

1 [Park Code - Marina West Harbor Fees]

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3 **Ordinance amending the Park Code to impose a surcharge in addition to the license**
4 **fees for berthing at the Marina West Harbor, to help fund the cost of dredging activities**
5 **at the West Harbor; and affirming the Planning Department's determination under the**
6 **California Environmental Quality Act.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

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14 Section 1. Purpose and Findings.

15 (a) The San Francisco Marina is supported by its own operating revenues within a
16 special revenue Marina Yacht Harbor Fund. Every year, the City assumes various costs to
17 operate the Marina West Harbor, including the costs to dredge the Entry Channel to the West
18 Harbor which is necessary to keep the West Harbor operable. But the operating revenue has
19 been insufficient to cover the full cost of these activities, and the General Fund has had to
20 provide a subsidy to cover the dredging costs every year for at least the last four fiscal years.
21 This ordinance would impose a surcharge on the berthing license fees at the West Marina, to
22 cover the reasonable cost of the dredging activities, which are necessary to maintain service
23 within the existing service area for those berthholders. The funds would be used solely for
24 annual West Marina dredging. It is reasonable to require berthholders to pay these operating
25 costs in exchange for granting them permission to berth their vessels at the Marina.

1 (b) The Planning Department has determined that the actions contemplated in this
2 ordinance comply with the California Environmental Quality Act (California Public Resources
3 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
4 Supervisors in File No. 220687 and is incorporated herein by reference. The Board affirms
5 this determination.

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7 Section 2. The Park Code is hereby amended by revising Sections, to read as follows:

8 **SEC. 12.11. MARINA FEES.**

9 The following fees shall be charged for goods and services at the Marina Small Craft
10 Harbor:

11 (l) West Harbor Dredging Surcharge. The Recreation and Park Department may impose a
12 surcharge on West Harbor licensees to cover the estimated cost of dredging the West Harbor, not to
13 exceed the following amounts:

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<u>Berth Length</u>	<u>Fee Per Foot/Per Month</u>
<u>25'</u>	<u>\$2.70</u>
<u>30'</u>	<u>2.74</u>
<u>35'</u>	<u>2.74</u>
<u>40'</u>	<u>3.32</u>
<u>45'</u>	<u>3.32</u>
<u>50'</u>	<u>3.39</u>
<u>60'</u>	<u>3.39</u>
<u>70'</u>	<u>3.47</u>
<u>80'</u>	<u>3.47</u>
<u>90'</u>	<u>3.47</u>

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24 Section 3. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

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11 Section 5. Undertaking for the General Welfare. In enacting and implementing this
12 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
13 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
14 is liable in money damages to any person who claims that such breach proximately caused
15 injury.

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23 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
24 of this ordinance, or any application thereof to any person or circumstance, is held to be
25 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision

