in Water Prohibited.
It is unlawful to throw, discharge or allow to be deposited from any boat or float any refuse matter, oily bilges or flammable liquid into the water or upon the premises.

Dock Gates.
No person shall climb over, under or around or otherwise tamper with or attempt to circumvent the locked gate to the docks. Gates and doors shall remain locked at all times. Wiring open or jamming locks or impairing gates and locks is prohibited.

Drinking in Public.
Consumption of alcoholic beverages is prohibited on Sacramento Marina sidewalks, parking lots, beaches, etc. No drinking of alcoholic beverages is allowed in public.

Fees, Deposits, Fee classifications and delinquent fees.

1 Fees.
   a. License fees shall be set by Resolution of the City Council of the City of Sacramento. Fees shall be prorated for first and last months based on a 30 day scale.

2 Deposits.
   a. A refundable deposit equal to one month's license fee is required upon acceptance of a berth. Upon receipt of a 30 day notice from either party, the deposit will be applied to the outstanding balance on the account. Unused or unapplied deposit amounts will be refunded to the berth licensee after the berth has been vacated.
   b. A refundable deposit of an amount established by the Director is required for each key issued upon acceptance of a berth. The deposit shall be forfeited if the key is not returned.

3 Fee Classifications.
   a. Berths
      i. Berth license fees set are calculated based on the size of the boat or the size of the berth, whichever is greater.
   b. Unequal Finger Length Berths
      ii. The berth license fee will be based on the length of the shorter finger which also determines the berth size. The 10% overhang rule will apply to the shorter finger.
   c. End Ties
      iii. Berth license fees on end ties are calculated based on the overall length of the boat. If more than one boat occupies the end-tie, each boat will be charged for the length of their boat. An adequate space will be required between vessels in cases where more than one boat occupies an end tie.
   d. Delinquent Fees
      iv. Berth license fees are due and payable in advance on the first day of each month. If such fees are not received at the Sacramento Marina office by the 10th day of the month, a ten percent (10%) late payment charge will be added to the outstanding balance; provided, however, one or more delinquent payments may result in the issuance of a 30-day notice of termination and termination of the berth license agreement.
      v. Any person who fails to pay berth license fees may have their vessel removed from their berth and relocated to an area designated for storage of such vessel; this may include an off site location. All subsequent charges resulting

from the removal and relocation of such vessels will be the sole responsibility of the berth licensee.

Guest Vessels.
All vessels making fast to any area designated as a guest dock will be charged the visiting overnight guest rate as set forth by resolution of the City Council. If needed, unoccupied permanent berths may be used for visiting vessels, wherein the overnight guest rate will be charged. Guest vessel fees are to be paid in advance. There is a 30-day maximum stay unless prior approval is received from the Director.

Emergency Boarding of Vessels.
The Director reserves the right to board any vessel in case of emergency. The Director reserves the right to determine what constitutes an emergency situation.

Engines, Operation of.
Except for entering and leaving the berth, main engines, power generating equipment, or other noise-making machinery shall not be operated between the hours of 10:00 p.m. and 8:00 a.m. Engines shall not be operated in gear while the boat is secured to the dock.

Fenders and Dock Wheels.
Berth licensees shall not install feeders, cleats or dock wheels without approval from the Director.

Fishing Regulations.
In the interest of public safety and sanitation, fishing is prohibited in the Sacramento Marina except by licensees and their guests from boats berthed, provided that bait and fishing gear are not kept or used on the docks.

Flammable and Combustible Liquids/Materials.
No person shall sell or deliver any class of flammables into the fuel tanks of a vessel while the vessel is in the Sacramento Marina, except at the fuel dock purchased from the marina's fuel dispensers.

Inspections
Any person applying for berthing, agrees that the Director shall have the right to examine the vessel to determine whether it is seaworthy (capable of being safely maneuvered on navigable waters under its own power and able to pass a standard Sacramento Marina inspection) or whether it would constitute a danger to the health, safety and sanitary conditions within the Sacramento Marina area. In the event the Director, determines that a vessel constitutes a danger to health, safety or sanitary conditions, creates a nuisance, or is not seaworthy, the Director may refuse to issue a berth license agreement, or may cancel such a berth license agreement previously executed upon such a finding.
In addition to any other inspections made, the Director or his/her designated representative shall inspect *all* vessels a minimum *of* once every three years upon

request.

