

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ
AMENDING MARTINEZ MUNICIPAL CODE CHAPTER 12.36 (MARINA REGULATIONS) OF
TITLE 12 (CITY REAL PROPERTY) AND CHAPTER 1.12 (ENFORCEMENT) OF TITLE 1
(GENERAL PROVISIONS) RELATING TO USE OF THE MARTINEZ MARINA**

WHEREAS, in 2014, the Legislature of the State of California passed Senate Bill 1424 granting certain parcels of tidelands, including the Martinez Marina (“Marina”), to the City of Martinez (“City”) to be held in trust for purposes consistent with the public trust doctrine, including, but not limited to, maritime or water-dependent commerce, navigation, and fisheries, the preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and water-oriented recreation; and

WHEREAS, Martinez Municipal Code (“MMC”) Chapter 12.36 (Marina Regulations) governing the use of the Marina was last updated in 1998; and

WHEREAS, the City seeks to amend Chapter 12.36 to ensure its regulations are current, clear, and support the evolving needs and conditions of the Marina.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The Recitals set forth above are true and correct and are incorporated into this Ordinance by this reference.

SECTION 2. MUNICIPAL CODE AMENDMENT. MMC Section 1.12.030 (Violations – Infractions) of Chapter 1.12 (Enforcement) of Title 1 is hereby amended to read as follows:

1.12.030 - Violations—Infractions.

- A. Violation of the following provisions of the Municipal Code and any terms or conditions imposed by the City on a permit or approval issued under the below-specified provisions of the Municipal Code are declared to be public offenses and infractions enforced and punishable by: (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$200.00 for a second violation within one year; and (3) a fine not exceeding \$500.00 for each additional violation within one year.
1. [Title 5](#). Business Taxes and Regulations
 2. [Title 8](#). Health and Safety
 - [Chapter 8.08](#)—Protected Trees
 - [Chapter 8.16](#)—Garbage Disposal
 - [Chapter 8.20](#)—Junked or Abandoned Vehicles
 - [Chapter 8.24](#)—Park and Recreation Area Regulations
 3. [Title 9](#). Public Peace, Morals and Welfare
 - Section [9.52.010](#)—Consumption and Possession of Alcoholic Beverages
 4. [Title 12](#). City Real Property
 - [Chapter 12.28](#)—Obstruction of Sidewalks
 5. [Title 13](#). Utilities
 - Section [13.04.040](#)—Unauthorized Use of Water

6. [Title 16](#). Sign Code
7. [Title 17](#). Swimming Pool Code
8. [Title 21](#). Subdivision

SECTION 3. MUNICIPAL CODE AMENDMENT. MMC Chapter 12.36 (Marina Regulations) of Title 12 (City Real Property) is amended to read as follows:

12.36.010 - Definitions.

For the purpose of this Chapter, the following definitions shall apply:

- A. "City" shall mean the City of Martinez.
- B. "Harbor" means a portion of the ocean or inland waters within the jurisdiction of the City either naturally or artificially protected so as to be a place of safety for vessels, including the artificially protective works, the public lands ashore, and the structures and facilities provided within the enclosed body of water and shore for the mooring and servicing of vessels and the servicing of their crews and passengers.
- C. "Marina" means the same as "Harbor", but more specifically, that portion of the land under the jurisdiction of the City which is bounded on the south, east, and west by the East Bay Regional Martinez Shoreline Park, located north of the Southern Pacific railroad tracks adjacent to North Court Street.
- D. "Harbor Master" or "Operator" means the person in day-to-day charge of the actual operations of the Martinez Marina or the City Manager or designee(s).
- E. "Channel" means any waterway now navigable by vessels including the structure and facilities created to facilitate navigation.
- F. "Berth" means securing to any dock, pier, or other object by rope, anchor, or other device.
- G. "Moor" means the same as "Berth".
- H. "Vessel" means any boat or watercraft used or capable of being used as a means of transportation on water.

12.36.015 - Authority.

To the extent permitted by law and as may otherwise be provided in any agreement with the City, the Operator shall interpret and enforce the rules, regulations, and ordinances pertaining to the Harbor and Marina. All orders given in the performance of the Operator's duties shall be obeyed. Every vessel entering the Harbor and Marina shall immediately become subject to the authority and direction of the Operator. Each vessel shall be berthed in the space assigned by the Operator. The Operator may assess service fees for any services rendered therefor.

12.36.020 - Mooring.

