

[Police Code - Enforcement Provisions for Clipper Cove Special-Use Area Adjacent to Treasure Island]

Ordinance amending Police Code Section 1.1 "Mooring in Clipper Cove" to further delineate enforcement provisions including infractions, provide for administrative citations and penalties, specify procedures for changing rules and regulations, and clarify existing provisions.

NOTE: Additions are *single-underline italics Times New Roman font*; deletions are ~~*strike-through italics Times New Roman font*~~. Board amendment additions are double-underlined Arial font; Board amendment deletions are ~~strikethrough Arial font~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by amending Section 1.1 to read as follows:

SEC. 1.1 MOORING-IN-CLIPPER COVE SPECIAL-USE AREA

(a) Special-Use Area. In order to promote the recreational use of Clipper Cove, reduce existing and potential conflicts among recreational users of Clipper Cove, protect the overall public health and safety of users of the Cove, and to eliminate adverse environmental impacts to the San Francisco Bay, Clipper Cove is hereby designated a Special-~~u~~Use Area as that term is defined and used in California's Harbors and Navigation Code (see, California Harbors and Navigation Code §§651, 660). ~~Provided that the Treasure Island Development Authority ("TIDA") has erected signage at the entrance to the Special-use Area informing boaters of the permit requirement and the method for obtaining a permit, it shall be unlawful for any person to moor or~~

1 ~~anchor any vessel in Clipper Cove for more than 24 hours without a valid permit issued by TIDA, or~~
2 ~~its designee, and it shall be unlawful for any person to moor or anchor any vessel in Clipper Cove for~~
3 ~~more than 24 hours after expiration or revocation of such permit.~~

4 (b) Clipper Cove Defined. For the purposes of Section 1.1 of this Code, Clipper Cove
5 is defined as that section of San Francisco Bay bounded by the south shore of Treasure
6 Island, the north shore of Yerba Buena Island, and the connecting causeway, west of a line
7 extending from the southeast corner of the finger pier known as "Pier 1" along the east side
8 of Treasure Island, at about latitude 37 [degrees] 49'11", longitude 122 [degrees] 21'40",
9 approximately 153 [degrees] 20' to the northeasterly point of Yerba Buena Island, at about
10 latitude 37 [degrees] 48'55", longitude 122 [degrees] 21'30".

11 (c) Permit Requirements.

12 (1) Treasure Island Development Authority ("TIDA") shall erect signage at the entrance to
13 the Clipper Cove Special-Use Area informing boaters of permit requirements and the method for
14 obtaining a permit;

15 (2) It shall be unlawful for a vessel to be moored, anchored, or otherwise allowed to remain
16 in Clipper Cove for more than 24 hours without a valid permit or permit extension issued by TIDA or
17 its designee; and,

18 (3) It shall be unlawful for any vessel to remain moored, anchored, or otherwise allowed to
19 remain in Clipper Cove after expiration or revocation of such permit.

20 (d) Salvage Prohibited. It shall be unlawful for any person to conduct salvage operations or
21 to be in possession of materials salvaged from Clipper Cove, without written permission from TIDA.

22 (e-e) Criminal Penalties. A violation of any of the provisions of Section 1.1 shall be a
23 misdemeanor or an infraction. The complaint charging the violation shall specify whether the
24 violation is a misdemeanor or infraction. Any violation may be charged and punished as a
25

1 misdemeanor instead of an infraction; except that any violation of Section 1.1(d) "Salvage
2 Prohibited" shall be charged and punished as a misdemeanor.

3 (1) A person found guilty of ~~such violation~~ a misdemeanor shall be punished by
4 imprisonment in the county jail not exceeding six months, or by fine not exceeding one
5 thousand dollars (\$1,000.00), or both.

6 (2) A person found guilty of an infraction shall be punished by a fine of up to \$100 for a
7 first violation, and up to \$500 for a second violation within one year of the date of the first violation.
8 If a person is charged with a third violation within one year of the date of the second or subsequent
9 violation, it shall be charged as a misdemeanor.

10 (f) Administrative Citation and Penalty. The TIDA Director or designee may issue an
11 administrative citation that imposes an administrative fine for violation of any provision of this
12 Section 1.1 or the TIDA Clipper Cove Special-Use Area Rules and Regulations. San Francisco
13 Administrative Code Chapter 100 "Procedures Governing the Imposition of Administrative Fines" as
14 it may be amended from time to time is hereby incorporated in its entirety, and shall govern the
15 imposition, enforcement, collection and administrative review of administrative citations and penalties
16 issued under this Subsection (f).

17 (~~a-g~~) Removal and Storage of Vessels.

18 (1) ~~Provided that~~ TIDA ~~has~~ shall erected signage at the entrance to Clipper Cove
19 informing boaters that vessels moored, anchored, or otherwise allowed to remain in Clipper Cove
20 in violation of this ~~ordinance~~ Section 1.1 are subject to removal.