Indemnity.
The licensee and owner(s) of a vessel authorized by a license to berth in the Sacramento Marina shall assume the defense of, and indemnify and hold harmless, the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the licensee or owner or the licensee's or owner's agents, officers or employees, directly or indirectly arising from the berthing of the vessel in the Sacramento Marina. The foregoing is not intended to and shall not be construed to limit any responsibility or liability that the licensee or owner(s) may be subjected to under other laws.

Keys
Only berth renters may obtain a key the docks and restrooms; a deposit as set forth by the Director will be charged for each key. Licensees are responsible for keys and may not lend, sell or gift keys to persons not authorized to be in the Sacramento Marina.

Licenses
No business activity shall be conducted within the Sacramento Marina unless the licensee, licensee, concessionaire, assignee, lessees or sub-lessee shall have first obtained the necessary licenses, leases or permits from the City of Sacramento and the Sacramento Marina.

Littering.
No person shall deposit, drop, throw or otherwise cause any bottles, papers, food, wood or any waste, refuse or rubbish whatever upon any part of the beach, land, berthing area, or water within the Sacramento Marina.

Liveaboards.
No person shall live on board any vessel within the Sacramento Marina. This prohibition against living on vessels shall not prevent the use of vessels in the marina for eating and sleeping purposes for a period not to exceed three days in any seven-day period. One or more persons on board between the hours of one a.m. and six a.m. shall be considered as living aboard that night; unless the vessel enters or leaves the Sacramento Marina during that time.

Mooring Lines, Water Hoses and Cable.
Mooring lines, water hoses or cable shall not extend across main walkways, floats and fingers, and shall be kept in good order at all times.

Movement of Vessels Within the Sacramento Marina.
Movement of vessels between rows of berths within the Sacramento Marina shall be for the purposes of berthing the vessel or entering or leaving only.

Noise - Unnecessary Noise Prohibited.
Quiet time is the marina is between the hours of 10:00 p.m. and 8:00 a.m.; provided, however, it shall be unlawful for any person at any time to make, continue to cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Sacramento Marina.

Parking
Parking is free at the marina. No vehicle may back into parking spaces and cruising in the parking lots is prohibited. Trailer parking is prohibited in the main single vehicle designated spaces.

Pets
All pets shall be on a leash at all times. No pet, other than a service animal, shall be permitted in the restrooms.

1. **Dogs at Large.**
   Every dog found running at large, whether licensed or unlicensed, will be subject to be impounded by the City's Animal Care Services Division.
2. **Dog License Display.**
   Every dog must have its license displayed and the tag must be maintained on the dog.
3. **Unrestrained Dogs.**
   All dogs, licensed or unlicensed, shall be restrained by substantial leash, not to exceed eight (8) feet in length and attached to their collar.
4. **Cleanup of Pet Waste.**
   The City of Sacramento ordinance 9.44.220 (D) requires owners to clean up the defecation left by their dogs.

Failure to comply with this section is considered a violation of the berth licensee agreement and may be grounds for termination.

Sanitation and refuse
Vessels with holding tanks are allowed to use their heads while staying in the Sacramento Marina. Those without holding tanks are not allowed to use their heads while in the Sacramento Marina, and their through holes are to be sealed. A pump out station is located at the fuel dock. Dumping of port-a-potties in the restroom facilities is prohibited.

Security, On-site
An on-site security officer is available during the hours of 11:00PM to 8:00AM each day. Contact numbers for security are posted throughout the marina and in the "Quick Reference" section at the end of this book.

Speed Limit.
Speed limit within the Sacramento Marina is (3) three miles per hour or "no-wake" speed. No-wake speed is operating at a speed that is reasonable and prudent,

considering the wake of any vessel and the effect of such wake on vessels or floating docks in the Sacramento Marina.

Steps and Stairs.
Steps, stairs, ladders or other devices shall not be secured to the finger floats. Platform steps not over one-half the width of the finger float may be used as a temporary means for boarding vessels and these shall be removed when not in use. They must be of lightweight construction and not used as a storage locker.

Storage — Use of Floats for Storage Prohibited.
Use of floats to store or place supplies, materials, gear, dinghies, etc. of any kind shall not be permitted. Dock boxes may be purchased or rented from the Sacramento Marina. Water hoses may be kept on the dock if wrapped neatly to the water source.

Swimming Prohibited in the Sacramento Marina.
Swimming in any portion of the Sacramento Marina including the main channel or entrance except while performing hull maintenance in the area immediately next to ones boat is prohibited.