- A. There are two classes of ~~berth agreements~~[mooring licenses](#) in the Harbor, long-term and short-term.
 1. Long-term ~~berths~~[mooring licenses](#) are granted, as available, to owners desiring to moor their vessels for a period of one month or longer, ~~subject to a mooring agreement~~.
 2. Short-term and/or "Guest" ~~berths~~[mooring licenses](#) are granted, as available, to owners desiring to moor their vessels for less than one month.
- B. Applications for berths in the Harbor shall be made to the Operator on the form furnished by the Operator. Berth assignments will be made in the chronological order of receipt of applications based on the availability of berths for size of the vessel to be accommodated, unless the application is rejected by the Operator. The Operator may reject applications based on the applicant's credit, tenant or employment history, references, or condition of vessel. The Operator may charge a credit check fee.

- C. Each vessel shall be berthed in the space assigned by the Operator. No exchange of berths between vessel owners will be permitted without the prior approval of the Operator.
- D. The holder of an ~~agreement for~~ long-term berth mooring license may, upon a bona fide sale of the vessel berthed therein and the approval of the Operator: (i) relinquish the berth to the buyer of the vessel; or (ii) retain the aforesaid berth assignment for another vessel owned by the long-term agreement mooring license holder, provided the other vessel is within the classification of the berthing space assigned and the berthing space is occupied within 30 days.
- E. Any sale, purchase, or exchange of vessels occupying permanent mooring space in the Harbor must be immediately reported to the Operator. Should the new vessel owner wish to continue mooring the vessel at the Marina, they would need to receive approval of the Operator and if permitted, ~~enter into~~obtain a mooring ~~agreement license from~~ with the Operator.
- F. The holder of a long-term mooring license ~~n-agreement~~ for a ~~long-term~~ berth of a specific size has no preemptive right to a larger berth in the event they purchase a larger vessel.
- G. Mooring of a vessel the size of which is greater than that of the berth assigned to the agreement license holder is not permitted unless authorized by the Operator.
- H. The Operator shall have the authority to move or relocate in the Harbor, any vessel berthed therein, if such change is required for the safety and protection of persons or property, for repair and maintenance of Marina facilities or for obtaining optimum utilization of facilities available.
- I. Unauthorized berth occupancy is prohibited and the Operator is authorized to move or secure any unauthorized vessel until any outstanding mooring fees and charges, plus any penalty, has been paid.
- J. Vessels illegally moored or stored in the Marina may be towed to another location or hauled out to dry storage by the Operator. Towing, mooring, and/or storage fees will be charged to the vessel's owner. A 15 day grace period may be allowed before hauling out, except in emergency or in the interest of safety.
- K. No berth shall be assigned ~~or sub-leased~~ by an ~~agreement~~ mooring license holder. Any such activity may result in cancellation ~~of the agreement~~ or revocation of the mooring license and berthing assignment and subsequent removal of vessel in berth at time of cancellation unless other arrangements are authorized by the Operator.
- L. A security deposit shall be required for all new long-term ~~agreements~~ mooring licenses in an amount set by the Operator.

12.36.025 – Mooring Charges.

- A. Charges for all berths shall be made in accordance with the schedule adopted by the Operator and/or City Council.
- B. When a berth is assigned and a long-term agreement mooring license granted, regardless of whether the assignment or agreement license is effective the first day of the month, the full month's mooring fee is charged.
- C. All berthage fees are due and payable monthly in advance on the first day of each month, and become delinquent if not paid by the tenth day of the same month.
- D. All berth fees not paid by the tenth day of the month shall be subject to and assessed a late charge set by the Operator and/or City Council.
- E. Short-term “guest” mooring for longer than seven days will be subject to a full month’s mooring fee unless other arrangements are authorized by the Operator.

12.36.030 - Non-Payment of Charges.

- A. Any berth assignment, the fees for which are 50 days delinquent, may be cancelled, and the berth shall be vacated, at the sole cost of the vessel owner.
- B. No person shall remove or cause to be removed from the Harbor any vessel upon which charges for mooring or any other proper charges are delinquent without paying all such delinquent charges.
- C. It shall be unlawful for any person to willfully give false information to the Operator or other City employees to secure the removal of a vessel.
- D. The City and the Operator are authorized to do all things necessary to prevent the unauthorized removal of a vessel to avoid payment of mooring fees or other charges, including the moving, securing, or otherwise fastening the vessel.
- E. In accordance with the provisions of the California Harbors and Navigation Code, the charges for berthing fees or charges for service are liens upon a vessel, and when these are delinquent 50 days or more, an action shall be brought against the registered owner and/or berth holder to enforce payment of the lien by the City, and the vessel with all its appurtenances and furnishings may be attached as security for the satisfaction of any judgment that may be recovered in the action. If the attachment is not discharged, and judgment is recovered and an execution is issued thereon, then the vessel and all its appurtenances and furnishings shall be sold at public auction and the proceeds applied in accordance with the above provisions of the California Harbors and Navigation Code.

