

LEGISLATIVE DIGEST

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

Ordinance amending San Francisco 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.

Existing Law

The Clipper Cove area adjacent to Treasure Island was designated as a Special-Use Area by the Board of Supervisors in 2009 pursuant to the California Harbors and Navigation Code, "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." (Police Code §1.1.)

Under current Police Code §1.1, vessels are required to obtain a permit in order to remain in Clipper Cove more than 24 hours, and may not remain in the Cove after expiration or revocation of any permit. Any violation of these provisions is a misdemeanor. In addition, upon specified notice, TIDA or its designee may remove and store any vessel that is in Clipper Cove in violation of the ordinance, and recover costs incurred for removal and storage.

Amendments to Current Law

The proposed legislation would provide for better enforcement of this Special-Use Area by:

1. Making it unlawful for any person to conduct salvage operations or possess materials salvaged from Clipper Cove, without written permission from TIDA (Section 1.1(d));
2. Adding infraction violations, and establishing penalties for infractions (\$100 for a first violation, and up to \$500 for a second violation within one year of the first; any third violation within a year of the second will be charged as a misdemeanor; Section 1.1(e)(2));
3. Allowing all violations of Section 1.1 to be charged as either misdemeanors or infractions, except that a Section 1.1(d) salvage violation will only be chargeable as a misdemeanor (Section 1.1(e));

4. Allowing the TIDA Director or designee to issue administrative citations that impose fines for violations of Police Code §1.1 or the TIDA Clipper Cove Special Use-Area Rules and Regulations, consistent with San Francisco Administrative Code Chapter 100 "Procedures Governing the Imposition of Administrative Fines" (Section 1.1(f)); and,
5. Providing a process for review and revision of Clipper Cove Rules and Regulations regarding permits and related matters, by providing for periodic review by the TIDA Board of Directors, which will provide at least 10 days public notice and conduct a public hearing before any adoption, amendment or repeal of any rule or regulation; and, the rules and regulations will be filed with the Clerk of the Board of Supervisors. (Section 1.1(h)).

The proposed legislation would also update the title from "Mooring in Clipper Cove," to "Clipper Cove Special-Use Area;" and clarify text throughout the ordinance by changing "moored" to "moored, anchored or otherwise allowed to remain in Clipper Cove." It would also clarify text throughout the ordinance to more appropriately reference the California Government Code and California Harbors and Navigation Code.

Background Information

[Please see the TIDA report to the Board of Supervisors recommending adoption of the proposed legislation, for background information.]