Tampering With Vessels
A person shall not willfully injure or tamper with any vessel in the Sacramento Marina or break or remove any part from such vessel without consent of the owner.

Telephone Services
Land lines telephone services are available to each berth. A "Request for Telephone Service" form must be filed with the marina before a telephone can be installed. There are installation fees for telephone service from the City and the telephone company.

Termination Notices
1 The Sacramento Marina may cancel any berth license agreement at any time by providing thirty (30) days prior written notice to the licensee at the address specified in the berth license agreement. In the event of such cancellation, the berthing fee will be prorated on a 30 day prorated schedule if the termination date is a date other than the last day of a month. The security deposit amount will be applied to any outstanding amounts or returned to the licensee within a reasonable time after cancellation.
2 A berth license holder shall give thirty (30) days written notice of intent to vacate. Berth license fees are due on the last day of the 30-day notice period. Berth license fees shall be charged on a basis of one month's rent in the event the area is vacated without the notice of intent having been given.

Unseaworthy/derelict Vessels.
It shall be unlawful for a person to berth in the Sacramento Marina a vessel of any kind whatsoever which is unseaworthy, derelict, dilapidated or in a badly deteriorated condition or which is likely to sink or to damage docks, floats or other vessels or which may become a menace to navigation, except in cases of emergency.

The owner of an unseaworthy or derelict vessel which causes damage to Sacramento Marina property shall be liable therefore. The expense of repairing the damage shall be stated by the Sacramento Marina and shall be a charged against the party responsible and/or the vessel's owner and may be recovered by the Director of the Sacramento Marina in any court of competent jurisdiction. (§12.76.120)

WAIT LIST.

1. If there is no suitable berth available upon receipt of a berth license application, the Director shall place the applicant at the bottom of the waiting list, if the applicant so desires. The applicant must complete a waitlist application form.
2. A chronological waiting list based on berth lengths will be maintained by the Sacramento Marina split out by berth size required.
3. Current berth licensees may place their names on various wait lists free of charge provided they complete a separate wait list application for each size berth.
4. For non-licensees, an annual non-refundable fee, established by resolution of the City Council, must be paid at the time the wait list application is submitted, and the application shall not be considered complete until such fee is paid. This fee is required annually for each wait list to remain on the wait list(s). Each non-licensee on the waiting list will be billed annually according to their initial application date on the wait list. Members of the waiting list shall have the right to transfer their name from one waitlist (by slip size) to another, but will not be entitled to be placed on the new list in accordance with their original sign-up date. Wait list applications are non-transferable and only the individual listed on the wait list application, or an individual's spouse or registered domestic partner shall be considered eligible to be a licensee.

   Non-response to telephonic notice of berth availability within three (3) days of said notice will cause removal of the applicant's name from the waiting list and forfeiture of fees. Telephone numbers provided on the berth application form will be used to contact prospective berth licensees. It is the responsibility of the applicant to ensure the Sacramento Marina has updated contact information at all times.

   Persons on the wait list who desire to change the requested berth size will be placed at the bottom of the new list desired. No additional fee will be required; however a new application will need to be submitted.
5. Only one berth will be issued from a single wait list application, regardless of the number of names on the application and only applicants listed on the application form and their spouses will have rights to a Berth License Agreement. Partnership applications must list all of the partners who will be co-licensees.
6. When a berth becomes available, it will be offered to the person at the top of the wait list for that size berth, and if the person at the top of the list declines the berth or fails to respond within 3 days of notification, then it will be offered to the next highest person on that waiting list. This process will continue in this manner until a person on the waiting list accepts the berth or there are no longer any names on the waiting list. , in sequence to the person next on the list. Acceptance of a berth must be indicated within three (3) days of notification by payment of rent and execution of a Berth License Agreement. Licensees accepting a berth off the wait list will be

required to execute a new Berth License Agreement and be required to pay the adjusted security deposit rate for such berth if applicable.

Chapter 12.76 SACRAMENTO MARINA AND SPECIAL USE AREAS ORDINANCE
(REVISED AND ADOPTED (date))

12.76.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meaning set forth in this section.

"Berth" means a place to tie a vessel as assigned by the Director.

"Berthing area" means the area of the Sacramento Marina in which vessels are berthed.

"Berth license fee" means and includes the monthly or daily fee paid by the licensee for the use of the assigned berth.