12.36.035 - Release of Assigned Facilities.

The Operator shall be notified in writing of the exact date of relinquishment of an assigned berth. This notice must be given at least 15 days in advance of the effective date of release. There shall be no prorating of applicable monthly fees for the final month.

12.36.040 - Disposing of Refuse.

- A. No person shall throw, discharge, or deposit from any vessel, the shore or float any refuse matter of any kind whatsoever into or upon the waters of the Harbor, or in, on or upon the banks, walls, sidewalks, or branches of any water within the boundaries of the Harbor and Marina area.
- B. No person shall dump or discharge oil, spirits, inflammable liquids, or contaminated bilge water in the Harbor.
- C. All garbage must be deposited in receptacles furnished by the City and/or Operator for that purpose, or removed from the Harbor area. Receptacles/trash bins provided by the City and/or Operator shall be used only for refuse generated at the Harbor. No garbage, trash, tree trimmings, grass clippings, discarded furniture, appliances, junk, or other material generated from outside the Harbor area shall be placed in trash receptacles.

12.36.045 - Hazardous Obstructions Prohibited, Boarding Platforms.

- A. Floats, gangways, tops of lockers, and docks shall be kept clear at all times of skiffs, tenders, miscellaneous gear, debris, or other hazardous obstructions.
- B. Any condition aboard or around any vessel, float, or gang plank caused by the berth holder which, in the opinion of the Operator, constitutes a fire hazard, health menace, or danger to public safety, shall be corrected or removed immediately to the satisfaction of the Operator. In the event of the refusal or neglect of the owner or licensee to remedy forthwith the aforesaid condition when reported to the Operator or the City shall remove the cause of the complaint and cancel the berth assignment of such owner or licensee.

- C. Boarding platforms or ladders on floats shall be permitted, subject to the approval of the Operator, provided that any platform used for boarding shall not be over 18 inches in width and three feet high, and shall be of lightweight construction. The platform shall not be used as a storage locker.
- D. No person shall build or place in or about the Harbor, any structures, such as walkways, gangplanks, finger floats, rubbing piles, or dock boxes, without prior approval of the Operator.
- E. Dock boxes (gear lockers) will be provided by the Marina at a cost. Only one box per berth is permitted. Any dock boxes that do not conform to the foregoing specifications shall be removed from the Harbor. Location of dock boxes shall be subject to the approval of the Operator.
- F. All vessels must be secured so that no part, including bowsprit, boom, boomkin, or equipment will block any portion of the walkway.

12.36.050 – Use of Water and Electricity.

- A. Charges for water and electricity shall be in an amount set by the Operator and/or City Council.
- B. Continuous use of water for siphoning is prohibited except in the case of emergency. The existence and nature of the emergency shall be reported immediately to the Operator.
- C. Excessive use of water, electricity for heating, cooling, and other purposes is prohibited. If the Operator is of the opinion that there is excessive use of water or electricity by a berth holder, then the Operator may attach a meter to the outlet for measuring actual consumption and the tenant occupant shall be liable for the cost of the electricity in excess of that which is normally provided to the berth or vessel in question.
- D. At the City's or Operator's sole discretion, the City and/or Operator may elect to attach a meter and charge an occupant tenant for their actual water and electricity use.

12.36.055 - Maintenance of Facilities.

- A. Repairs to and maintenance of a vessel may be made or accomplished while such vessel is at its berth provided all such work is done within the confines of the vessel itself and is not carried on in any manner whatsoever upon floats, gangways, or docks. All materials used in such repair or maintenance work must also be kept within the confines of the vessel and may not be kept upon floats, gangways, or docks. Spray painting is not permitted in the Harbor.
- B. No vessel shall be materially or structurally altered, repaired, rebuilt, or engine(s) removed/installed except in such authorized spaces as set forth by the Operator.
- C. No paint shall be removed by any means from any vessel in its berth other than for minimum maintenance. All sand residual, paint and dust must be controlled and kept out of the Marina waters and off other vessels.
- D. Fueling and defueling of vessels at other than the fuel pier is prohibited.
- E. Vessels are required to be maintained in an operable condition. The Operator shall have the authority to enter upon any vessel in the Harbor to verify whether the vessel is operable.

