



City of South San Francisco

City Council

Ordinance: ORD 1659-2024

P.O. Box 711 (City Hall, 400
Grand Avenue)
South San Francisco, CA

File Number: 24-894

Enactment Number: ORD 1659-2024

ORDINANCE ADDING CHAPTER 8.78 (“MOORING REGULATIONS”) TO THE SOUTH SAN FRANCISCO MUNICIPAL CODE TO PROVIDE REGULATIONS FOR MOORING IN THE CITY’S NAVIGABLE WATERWAYS.

WHEREAS, the Oyster Point Cove area is a unique and valuable scenic and natural resource that provides an environment for a wide range of aquatic and wildlife species; and

WHEREAS, protecting the City’s water and waterfront through the removal of marine debris, elimination of refuse and toxic materials and abating public nuisances is essential to the health and well being of the public; and

WHEREAS, its navigable waterways, including the Oyster Point area, have been subject to vessels that have been abandoned, beached, and anchored; and

WHEREAS, these vessels are a blight to the City’s recreational area as well as detrimental to water quality health and safety; and

WHEREAS, the City of South San Francisco desires to more effectively manage and control its navigable waterways; and

WHEREAS, the City Council introduced and conducted a first reading of the Ordinance at its meeting on August 28, 2024; and

WHEREAS, the City Council finds that adoption of this ordinance is necessary for the public health, safety, and welfare; and

WHEREAS, based on all of the information at the August 28, 2024 and September 11, 2024 City Council meetings, both written and oral, including without limitation the public comment, staff reports, minutes, and other relevant materials (hereafter the “Record”), the City Council finds that under CEQA Guidelines Section 15061, addition of this Ordinance does not constitute a project under CEQA as it will not result in any direct or indirect physical change to the environment and therefore review under CEQA is not required pursuant to CEQA Guidelines Section 15060.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH SAN FRANCISCO, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

The City Council of South San Francisco finds that all Recitals are true and correct and are incorporated herein by reference.

SECTION 2. Addition of Title 8, Chapter 78

The City Council hereby adds Title 8, Chapter 78 (“Mooring Regulations”) to the South San Francisco Municipal Code to read as follows:

CHAPTER 8.78 MOORING REGULATIONS**8.78.010 Purpose**

These regulations are enacted to ensure that mooring installation, use and maintenance does not impair the public’s health, safety and welfare; or does not result in degraded water quality, loss of aquatic habitat, or interference with navigation.

8.78.020 Definitions.

For purposes of this chapter:

(a) **Beached.** A vessel shall be deemed “beached” when such craft rests on the mud or other bottom or does not float freely at ordinary low tide.

(b) **“City waters”** means any and all navigable waterways of South San Francisco, including but not limited to, all of the property owned and/or held in trust by the City covered by the waters of Oyster Point.

(c) **“Oyster Point”** means the land abutting the waters of Oyster Point generally located in the area East of Oyster Point Boulevard, East of Gull Drive, Northeast of Forbes Boulevard, and North, South and East of Marina Boulevard.

(d) **“Marine debris”** shall have the same meaning as set forth in California Harbors and Navigation Code Section 550(b) or successor statute as it currently exists or may hereinafter be amended. As of the date of adoption of this chapter, “marine debris” means “a Vessel or part of a Vessel, including a derelict, wreck, hulk, or part of any ship or other watercraft or dilapidated Vessel, that is unseaworthy and not reasonably fit or capable of being made fit to be used as a means of transportation by water.”

(e) **“Moor”** means the fixing of a vessel in one location temporarily or permanently by mooring, anchoring, grounding, or any other means.

(f) **“Marina facilities”** means the Oyster Point Marina and the Oyster Cove Marina and any successor facilities, in the event of a name change of the current Marina facilities.

(g) **“Person”** shall be understood to include natural persons, firms, partnerships, associations, companies or corporations, singular and plural.

(h) **“Personal watercraft”** shall have the same meaning as set forth in California Harbors and Navigation Code Section 651(s) or successor statute as it currently exists or may hereinafter be amended. As of the date of adoption of this chapter, “personal watercraft” means a vessel 13 feet in length or less, propelled by machinery, that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel. Such vessels are commonly referred to as “jet skis.”

(i) “Recreational vessel” shall have the same meaning as set forth in California Harbors and Navigation Code Section 651(t) or successor statute as it currently exists or may hereinafter be amended. As of the date of adoption of this chapter “recreational vessel” means a “Vessel used primarily for pleasure.”

(j) “Vessel” shall have the same meaning as set forth in California Harbors and Navigation Code Section 550(a) or successor statute as it currently exists or may hereinafter be amended. As of the date of the adoption of this chapter, “vessel” includes “every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation by water.”

(k) “Water structure” includes structures of every kind and nature, not included in the definitions of vessel, which exist on, over or above the water, including, but not limited to, piers, wharves and docks.

8.78.030 Marine debris.

Marine debris may be removed, destroyed and disposed of in accordance with California Harbors and Navigation Code Sections 550 through 552, or successor statutes.