"Director" means the person designated by the city manager to perform the functions and duties of the Director under this chapter, or the Director's designated representative.

"Float" means and includes any floating platform normally used for the mooring or securing of vessels.

"Licensee" means the person in whose name a specific berth at the Sacramento Marina is assigned by the Director pursuant to a berth license agreement.

"Person" means any individual, firm, partnership, joint venture, limited liability company, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

"Personal watercraft" means and includes any motorized vessel that has an internal combustion engine powering a water-jet pump or a fully-covered propeller chamber as its primary source of motor propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting or standing inside the vessel. This term shall include, but not be limited to, those vessels commonly known as "jet skis," "wet bikes," "surf jets," and "sea-doos."

"Sacramento Marina" means and includes the area within the boundaries of Miller Park that is operated by the City of Sacramento as a facility for the berthing of vessels.

"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.

"Vessel" means and includes every description of watercraft, other than a seaplane on water, that is used or is capable of being used as a means of transportation on water.

12.76.020 Authority of Director.

A. The Director shall have the authority to promulgate regulations to effectuate this chapter.

B. The Director may refuse entry into the Sacramento Marina any vessel that is not seaworthy or that is of inappropriate size to operate within the Sacramento Marina, except in cases of extreme emergency, in which case the owner shall be liable for any damage caused by such vessel.

C. Every vessel entering the Sacramento Marina shall immediately become subject to the direction and order of the Director. To the extent authorized by law, the Director may enter upon any vessel in the Sacramento Marina to make such inspections and to take such actions as may be required to enforce the provisions of this chapter.

D. The Director may designate the area in which any vessel shall be berthed and may require any vessel to change its berth in the marina to such other position as may reasonably be designated. In the event that such orders are not complied with, in addition to any other penalty or remedy provided by law, the Director may cause such vessel to be so moved and the cost of such move shall become due and payable in the same manner and subject to the same regulations as berth license fees.

E. Should an emergency occur in which any vessel is in danger of being seriously damaged, or seriously damaging other boats or any of the Sacramento Marina facilities, the Director may take such action as in the Director's sole discretion is necessary for the protection of any property of the city or its licensees. The Director shall render a bill for such services to the vessel owner, and such amount shall become due and payable in the same manner and subject to the same regulations as berth license fees.

F. The Director may execute on behalf of the city all licenses for berthing space within the Sacramento Marina.

G. When there is suitable space available, the Director may allow vessels other than those for which a berth license has been issued to berth in the Sacramento Marina on an overnight basis. Operators of such vessels shall sign agreements and shall pay fees established by resolution of the City Council.

12.76.030 Registration of vessels.

Every vessel entering the Sacramento Marina must be registered and numbered as provided by the laws of the State of California or any other state, or documented under the laws of the United States. All vessels must remain currently registered by the State of California or any other state, or documented by the United States to retain a berth license. The owner or any person operating a vessel for which a berth license has been issued shall present the registration or identification card or other evidence of registration or documentation of the vessel for examination and copying upon demand

of the Director.

12.76.040 Berth license applications.

A. Berth licenses shall only be issued to the registered or documented owner or owners of a vessel. No berth license will be issued in the name of a partnership (general or limited), corporation, limited liability company, joint venture or other legal entity; provided, however, the Director may establish procedures for the issuance of a berth license for a vessel that is registered, documented or owned by a partnership (general or limited), corporation, limited liability company, joint venture or other legal entity to a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership of stock of a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates.

B. An application for a berth license shall be submitted in writing on the form provided by the Director and shall be accompanied by appropriate fees, vessel specifications, title documentation, credit information, and any other information required by the Director. Only complete applications shall be accepted by the Director for processing.

12.76.050 Issuance of berth license—Waiting list therefor; Insurance and Indemnity Requirements.

A. Upon receipt of a complete berth license application, the Director shall determine if a berth of appropriate dimensions to accommodate the vessel is available and if the applicant qualifies for a berth license.

1. If an appropriate berth is available and if the applicant qualifies for a berth license, the Director shall issue a berth license to the applicant upon receipt of the applicable berth license fee, proof of insurance, and a signed license agreement. The license agreement shall be signed by the licensee and the Director.

2. If the applicant qualifies for a berth license, but there is no appropriate berth available, the Director shall place the applicant at the bottom of the waiting list. As berths become available, the Director shall issue licenses to applicants on the waiting list in order of their priority.