12.36.060 - Unnecessary Disturbance.

- A. Outboard motors attached to any vessels must be equipped with mufflers approved by the Operator.
- B. The vessel owner is responsible for the conduct and action of their crew and guests and any unnecessary noise, including loud talking. Playing of musical equipment, including but

not limited to instruments, amplifiers, radios, or speakers, is prohibited from 10:00 P.M. to 7:00 A.M. Violation of this rule shall be cause for removal of the vessel from the Harbor and cancellation of the berth assigned by the Operator.

- C. It is unlawful to sound, operate, or cause to be sounded, any siren on a vessel in the Harbor except on vessels owned or operated by a government agency.

12.36.065 - Vessel Traffic within the Harbor.

- A. All vessels approaching or within the Harbor must be operated in a safe and prudent manner and in no event shall the entrance to the Harbor be blocked by general boating activities or fishing.
- B. The speed of any vessel within the Harbor shall not cause a wake, except under emergency conditions.
- C. The Harbor shall not be used for the movement of any vessels except for the purpose of entering or leaving a berth or launch ramp area and necessary maneuvering in connection therewith.

12.36.070 - Swimming or Diving in Harbor.

- A. It shall be unlawful for any person to swim, bathe, wade, water-ski, or surf, in any portion of the Harbor.
- B. It is unlawful for any person to engage in skin diving or underwater breathing or to engage in any other underwater activity requiring such breathing apparatus within the Harbor except that diving for salvage, repair, bottom cleaning or recovery purposes may occur if authorized by the Operator upon written application to the Operator.
- C. When persons are engaged in an underwater diving activity as authorized by the Operator, there shall be present an attendant not less than 16 years of age who shall be on the surface of the water close over the person or persons engaged in the underwater activity, and such attendant shall conspicuously display the diver's flag during the activities.

12.36.075 – Lodgings.

Any person who occupies or uses a vessel in the Harbor for eating and sleeping purposes for a period exceeding two days in any seven day period shall be required to pay “liveaboard fees” in an amount set by the Operator. No more than 10 percent of the Marina’s berths can be used for live-aboard purposes. Any availability and/or payment of “liveaboard fees” shall not be construed as converting the Marina or Harbor into a “floating home marina” as that term is defined by Civil Code Section 800.4 or creating any “tenancy” as that term is defined by Civil Code Section 800.9.

12.36.080 - Solid and Liquid Waste Disposal.

- A. It shall be unlawful for any person to discharge, spill, or otherwise release solid or liquid waste in the waters of the Harbor, Alhambra Creek, or any navigable body of water within the City limits.
- B. No person shall operate or berth in the Harbor any vessel equipped with a marine sanitation device unless such device is sealed or otherwise rendered inoperable or designed and installed in accordance with current regulations so that no raw human excreta can be discharged into the waters of the Harbor, Alhambra Creek, or any navigable body of water within the City limits.
- C. The Operator shall have the authority to board any vessel berthed in the Harbor to inspect such installations for compliance with this section.

- D. The vessel owner shall be liable for the costs of cleanup of any contamination caused by the owner to Marina waters or waters within City limits, and any security deposit paid by the vessel owner may be applied against the same.

12.36.085 - Minors in Harbor.

It shall be unlawful for any person under the age of 16 years to go, remain, or be upon any of the gangways, floats or vessels in the Harbor, unless such person is accompanied by an adult, or unless such person has the written permission of the vessel owner located at the Harbor to go upon such vessel.

12.36.090 - Fishing in Harbor Prohibited.

- A. Fishing, crabbing, and cleaning of fish on gangplanks, boats, and floats is strictly prohibited in the Harbor.
- B. All fish caught outside the Harbor must be removed, properly stored or disposed of within 24 hours from the time of catching. No person shall throw fish or cleaning residuals overboard at the dock or from a vessel.

12.36.095 - Damage to Property.

The vessel owner must assume all liability for loss and damage to their property of any kind while it is within the limits of the boundary of the Harbor. The City assumes no risk or liability on account of fire, theft, act of God, or damages of any nature to vessels or their contents.

12.36.100 - Solicitation, Advertising, and Signs.

- A. Solicitation of patronage in the Harbor, without a permit, is prohibited.
- B. No person shall row, propel, navigate, or maintain any vessel or float in the Harbor for the purpose of advertising, without first having received a permit for such purposes.
- C. No signs of any kind or description shall be posted on pilings, gangplanks, or floats without receiving prior approval from the Operator.
- D. No vessel shall display a "FOR SALE" sign with or without telephone numbers listed and/or price which are visible to the public. All such transactions must be handled by the vessel's owner, without any request for showing vessel or allowing access to piers by Marina personnel.

12.36.105 - Maintenance and Care in Berthing, Anchoring, and Mooring Vessels.

- A. All vessels shall be berthed and secured with proper care and equipment, and such berthing or equipment shall be maintained at all times in such condition as to meet with the approval of the Operator.
- B. If vessels are not maintained, then the Operator may supply lines and fittings, or replace inadequate lines and fittings, or may care for the vessel in such a manner as to prevent damage to the vessel or floats. A charge for this service and for any lines, fittings, and materials supplied shall be made, and payment shall be made at the end of each month. Any lines, fittings and materials used and supplied by the Operator to protect vessels are not returnable.
- C. No person shall bring into, moor, or berth within the Harbor any vessel of any kind whatsoever which is so unseaworthy or in such badly deteriorated condition that it may cause damage to docks, floats, or other vessels, or which may become a menace to navigation, except in cases of extreme emergency in which case the owner will be liable for any damage caused by such vessel.

- D. The Operator shall be the sole judge as to the condition of the vessel, for the purposes of this section.
- E. If a vessel or other craft is wrecked or sunk within the Harbor, then it shall be the owner's responsibility to mark its position and provide for the raising and disposition of such vessel or craft and assume all liability for damage to City property or other vessels in the Harbor.
- F. Small tenders and row boats are permitted to be moored, if kept by for the use of the berthholder and berthed within the limits of the berth assigned. They shall not be placed on the piers or fingers.
- G. Abandoned Vessels.
1. It is unlawful for any owner or other person in control of any vessel, watercraft, or other object to abandon any such vessel, watercraft or other object in the Harbor or on the tidelands or submerged lands.
 2. Any such vessel, watercraft, or other object may be removed and disposed of by the Operator as provided by the California Harbors and Navigation Code, the Civil Code, and/or other applicable laws. The cost of such removal and disposition incurred shall be paid by the owner or person in control of such vessel, watercraft, or other object, and the security deposit of the owner or person in control of such vessel may be applied to such removal or disposition, and if said deposit is so used, it shall be replenished by the owner or controlling person.
- H. Mooring in Entrances—Vessel Removal.
1. If any unattended vessel, watercraft, or other object shall be found to be anchored or moored within the entrance to the Harbor or channel, secured to any jetty, breakwater, buoy or other thing without authorization, then the Operator may assume custody of such vessel, watercraft, or other object and cause it to be removed or held or placed in storage. Such costs incidental to this action shall be the liability of the owner or owners.
 2. The City and/or the Operator shall not be held liable for any damage to such vessel, watercraft, or other thing whether such damage occurs before or after they assume custody.
 3. If such vessel, watercraft, or object is not claimed by the owner thereof, then the Operator may dispose of such vessel, watercraft, or object in the manner provided in the California Harbors and Navigation Code, the Civil Code, and/or any other applicable law.
- I. Sunken Vessels.
1. Any owner or operator of a vessel, watercraft, or object which sinks accidentally or otherwise within the Harbor or entrance thereto, shall immediately mark it with a buoy or beacon by day, and by a lantern or light by night, and maintain such markings until the sunken vessel, watercraft, or obstruction is removed.
 2. The owner or operator of such sunken vessel, watercraft, or object shall immediately advise the Operator of the sinking, and immediately commence removal of such vessel, watercraft, or object, and prosecute the removal diligently to completion and dispose of it as provided by the California Harbors and Navigation Code, the Civil Code, and/or any other applicable law.
 3. If the owner or operator of such sunken vessel, watercraft, or other object fails, neglects, or refuses to remove such sunken vessel, watercraft, or other object in a reasonable time, then the Operator may cause the removal diligently to completion.
 4. The owner or owners of such vessel, watercraft, or object shall be liable to the City for costs incidental to the removal and disposition of such vessel, and the security

deposit of the owner or owners may be applied to such removal or disposition and if

said deposit is so used, it shall be replenished by the owner pro tanto.

5. Neither the Operator nor the City shall be liable to any person, firm, or corporation for damage as a proximate cause of the sunken vessel, watercraft, or object, or damage caused by removal of such vessel, watercraft, or object.

