

ORDINANCE NO. 2022-0012

Adopted by the Sacramento City Council

April 26, 2022

An Ordinance Amending Section 12.72.060 of, and Adding Chapter 12.104 to, the Sacramento City Code, Relating to the Docks in Old Sacramento

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

SECTION 1.

A. Subsection Z of section 12.72.060 of the Sacramento City Code is hereby amended to read as follows:

Z. Moor a vessel at any city-owned or city-managed dock for more than 36 consecutive hours or for the purpose of living on board the vessel for more than one night while moored at the dock. Any person on board the vessel at any time between the hours of 1:00 a.m. and 6:00 a.m. is conclusively presumed to be living on board for the night. A vessel that departs a dock after being moored for 24 hours or more, or that departs a dock after having been moored for the purpose of living on board for one night, shall not return to the same dock for at least 24 hours. The term “dock” includes the courtesy docks in Miller Park, Garcia Bend, and Old Sacramento, and any other dock operated primarily for temporary vessel mooring purposes. Notwithstanding the foregoing, the city may establish special rules relating to use of the docks in Old Sacramento, which rules may permit shorter or longer periods of mooring, impose fees for overnight mooring privileges, and permit other special uses of those docks;

B. Except as amended by subsection A above, all provisions of section 12.72.060 remain unchanged and in full effect.

SECTION 2.

Chapter 12.104 is hereby added to the Sacramento City Code to read as follows:

Chapter 12.104 Docks in Old Sacramento

12.104.010 Definitions.

As used in this chapter:

“City manager” means the city manager or designee.

“Docks” or “Old Sacramento docks” means the docks in Old Sacramento located upon the Sacramento River, including the ramps for egress and ingress.

“Moor” means to attach, tie, or otherwise secure a vessel to any man-made or natural object above the surface of the water.

“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 any watercraft of any type or size including barges, ferries, boats, yachts, houseboats, floating homes, floating platforms, and rafts.

12.104.020 Authority of city manager and city officials.

- A. Every vessel moored at the Old Sacramento docks is subject to the direction and orders of the city manager. To the extent authorized by law, city officials may enter upon any vessel moored at the Old Sacramento docks to make inspections and take actions as may be required to enforce the provisions of this chapter or other applicable provisions of the city code.
- B. The city manager may:
 - 1. Promulgate regulations and procedures to effectuate and enforce this chapter;
 - 2. Establish time and place restrictions for the mooring of vessels at the Old Sacramento docks;
 - 3. With the concurrence of the chief of police, order the docks, or any portion of the docks, closed when the city manager determines closure will preserve the public peace, prevent damage to public property, quell riots or violence, or determines closure is otherwise in the public interest;
 - 4. Post signs or other markings at or near the Old Sacramento docks indicating the regulations or procedures; and
 - 5. Enter into any concession contract, lease, license, or permit, with the owner of a vessel to moor at the Old Sacramento docks.

12.104.030 Mooring charges.

- A. Any fees and charges for the mooring of vessels or other activities provided for in this chapter shall be in amounts established by resolution of city council.
- B. The fees and charges established under subsection A shall not apply to vessel owners paying rent, monthly moorage fees, or docking fees under a concession contract, lease, license, or similar agreement.

12.104.040 Mooring in violation of this chapter.

- A. No person shall moor a vessel contrary to the provisions of this chapter or the directions of signs or markings.
- B. This section does not apply to vessels operated by the United States of America, the state of California, or any governmental entity, its agencies, or instrumentalities, or any vessel operating on behalf of any of these entities in connection with the dredging of any waterway, channel, harbor, or marina; flood protection projects; or levee repair, maintenance, or construction.

12.104.050 Failure or refusal to comply with a lawful order to remove a vessel.

- A. No person shall willfully fail or refuse to comply with any lawful order of a city official to remove a vessel from the docks in Old Sacramento.
- B. If any lawful order is not complied with, in addition to any other penalty or remedy provided by this chapter, the city may remove the vessel in the same manner as provided in chapter 8.112.

12.104.060 Registration of vessels.

- A. Every vessel moored at the docks must be:
 - 1. Registered and numbered as provided by the laws of the state of California or other state;
 - 2. Documented under the laws of the United States; or
 - 3. Certified as a historical structure listed in the National Registration of Historical Places.
- B. The owner or any person mooring a vessel shall furnish the registration, identification card, or other evidence of compliance with subsection A to a city official when requested.