B. An applicant shall qualify for a berth license if the Director finds, based on the information provided in the complete application, the following:

1. The applicant is either (i) a natural person and the registered or documented owner of the vessel, or (ii) in the event the registered or documented owner of the vessel is a partnership (general or limited), corporation, limited liability company, joint venture or other legal entity, that the applicant is a natural person whose interest in the vessel (whether by virtue of an interest in the partnership, ownership of stock of a corporation or otherwise) is equal to or greater than that of each of the other partners, stockholders, members or associates, and

2. The vessel is seaworthy and of appropriate size to operate in the Sacramento Marina, and

3. The applicant is credit worthy.

C. During the term of a berth license issued pursuant to this chapter, the licensee or owner(s) of a vessel authorized by a license to berth in the Sacramento Marina shall maintain in full force and effect at no cost to the City a protection and indemnity insurance policy:

1. In an amount established by the city manager; and

2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and

3. Providing that the city, its officers, employees and agents are to be named as additional insured under the policy; and

4. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and

5. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the berth license, without thirty (30) days written notice to the Director prior to the effective date of such cancellation or change in coverage.

Within thirty days of the effective date of this ordinance, the Director shall provide written notice of the requirements of this subsection C to every person who is a licensee on the effective date of this ordinance. A person who is a licensee on the effective date of this ordinance shall have ninety days from the effective date of this ordinance to comply with the requirements of subsection C.

D. The licensee and owner(s) of a vessel authorized by a license to berth in the Sacramento Marina shall assume the defense of, and indemnify and hold harmless, the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the licensee or owner or the licensee's or owner's agents, officers or employees, directly or indirectly arising from the berthing of the vessel in the Sacramento Marina. The foregoing is not intended to and shall not be construed to limit any responsibility or liability that the licensee or owner(s) may be subjected to under other laws.

E. Berth licenses are non-transferable. No person shall gift, sell, assign, or transfer, whether voluntarily or involuntarily, a berth license, and any attempt to do so shall not be recognized or honored by the City; provided, however, the Director may establish regulations authorizing the temporary use of berths.

12.76.060 Revocation of berth license.

The Director may revoke a berth license if the Director determines that the licensee has failed to comply with any provisions of this chapter, or any regulation promulgated thereunder, or any provision of the license agreement.

12.76.070 Berth license fees.

The berth license fees at the Sacramento Marina shall be established by resolution of the city council.

12.76.080 Delinquent payments.

All monthly license fees shall be due and payable monthly in advance, on or before the first day of each month, and shall become delinquent on the tenth day of the month for which payment is due. All charges for other services and supplies shall be due on the first day of the month following performance of the service or delivery of the supplies, and shall become delinquent on the tenth day thereafter.

12.76.090 Access to berthing area.

A. No person other than licensees, owners of vessels berthed in the Sacramento Marina, their invitees, and authorized personnel of the city, shall go upon any of the floats, gangways or vessels within the berthing area.

B. No person shall leave a gate to the berthing area of the Sacramento Marina open for a period of time longer than necessary for the person to enter or exit the berthing area.

12.76.100 Maintenance of vessels.

A. Repairs to and maintenance of a vessel may be made or accomplished while the vessel is at its assigned berth, provided that all such work is done within the confines of the vessel itself and is not carried on upon the floats or gangways. All materials used in repair or maintenance work shall be stored within the confines of the vessel when work is not being performed, and shall not be kept upon floats or gangways when the person performing the work is not in attendance at the vessel. Any repairs or maintenance shall be accomplished in such a manner as not to interfere with access to, or use of, any other vessel. No debris, removed parts or fluids from repairs and maintenance may be allowed to accumulate on any dock or enter the Sacramento Marina waters.

B. No person shall use welding equipment, a burning torch or any other open flame apparatus within the confines of the Sacramento Marina without written permission from the Director. If such permission is given, and welding equipment, burning torch, or any other open flame apparatus is used, care shall be exercised for the safety of all vessels and Sacramento Marina facilities, and an approved fire extinguisher of the proper type

and of sufficient size shall be readily available. In addition, a water hose attached to an outlet shall also be available as a standby facility. Any work requiring the use of welding equipment, a burning torch, or any other open flame apparatus shall be conducted only in an area designated by the Director.