21 (2) TIDA, or its designee, may remove and store any vessel that is moored,
22 anchored, or otherwise allowed to remain in Clipper Cove in violation of this ordinance, 72
23 hours after notice is posted in accordance with this Ssubsection (~~e-g~~) of this Section. The
24 registered owner of any vessel removed and stored under this ~~ordinance~~ Section 1.1 shall be
25 responsible for reimbursing TIDA, or its designee, for the cost of such removal and storage.

1 (~~e-3~~) Not less than 72 hours prior to removing a vessel moored or anchored in
2 violation of this Section 1.1, TIDA, or its designee, shall securely attach to the vessel a
3 distinctive notice stating that the vessel will be removed for violation of this Section 1.1.

4 (~~f-4~~) Within 48 hours after the removal of a vessel pursuant to this Section 1.1,
5 excluding weekends and holidays, TIDA, or its designee, must send notice of removal of the
6 vessel by certified or first-class mail: to the registered, ~~documented~~ and legal owners, if known
7 or discovered before or after the removal, at their addresses of record with the Department of
8 Motor Vehicles, ~~and~~ the National Vessel Documentation Center, and to any other person that
9 TIDA, or its designee, knows has an interest in the vessel, ~~by certified or first-class mail~~.

10 (5) The notice of removal required by Subsections 1.1(g)(3) and (g)(4) shall include the
11 following:

12 (~~1-A~~) TIDA's name, address, and telephone number, and, if applicable, the name,
13 address and telephone number of TIDA's designee;

14 (~~2 B~~) A description of the vessel;

15 (~~3 C~~) The location from which the vessel was removed;

16 (~~4-D~~) The location of the intended or actual place of storage;

17 (~~5 E~~) The authority and purpose for removal of the vessel;

18 (~~6 F~~) A statement that the vessel may be claimed and recovered within 15 days of
19 the date the notice of removal is issued upon payment of any costs incurred by TIDA, or its
20 designee, related to salvage and storage of the vessel, and that following expiration of the
21 15-day period the property will be sold or otherwise disposed of by TIDA or its designee;

22 (~~7-G~~) A statement that the registered or legal owners or any other person known to
23 have an interest in the property shall have the opportunity for a post-removal hearing before
24 TIDA, or its designee, to determine the validity of the removal and storage, if a request for a
25 hearing is made to TIDA, or its designee, in person, by telephone, by email or by regular mail

1 within 10 days from the date of notice; and that if the registered or legal owner or any other
2 person known to have an interest in the property disagrees with the decision of TIDA, or its
3 designee, after the hearing, he or she may seek review of the decision of TIDA, or its
4 designee, pursuant to *Section 11523 of the Government Code §11523 and Harbors and*
5 *Navigation Code §526(b)(7) or their successor provisions.*

6 (f) TIDA, or its designee, shall conduct any requested hearing within 48 hours of
7 the time it receives the request, excluding weekends and holidays. TIDA may authorize its
8 own officers or employees to conduct the hearing, but the hearing officer shall not be the
9 same person who directed the removal and storage of the vessel. The failure of either the
10 registered or legal owners or any other person known to have an interest in the property to
11 request or attend a scheduled hearing shall not affect the validity of the hearing.

12 (g) TIDA shall be responsible for the costs incurred for removal and storage if it is
13 determined in the post-storage hearing that *reasonable valid* grounds for the *removal and*
14 *storage are were* not established.

15 (h) *TIDA Clipper Cove Special-Use Area Rules and Regulations.*

16 (1) *The Treasure Island Development Authority Board of Directors shall periodically review*
17 *the TIDA Clipper Cove Special-Use Area Rules and Regulations regarding permits and related*
18 *matters, and update as appropriate in conformance with this Section 1.1, California Harbors and*
19 *Navigation Code, other applicable laws and regulations, and as otherwise deemed appropriate by the*
20 *TIDA Board.*

21 (2) *A public hearing shall be conducted before any adoption, amendment, or repeal of any*
22 *rule or regulation. At least ten days' public notice shall be given for such public hearing. All such*
23 *rules and regulations shall be filed with the Clerk of the Board of Supervisors.*

24 (i) *The remedies, penalties and procedures provided under this Section are cumulative and*
25 *are not intended to be exclusive of any other available remedies, penalties and procedures.*

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2 Section 2. Effective Date. This ordinance shall become effective 30 days from the
3 date of passage.
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5 Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to
6 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
7 punctuation, charts, diagrams, or any other constituent part of the Police Code that are
8 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
9 Board amendment deletions in accordance with the "Note" that appears under the official title
10 of the legislation.
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14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By:


17 Marie Corlett Blits
Deputy City Attorney
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City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 121030

Date Passed: January 29, 2013

Ordinance amending the Police Code, Section 1.1, Mooring in Clipper Cove, to further delineate enforcement provisions including infractions, provide for administrative citations and penalties, specify procedures for changing rules and regulations, and clarify existing provisions.

December 06, 2012 Rules Committee - RECOMMENDED..

January 15, 2013 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Wiener and Yee

January 29, 2013 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Wiener and Yee

File No. 121030

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
1/29/2013 by the Board of Supervisors of the
City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved