

1 [Personal Watercraft]
2 AMENDING PART II, CHAPTER VIII, OF THE SAN FRANCISCO MUNICIPAL CODE
3 (POLICE CODE) BY ADDING ARTICLE 47, PROHIBITING THE OPERATION OF
4 PERSONAL WATERCRAFT IN A 1,200-FOOT SPECIAL USE AREA ALONG THE SAN
5 FRANCISCO SHORELINE, AND PROVIDING FOR PUBLIC AND PRIVATE
6 ENFORCEMENT.

7
8 Note: This entire section is new.

9
10 Section 1. The San Francisco Police Code is hereby amended by adding Article 47,
11 Sections 47.1 through 47.7, to read as follows:

12
13 ARTICLE 47

- | | | |
|----|---------------|---|
| 14 | Section 47.1. | Purpose. |
| 15 | Section 47.2. | Definitions. |
| 16 | Section 47.3. | Prohibited Use of Personal
Watercraft in Special Use Area. |
| 17 | Section 47.4. | State- Or Federally-Funded Facilities. |
| 18 | Section 47.5. | Violations; Enforcement; Penalties. |
| 19 | Section 47.6. | Citizen Enforcement Actions. |
| 20 | Section 47.7. | Severability. |

1 **SEC. 47.1. PURPOSE.**

2 The purpose of this ordinance is to reduce existing conflicts and limit potential conflicts
3 between uses of the coastal waters of San Francisco, eliminate adverse impacts to the
4 diverse and unusual species found in the San Francisco Bay, promote overall public safety,
5 and decrease hydrocarbon pollution that is disproportionately caused by personal watercraft.

6 Conflicts between uses have the potential to increase in the future because of
7 increasing development of shoreline areas. Examples of conflicts that currently occur are
8 those between personal watercraft and individuals engaged in water sports such as
9 kayaking, windsurfing, swimming, and canoeing, due to the nature and design of personal
10 watercraft: high maneuverability, high speed, ability to travel in shallow areas, and noise
11 patterns that are unique and annoying.

12 Conflicts also occur between shoreline uses in areas zoned for commercial and open
13 space activities and personal watercraft because of the nature and design of these vessels.
14

15 **SEC. 47.2. DEFINITIONS.**

16 (a) "Landmarks" shall include, but not be limited to, the farthest extension of piers,
17 beaches, seawalls, jetties, breakwaters and docks.

18 (b) "Personal watercraft" means a highly maneuverable vessel which uses a waterjet
19 pump to propel one or more persons and is capable of operating at planing speeds.

20 "Personal watercraft" includes, but is not limited to, vessels referred to as Jetskis[®], Sea
21 Doos[®], and Waverunners[®]. "Personal watercraft" shall include any vessel less than 12 feet,
22 propelled by machinery, that is designed to be operated by a person sitting, standing or
23 kneeling on the vessel, rather than the conventional manner of sitting or standing inside the
24 vessel.

25 (c) "Operator" means the person on board who is steering the vessel while underway.

1 (d) "Special-use area" means all or a portion of a waterway that is set aside for
2 specified uses or activities to the exclusion of other incompatible uses or activities.

3 (e) "Vessel" includes every description of watercraft used or capable of being used as
4 a means of transportation on water, except either a seaplane on the water or a watercraft
5 specifically designed to operate on a permanently fixed course.
6

7 **SEC. 47.3. PROHIBITED USE OF PERSONAL**
8 **WATERCRAFT IN SPECIAL USE AREA.**

9 (a) Use and operation of personal watercraft in the area designated in subsection (b)
10 as a special use area is incompatible with competing uses and is therefore prohibited.

11 (b) For purposes of this Article, the special use area shall consist of the area within
12 1,200 feet of the shoreline or the farthest extension of the shoreline of San Francisco, as
13 defined by its landmarks. The San Francisco shoreline shall include, but not be limited to, all
14 of Yerba Buena Island, all of Treasure Island, the east shore of Angel Island, all of Alcatraz
15 Island, between Point Bonita and Yellow Bluff in Marin, and from Candlestick Park around the
16 San Francisco Peninsula down to the extension of the county line below Harding Park.

17 In the event that another regulatory authority has exclusive jurisdiction over any of this
18 shoreline area, the special use area shall begin at the boundary of the shoreline under the
19 jurisdiction of the City and County of San Francisco and extend out 1,200 feet.

20 (c) There shall be a 200-foot wide access corridor for personal watercraft along the
21 shortest route possible from Pier 52 through the special use area. There shall be a second
22 access corridor, not to exceed 200 feet in width, for personal watercraft along the shortest
23 route possible from the Gas House Cove marina fueling station through the special use area.
24 The Gas House Cove corridor is designated solely for access to the fueling facility; personal
25 watercraft shall not be allowed to launch from or land at Gas House Cove. The access

1 corridors shall be marked by buoys or designated by other means chosen by the Police
2 Department, and the speed limit in the corridors shall be 5 miles per hour.