C. No person shall spray paint a vessel, equipment, or any other portion thereof, within the Sacramento Marina.

12.76.110 Commercial maintenance on vessels within the marina.

No person shall perform any work on, or provide any service to, any licensee or vessel within the Sacramento Marina for which said person receives a fee, compensation, or any other thing of value, unless such person has first complied with the following provisions:

A. Shown the Director proper work authorization from the owner of the vessel; and

B. Shown the Director evidence of the issuance of an applicable business license from the city; and

C. Obtained permission from the Director to enter the berthing facility; and

D. Agreed to perform such service or work in conformance with instructions of the Director; and

E. Shown the Director a statement from the city manager or his or her designee indicating that said person has insurance coverage to include:

1. Workers compensation and employer's liability,

2. General liability insurance,

3. Products and completed operation liability,

4. Broad form property damage liability, and

5. Personal injury liability.

The amount of the policy shall be established by the city manager, and it shall name the city, its officers, employees, and agents as additional insureds. The policy shall stipulate that it will operate as primary insurance and that no other insurance by the city or other named insured shall be called on to contribute to a loss covered thereunder. The policy shall also contain a provision requiring a ten (10) days' notice must be given to the Director prior to cancellation, modification or reduction of the limits of the policy by the insured.

12.76.120 Unseaworthy vessels.

A. It is unlawful and a public nuisance for any person to operate or berth any vessel that is not seaworthy in the Sacramento Marina, unless the vessel is in an emergency situation or condition:

1. Vessels that are in an emergency situation or condition shall only be operated or berthed in the Sacramento Marina until the emergency situation/condition ends, but in no event shall the vessel remain in the Sacramento Marina for more than seventy-two (72) hours;

2. Determinations of seaworthiness shall be made by the Director.

B. Any vessel that is not seaworthy shall be removed from the waters of the Sacramento Marina upon the order of the Director. If the owner of any vessel or the owner's agent refuses to comply with the Director's order, the refusal shall constitute grounds for revocation of any berth license issued by the Director for berthing the vessel. The Director may order the vessel removed and stored for a period not to exceed sixty days. Upon the expiration of the sixty-day period, the vessel shall be sold at public auction in accordance with the provisions of Article 4 of Chapter 2 of Division 3 of the Harbors and Navigation Code (commencing with Section 500 thereof). The owner of the vessel shall be civilly liable to the City for all costs, fees, damages and expenses incurred by the City in raising, towing, keeping, storing and selling the vessel. All such costs shall be a lien upon the vessel and the proceeds of sale thereof.

12.76.130 Failure or refusal to comply with lawful order of Director

A. No person shall willfully fail or refuse to comply with any lawful order of the Director to remove a vessel from a berth in the Sacramento Marina.

B. No person shall willfully fail or refuse to comply with any lawful order of the Director to remove a vessel from the Sacramento Marina.

C. In the event that such orders are not complied with, in addition to any other penalty or remedy provided by law, the Director may cause such vessel to be so removed and the cost of such removal shall become due and payable in the same manner and subject to the same regulations as berth license fees.

12.76.140 Wrecked or sunken vessels.

Whenever a vessel is wrecked or sunk within the Sacramento Marina, accidentally or otherwise, the owner shall immediately mark its position by a buoy or beacon by day, and by an electric light visible for at least one hundred (100) yards by night, and maintain such markings until the obstruction is removed. The owner of such a wrecked or sunken vessel shall immediately commence removal of said vessel and prosecute the removal diligently to completion, and the failure to do so shall constitute an

abandonment of the vessel and subject the vessel to removal and disposition in accordance with the provisions of Section 12.76.120. No person shall return a wrecked or sunken vessel to its berth within the Sacramento Marina without the prior approval of the Director. The owner of a sunken or wrecked vessel shall be liable for any damage which results to city property or other vessels in the marina.

12.76.150 Accident reports.

Any person involved in an activity or collision which causes damage to any other person, vessel, property, or city facilities within the Sacramento Marina, of any nature whatsoever, whether said person be at fault, or not, shall fill out an accident report provided by the Director within twelve (12) hours of such incident. The completion of this accident report shall be in addition to such notices and/or reports required by the laws of the state.

12.76.160 Vessel traffic—Speed limit.

All vessels approaching or within the Sacramento Marina shall be operated in a safe and prudent manner and in no event shall the entrance to the Sacramento Marina be blocked by general boating activities or fishing. The speed of any vessel within the Sacramento Marina shall not exceed three miles per hour. No person shall operate a vessel upon the waters of the Sacramento Marina in such a manner that the speed thereof creates an unnecessary or excessive wake, or interferes with the operation of any other vessel.