12.104.070 Children on the docks.

It is unlawful for any parent or legal guardian of a child under the age of 15 years to allow such child to enter, remain, or be upon the docks in Old Sacramento or in a moored vessel unless such child is accompanied by the child's parent, legal guardian, or responsible adult who has the parent or legal guardian's permission to supervise the child.

12.104.080 Animals on the docks.

No person shall allow a dog or other animal to remain upon the docks unless a leash, chain, strap, cord, or other similar device is securely fastened around the animal; and is held by a person capable of controlling the animal or fastened to a vessel.

12.104.090 Non-seaworthy vessels.

- A. No person shall moor or permit to be moored at the docks any vessel that is not seaworthy.
- B. Determinations of seaworthiness shall be made by authorized personnel of the United States Coast Guard, a federal law enforcement officer, or peace officer as defined under California Penal Code section 830 et seq.

12.104.100 Fishing.

No person shall fish while upon the Old Sacramento docks or from a vessel moored at the Old Sacramento docks.

12.104.110 Refuse.

While on the docks or on a vessel moored at the docks:

- A. No person shall throw, deposit, discharge, or otherwise place any refuse, garbage, debris, bait, sewage, or waste matter of any description, upon the docks or into the Sacramento River; and
- 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 the docks or into the Sacramento River.

12.104.120 Sanitary facilities.

Owners of vessels that are used for eating or sleeping purposes shall post notices that the toilet facilities aboard may not be used while the vessel is moored at the docks, unless such vessel is equipped with a properly functioning sewage holding tank.

12.104.130 Open-flame devices.

No person shall use a barbecue or other open-flame device upon the docks or within their vessel while moored at the docks.

12.104.140 Tampering with or boarding vessels.

No person shall willfully injure, break, remove, or tamper with any part of a vessel moored at the docks, nor shall any person climb into, or upon, a vessel without the consent of the owner, unless in the performance of official duties, or to protect life or property.

12.104.150 Defacing property.

No person shall willfully deface, damage, destroy, or remove any sign, notice, barrier, structure, improvement, dock, or other property upon the docks that is owned,

maintained, or controlled by the city, other governmental agency, or any person pursuant to a permit or agreement with the city.

12.104.160 Skateboards, roller skates, roller blades, scooters, and bicycles.

No person shall operate, use, or caused to be propelled a skateboard, roller skates, roller blades, scooter, or bicycle on the docks.

12.104.170 Engaging in commercial activity.

- A. No person shall sell or offer for sale any goods, offer any services in exchange for compensation, or operate a business upon the docks or from any vessel while moored at the docks.
- B. Subsection A does not apply where permission has been obtained by a vessel owner from the city by a concession contract, lease, license, permit, or other agreement to engage in commercial activities.

12.104.180 Loading or unloading of passengers for hire.

- A. No person shall load or unload or allow the loading or unloading of passengers for hire from any vessel, commercial or otherwise, upon the docks.
- B. Subsection A does not apply to vessels operating under the terms of a concession agreement, lease, license, or other permit issued by the city.

12.104.190 Liability for damage 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 moored at the docks. The city assumes no risk on account of fire, theft, act of God, or damage of any nature, from any cause whatever, to a vessel or other property.

12.104.200 Accident reports.

Any person involved in an activity or collision which causes damage to any other person, vessel, property, or city facilities while moored at the docks, of any nature whatsoever, whether such person is at fault, or not, shall fill out an accident report provided by the city manager within 12 hours of such incident. The completion of this accident report shall be in addition to such notices or reports required by state or federal law.

12.104.210 Violations and enforcement.

- A. In addition to any other remedies allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to chapter 1.28.
- B. Violations of this chapter are declared to be a public nuisance.

- C. Any person who violates a provision of this chapter is liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.
- D. Any person who violates a provision of this chapter is guilty of an infraction, punishable by a fine in accordance with California Government Code section 36900.
- E. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.
- F. Nothing in this chapter is intended to alter, affect, or restrict the right of the city to remove any vessel to address an immediate threat to public health and safety or emergency condition or situation.

Adopted by the City of Sacramento City Council on April 26, 2022, by the following vote:

Ayes: Members Guerra, Harris, Jennings, Loloee, Schenirer, Valenzuela, Vang, and Mayor Steinberg

Noes: None

Abstain: None

Absent: Member Ashby

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2022.05.04 12:24:07 -07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

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