3 (d) The restrictions imposed by this Section shall not apply to the use of personal
4 watercraft by Fire Department, Police Department, or Coast Guard personnel in the
5 performance of search and rescue missions or other emergency or law enforcement
6 operations.

7 (e) Signs summarizing the relevant provisions of this Article shall be erected where
8 personal watercraft have the ability to launch. These signs shall also provide a telephone
9 number designated to accept calls by the public reporting violations of this Article.

10 11 **SEC. 47.4. STATE- OR FEDERALLY-FUNDED FACILITIES.**

12 If the Port of San Francisco or any other officer, department or agency of the City
13 constructs a recreational boat launch facility with funds provided pursuant to 26 U.S.C. §
14 9504(b)(2), the Port Director or the responsible officer, department or agency shall designate,
15 and the Board of Supervisors shall confirm by motion, an additional access corridor for
16 personal watercraft from the facility and through the special use area. In addition, the Port
17 Director or the responsible officer, department or agency shall notify the Commission on the
18 Environment prior to constructing any facility covered by this Section.

19 20 **SEC. 47.5. VIOLATIONS; ENFORCEMENT; PENALTIES.**

21 (a) A violation of the provisions of Section 47.3 shall be an infraction. Any person
22 found guilty of such an infraction shall be punished by a fine not to exceed \$50.00 for the first
23 offense; for the second offense committed within a one-year period by a fine not to exceed
24 \$100.00; for third and each additional offense committed within a one-year period by a fine
25 not to exceed \$250.00.

1 (b) Any person who commits, or proposes to commit, an act in violation of this Article
2 may be enjoined therefrom by any court of competent jurisdiction. Action for injunction under
3 this Section may be brought by any aggrieved person, by the District Attorney, by the City
4 Attorney, or by any person or entity which will fairly and adequately represent the interests of
5 the public.

6
7 **SEC. 47.6. CITIZEN ENFORCEMENT ACTIONS.**

8 (a) Any citizen may commence a civil action on his or her own behalf against any
9 person who is alleged to have violated, or to be in violation of the provisions of this Article.
10 For purposes of this Section, "citizen" shall mean either an individual who resides in the City;
11 or a corporation, partnership or association that maintains its principal office in the City, and
12 which has an interest which is, or may be, adversely affected.

13 (b) In any action brought under this Section where the City is not a party, the City may
14 intervene as a matter of right. Whenever an action is brought under this Section, the plaintiff
15 shall serve a copy of the complaint on the City Attorney upon filing. No consent judgment or
16 settlement shall be entered in an action in which the City is not a party prior to 30 days
17 following receipt of the proposed consent judgment or settlement by the City Attorney.

18 (c) The court in issuing any final order brought pursuant to this Section shall award
19 costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or
20 substantially prevailing party who brought the underlying action, when the court determines
21 such an award is appropriate. The court may, if a temporary restraining order or preliminary
22 injunction is sought by the citizen, require a filing of a bond or undertaking in accordance with
23 State law and local court rules.

24 (d) Nothing in this Section shall restrict any right which any person may have under
25 any statute, ordinance, or common law to seek enforcement of any requirement prescribed by

1 or under this Article, or to seek any other relief. Nothing in this Section shall be construed to
2 prohibit or restrict the City from bringing any administrative, civil or criminal action or obtaining
3 any remedy or sanction against any person to enforce any requirement set forth in this Article.
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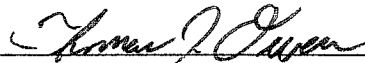
5 **SEC. 47.7. SEVERABILITY.**

6 If any provision, section, paragraph, clause, sentence or phrase of this ordinance, or
7 the application thereof to any person or circumstances, shall be held invalid, such invalidity
8 shall not affect the other provisions or applications of this ordinance which can be given effect
9 without the invalid provisions or application and, to this end, the provisions of this ordinance
10 are hereby declared to be severable.
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14 APPROVED AS TO FORM:

15 LOUISE H. RENNE, City Attorney
16
17

18 By:



THOMAS J. OWEN
Deputy City Attorney

Board of Supervisors, San Francisco

Passed on First Reading

August 24, 1998

Ayes: Supervisors Ammiano Bierman
Brown Kaufman Leno Medina Newsom
Yaki Yee

Absent: Supervisor Katz Teng

§ Finally Passed

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September 14, 1998

Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina
Newsom Teng Yaki

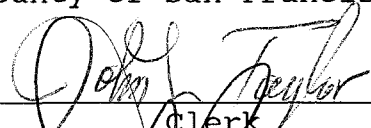
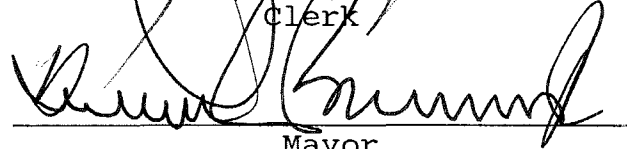
Absent: Supervisor Yee

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

File No.
98-0076

SEP 18 1998

Date Approved


Clerk

Mayor