12.76.170 Children in marina.

It is unlawful for any child under the age of fifteen (15) years to enter, remain, or be upon any of the floats, gangways, or vessels in the Sacramento Marina, unless such child is accompanied by a responsible adult who is authorized to be in the Sacramento Marina pursuant to Section 12.76.090 of this chapter.

12.76.180 Animals in marina.

No owner or person in control of any dog or other animal shall permit the animal to run at large within the Sacramento Marina. All animals shall be deemed to be running at large unless: the animal is led or restrained by a leash, chain, strap, cord, or other similar device attached to the animal's collar, and which is securely fastened around the animal; and the leash, chain, strap, cord, or other similar device is actually held by a person capable of controlling the animal or made fast to the vessel of the owner or the vessel of the person in control of the animal. Owners shall be responsible for all actions of the animal.

12.76.190 Refuse.

A. No person shall throw, deposit, discharge, or otherwise place any refuse,

garbage, debris, bait, sewage, or waste matter of any description, upon or into the floats or waters of the Sacramento Marina.

B. No person shall throw, deposit, discharge, or otherwise place any oil, paint, varnish, spirits, coal tar, contaminated bilge water, inflammable liquid, refuse or residuary produce of coal, petroleum, asphalt, bitumen, or other carbonaceous material or substance, upon or into the floats or waters of the Sacramento Marina.

C. All garbage shall be deposited in receptacles furnished by the city for that purpose.

D. No person shall clean fish on the floats or other areas of the Sacramento Marina. No person shall place or leave dead animals, fish, parts of fish, shellfish, bait, or other putrefying matter on or along the floats, gangways, or marina structures, or throw or deposit such materials upon or into the waters of the Sacramento Marina.

12.76.200 Sanitary facilities.

No person shall discharge sewage in the Sacramento Marina. The Director shall require owners of vessels which are used for eating or sleeping purposes to post notices that the toilet facilities aboard may not be used while the vessel is moored or berthed in the marina or is using the waters of the marina, unless such vessel is equipped with a properly functioning sewage holding tank.

12.76.210 Living on board.

No person shall live on board any vessel within the Sacramento Marina. This prohibition against living on vessels shall not prevent the use of vessels in the marina for eating and sleeping purposes for a period not to exceed three days in any seven-day period. One or more persons on board between the hours of one a.m. and six a.m. shall be considered as living aboard that night; unless the vessel enters or leaves the Sacramento Marina during that time.

12.76.220 Open flame devices.

No person shall use barbecues, hibachis or other similar open flame devices within the confines of the Sacramento Marina.

12.76.230 Tampering with or boarding vessels.

No person shall willfully injure, break, remove, or tamper with any part of any vessel or any other private or public property in the Sacramento Marina, nor shall any person climb into, or upon, any vessel without the consent of the owner, unless in the performance of official duties, or to protect life or property.

12.76.240 Liability for damage and/or loss of property.

The owner of a vessel shall assume all liability for damage or loss of any kind to the owner's property while within the confines of the Sacramento Marina. The city assumes no risk on account of fire, theft, act of God, or damage of any nature, from any cause whatever, to vessels or other property.

12.76.250 Advertising and soliciting.

No person shall advertise or solicit on any vessel or any berthing area within the Sacramento Marina, except one sign not to exceed one square foot in area is permitted on any vessel.

12.76.260 Findings re special use area.

The council of the city finds as follows:

A. The Sacramento Marina, as described in Section 12.76.010 of this chapter, is designated as a "special use area," as defined in the Harbors and Navigation Code, Section 651(aa). The Sacramento Marina is operated by the city as a facility for the berthing of vessels. Local regulation of the Sacramento Marina is required to prevent accidents and to facilitate the use of the marina for its primary purpose of berthing licensee vessels.

B. The areas within two hundred (200) feet of the Miller Park boat launch ramp and courtesy dock and within two hundred (200) feet of the Garcia Bend boat launch ramp are hereby designated as "special use areas," as defined in the Harbors and Navigation Code, Section 651(v). The boat launch ramps and courtesy dock are operated by the city for the launching and delaunching of vessels and for the coming and going of vessels using the courtesy dock on a temporary basis. Local regulations of the area within two hundred (200) feet of the boat launch ramps and courtesy dock is necessary to prevent accidents and to facilitate the use of the boat launch ramps and courtesy dock for their primary purpose.