8.78.040 Discharge of refuse.

If moored for longer than 72 hours, a person must be required to provide receipt, proof of proper sewage disposal, or be subject to an inspection to confirm a holding tank is operable on the vessel. Absent the above, no person may discharge or permit to be discharged into City waters any refuse, treated or untreated sewage, petroleum or petroleum matter, paint, varnish, or any other noxious chemical or foreign matter of any kind.

8.78.050 Public nuisance.

(a) Nuisance Defined. It is a public nuisance for any person owning, leasing, occupying or having charge or possession of any vessel in City waters to maintain the same in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:

1. The keeping, storage, depositing, or accumulation on, or attachment to, a vessel, barge, or object for an unreasonable period of any personal property, including but not limited to abandoned, wrecked, dismantled, or inoperative vessel(s) or equipment for a vessel, engine parts and/or equipment, appliances, furniture, containers, scrap metal, wood, building materials, junk, rubbish, or debris which constitutes a serious threat to public health, and/or safety.

2. Any dangerous condition that is detrimental to the public health, safety, or welfare.

3. Any condition in violation of the City’s building code that would constitute substandard housing as defined therein.

4. Discharge of refuse and/or other substances in violation of City Municipal Code § 14.08.210 “General discharge regulations.”

5. Any condition which violates the City’s fire code.

(b) Nuisance Abatement. The nuisance shall be abated in accordance with the provisions set forth in Chapter 8.54 of the Municipal Code.

8.78.060 Waters of Oyster Point declared open water area.

(a) The City Council declares that the waters of Oyster Point are and shall be an open water area acquired, owned and maintained by the City for the purpose of providing active recreational boating and an unobstructed water vista for those using and enjoying the area of Oyster Point. The City Council finds that the use of the waters of Oyster Point for the purpose of mooring vessels and for the purpose of building, constructing, and/or maintaining other water structures without the consent of the City is inconsistent with the use of the area for active recreational boating, and for the purpose of providing an unobstructed water vista.

(b) It is unlawful for any person to moor any vessel, or to place, build, construct or maintain any water structure, in the waters of Oyster Point.

(c) It is unlawful for any person to go upon, board, occupy, reside, or dwell upon, or be present upon any vessel moored in the waters of Oyster Point, or any water structure placed, built or constructed in the waters of Oyster Point.

8.78.070 Ten-hour limitation.

Other than those vessels lawfully permitted to be within the harbor and marina facilities, it is unlawful for any person to moor or beach any vessel in City waters in excess of 10 hours without first obtaining the written permission of the Chief of Police.

8.78.080 Beached vessels.

Except in an emergency and except for those vessels lawfully docked in harbor and marina facilities, it shall be unlawful for the owner or person in control or custody of any vessel to beach in City waters.

8.78.090 Speed and safety.

(a) Within City waters, due caution must be observed at all times. No person shall operate a vessel within City waters in a reckless or negligent manner, nor shall any person operate a vessel at a speed that will endanger life, limb, property, or wildlife.

(b) No person shall use, operate or navigate any recreational vessel or any personal watercraft at a speed in excess of five miles per hour in any portion of the City waters within 500 feet of any shoreline.

8.78.100 Personal watercraft.

No person shall permit or allow any personal watercraft to land at or depart from any shoreline in any portion of the City.

8.78.110 Penalty for violation.

(a) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine not exceeding \$500.00, or by imprisonment in the County Jail for a period not exceeding 30 days, or by both such fine and imprisonment.

(b) In addition to the penalties imposed pursuant to subsection (a) of this section for violations of Municipal Code sections 8.78.060 and/or 8.78.070, the South San Francisco Police Department may remove or cause to be removed any vessel which has been left in City waters or beached for 72 or more consecutive hours. The registered and legal owner of the vessel so removed and impounded shall have the right to secure the release of such vessel upon furnishing proof of ownership and payment of the costs and expense of removal, impoundment and/or storage of the vessel. In addition, the provisions of the Boater’s Lien Law, currently set forth in California Harbors and Navigation Code Section 500 et seq., shall apply.

SECTION 3. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed the Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. Publication and Effective Date

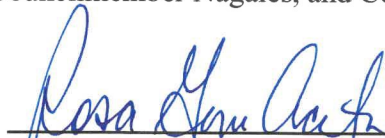
Pursuant to the provisions of Government Code Section 36933, the City Attorney shall prepare a summary of this Ordinance. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk’s Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk’s Office a certified copy of the full text of this Ordinance.

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At a meeting of the City Council on 9/11/2024, a motion was made by Councilmember Addiego, seconded by Councilmember Nagales, that this Ordinance be adopted. The motion passed.

Yes: 5 Mayor Coleman, Vice Mayor Flores, Councilmember Addiego, Councilmember Nagales, and Councilmember Nicolas

Attest by



Rosa Govea Acosta, City Clerk



James Coleman, Mayor