

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING CHAPTER 29A OF THE OCEANSIDE CITY CODE BY AMENDING SECTION 29A.8 RELATING TO BERTHING VESSELS AND BY THE ADDITION OF 29A.19 RELATING TO THE IMPOUNDMENT OF ITEMS STORED OR PLACED IN VIOLATION OF CHAPTER 29A

WHEREAS, it is in the public interest to prevent the overcrowding of berthing slips in the Oceanside Small Craft Harbor District; and

WHEREAS, dingys and similar vessels that crowd berthing slips and extend beyond the confines of berthing slips inhibit the free use of the Harbor; and

WHEREAS, public safety is negatively impacted by allowing vessels to overcrowd berthing slips; and

WHEREAS, the presence of items that are stored, including vessels, placed or otherwise situated in violation of any of the provisions of this Chapter 29A of the Oceanside City Code constitute a hazard to public safety and detract from the orderly an attractive appearance of the Harbor; and

WHEREAS, the Oceanside Small Craft Harbor District desires to enable the Administrative officer and the Chief of Police to impound such items, including but not limited to supplies, materials, gear, vessels and/or vehicles, that are stored, placed or otherwise situated in violation of any of the provisions of this Chapter 29A of the Oceanside City Code; and

WHEREAS, the ability to impound such items, and to levy a reasonable fee for the storage of the same, will act as a deterrent to persons improperly storing items in the Harbor, and allow the Harbor to recoup its costs and expenses incurred; and

WHEREAS, Civil Code section 2080.6 provides the authority for a public agency to be governed by the provisions of Article 1, Chapter 4, Title 4.5 of the Civil Code for items of personal property found or saved on property within its jurisdiction;

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Section 29A.8 of the Oceanside City Code is hereby amended by deleting it in its entirety and substituting therefore the following:

1           Sec. 29A.8. Berthing permit; fee; prohibition.

2 (a) It shall be unlawful to berth, moor or anchor any vessel in any part of the harbor except  
3 such vessels which fit entirely within the slip with a vessel lawfully berthed, such as a dinghy or  
4 other similar vessel, without first having obtained the appropriate permit from the  
5 administrative officer to do so and having paid all fees as required by the harbor district.

6 (b) Terms, conditions and rates for said permit shall be set by resolution of the harbor board.

7 (c) Houseboats are prohibited from occupying a berth in the harbor.

8           SECTION 2. Section 29A.19 of the Oceanside City Code is hereby added as follows:

9           Sec. 29A.19 Authority to Impound.

10 (a) Any item whatsoever, including but not limited to supplies, materials, gear, vessels  
11 and/or vehicles, that are stored, berthed, moored, anchored, placed or otherwise situated in  
12 violation of any of the provisions of this chapter, including but not limited to sections 29A.6,  
13 29A.7, 29A.8 and 29A.13, this Code, or any other City Code or ordinance, or any applicable  
14 Federal or State law, may be removed and/or impounded at the direction of the administrative  
15 officer or the chief of police or their designees. Such items may be disposed of in accordance  
16 with the provisions of Division 3, Part 4, Title 6, Chapter 4, Article 1 of the Civil Code, except  
17 where another provision of law applies or as set forth herein. The administrative officer is  
18 authorized to enter into contracts with private parties to remove, impound and/or dispose of any  
19 item consistent with the provisions of this section.

20 (b) In the case of vessels removed pursuant to this section, an attendant on board the vessel  
21 may be given the opportunity to forthwith remove any such vessel before it is impounded.  
22 Transient mooring rents, if any, shall continue to accrue while the vessel is impounded, and  
23 shall be paid by the owner of the vessel in addition to any other fees charged hereunder prior to  
24 release of the vessel by the administrative officer or the chief of police. The provisions the  
25 Boaters Lien Law, as set forth in Division 3, Chapter 2, Article 4 of the Harbors and Navigation  
26 Code shall apply to the disposition of vessels registered with the Department of Motor Vehicles.