C. The configuration of the Sacramento Marina, and the large number of boats berthed therein, which navigate in and out of the marina, make use of the marina area by persons other than marina berth licensees incompatible with the primary use of the marina by licensees. The presence of nonlicensee vessels within the Sacramento Marina reduces the city's ability to provide a safe channel to navigate in and out of the Sacramento Marina, because it increases the likelihood of collisions, and reduces the city's ability to protect licensees' boats and other property.

D. The presence of persons fishing from shore or from vessels that are not properly berthed within the Sacramento Marina is incompatible with the primary use of the marina by licensees. Fishing by nonlicensees' within the Sacramento Marina reduces the city's ability to provide a safe channel to navigate in and out of the Sacramento Marina, because it increases the likelihood of collisions, and reduces the city's ability to protect licensees' boats and other property.

E. The presence of nonlicensees' personal watercraft within the Sacramento Marina is incompatible with the primary use of the marina by licensees. The presence of nonlicensees' personal watercraft within the Sacramento Marina reduces the city's ability to provide a safe channel to navigate in and out of the Sacramento Marina, because it increases the likelihood of collisions, and reduces the city's ability to protect licensees' boats and other property.

F. The presence of personal watercraft within two hundred (200) feet of the boat launch ramps and courtesy dock, other than for launching and delaunching, presents a threat to public safety, in that wakes produced by the personal watercraft endanger the safety of other vessels which are launching and delaunching, and the presence of personal watercraft increases the likelihood of collisions between personal watercraft and other vessels.

G. The regulations contained in Sections 12.76.260 through 12.76.280 of this chapter are necessary to promote public safety and to protect the property of those vessels licensed by the city to berth in the marina and vessels using the boat launch ramps and courtesy dock.

H. This chapter is adopted pursuant to the police powers of the city granted by the California Constitution, Article XI, Section 7, and the statutory authority conferred upon local governments by the Harbors and Navigation Code, Sections 268(a) and 660(a).

12.76.270 No nonlicensed vessels in Sacramento Marina.

It is unlawful for any person to operate within the Sacramento Marina a vessel for which a Sacramento Marina berth license has not been issued, except with prior approval; provided, however, that it shall not be unlawful to enter the marina for the purpose of navigating directly to and from the fuel dock to purchase fuel or other supplies.

12.76.280 No fishing in the Sacramento Marina.

It is unlawful for any person to fish within the Sacramento Marina, whether from a vessel or from the shore; provided, however, that berth licensees and their invitees may fish from properly berthed vessels.

12.76.290 No personal watercraft in Sacramento Marina or within two hundred feet of the Miller Park boat launch ramp/courtesy dock or Garcia Bend launch ramp.

A. It is unlawful for any person to operate a personal watercraft within the Sacramento Marina; provided, however, that berth licensees and their invitees may operate personal watercraft within the Sacramento Marina.

B. It is unlawful for any person to operate a personal watercraft within two hundred (200) feet of the Miller Park boat launch ramp or courtesy dock or within two

hundred (200) feet of the Garcia Bend boat launch ramp, except to launch or delaunch the personal watercraft.

12.76.300 Violation—Penalty.

Any person violating Section 12.76.220, 12.79.270, 12.76.280 or 12.76.290 of this chapter is guilty of a misdemeanor. Any person violating any other provision of this chapter is guilty of an infraction.

Quick Reference Guide

Hours of Operation

Marina Administration Office
Monday – Friday..... 8:00 am to 4:30 pm
Saturday..... 8:00 am to 4:00 pm
Sundays are CLOSED

Fuel Dock
September 16 – March 15.....8:30 am to 5:00 pm
March 16 – May 15.....8:30 am to 7:00 pm
May 16 – September 15.....8:30 am to 8:00 pm

Fees

- Berthing fees are subject to change annually on July 1st.
- All outstanding balances are subject to a late fee of 10% or $10, whichever greater.
- Electricity is available for $10.00 per month.
- Dock Lockers are available to rent or own. Rent: $15.00 per month.
  Own: $300.00 (new) $200.00 (used)
- Transient vessel daily rate fee: $1.00 per linear foot per day. (Overall length is from bow pulpit to swim platform).
- Annual Wait List Fee is $15.00. (There is no charge if you are an existing patron.)
- Telephone Installation Charge is $139.00