12.36.110 - Compliance with Federal, State, and Local Rules and Regulations.

All persons using the Harbor shall comply with all the rules and regulations adopted by the United States of America, State of California, and local agencies with regard to water safety requirements, and operation and maintenance of vessels. The Operator is authorized to enforce all said rules and regulations, and to deny use of the facilities at the Harbor for violation of said rules and regulations.

12.36.115 - Violation of Rules and Regulations.

- A. An applicant for a berth assignment agrees by their signature on the application form, to comply with these rules and regulations.
- B. The Operator shall have the right to deny the use of the Harbor and to cancel the berth assignment and require removal of any vessel of any owner at the vessel owner's sole cost, who in the opinion of the Operator, fails to comply with the rules and regulations for the operation of the Harbor.

12.36.120 – Registration and Numbering: Furnishing Information to the Harbor Master.

- A. All moored vessels shall have visible registration lettering on their vessel along with current registration stickers.
- B. Every undocumented vessel entering the Harbor must be registered and numbered as provided by the laws of the State of California.
- C. The owners of vessels entering the Harbor shall furnish all information relating to the vessel and the ownership thereof as may reasonably be required by the Operator, including, but not limited to, proof of current, adequate insurance in a form and amount satisfactory to the Operator.

12.36.125 - Accident Reports.

A duplicate copy of any report of any accident occurring in the Harbor involving any one or more vessels shall immediately be filed with the Operator.

12.36.130 - Security Gates.

No person shall be permitted to be present beyond the security gates on any pier to which access is restricted by such gate, unless such person is a permittee whose vessel is berthed at such pier or is an authorized guest of such permittee, or unless such is on official business of the City, the State of California, or the United States of America, or unless such person has been specifically authorized to enter such pier by the Operator.

12.36.135 - Vehicle Parking and Towing.

- A. Vehicles shall be parked only in those areas designated and marked for such parking and in compliance with posted signs. The Traffic Engineer may cause the placement of signage to restrict the stopping, standing or parking of vehicles on the Marina grounds.
- B. No vehicle or trailer shall be parked on the Marina grounds for a period exceeding seventy-two hours without the permission of the Operator.
- C. Recreational vehicles, travel trailers, or campers shall not be parked on Marina grounds without the permission of the Operator.

- D. Any vehicle, trailer, or boat/trailer combination parked in violation of a posted sign, in restricted areas, in limited parking areas beyond the allowed time, or in driveways, walks, or breezeways, may be cited and removed from the city marina at the owner's expense.

12.36.140 – Pets and Wildlife.

Animals running at large are prohibited. No owner or keeper of an animal shall allow or permit such animal, whether licensed or unlicensed, to run at large within the Harbor area. Such animal shall be securely restrained by a substantial leash not to exceed six feet in length and be in the charge and control of a person competent to keep such animal under effective charge and control.

- A. Temporary Presence of Pets: Pets may be allowed on vessels temporarily as vessels arrive and depart from the Marina. The presence of pets on moored vessels is permitted provided that such pets do not pose a nuisance or safety risk.
- B. Authority to Remove Pets: The Operator reserves the right to require the removal of any pet or animal that is deemed disruptive, dangerous, or in violation of Marina regulations.
- C. Wildlife Protection: Pets must not chase, harass, or otherwise disturb wildlife within the Marina or Harbor area. Any behavior that threatens wildlife, including birds and marine species, is strictly prohibited.
- D. Prohibition on Feeding or Disturbing Wildlife: Feeding or disturbing wildlife, including birds and marine animals, within the Marina or Harbor and adjacent Waterfront Park is strictly prohibited to protect the natural ecosystem and ensure the safety of both wildlife and patrons.

12.36.145 – Boat Launching Facilities.

- A. Fees for the use of the ramp shall be collected as set forth by the City Council resolution and shall be collected at all times when the Marina Office is open, either when the vessel is launched or when the vessel is removed from the water.
- B. The Operator shall control the parking of cars and trailers in the vicinity of the ramp, maintain general order in the area, and assist as may be necessary in the launching and recovery of the vessels. Assistance will not be rendered as a convenience, but may be offered under adverse circumstances such as adverse weather conditions or a vessel user's inexperience.
- C. The docks at the ramp area are not to be used as a tie-up for convenience of Marina users other than the launching or recovery of vessels.
- D. It is unlawful to launch, recover, or berth any vessel or other object in the Harbor without the authorization of the Operator.

12.36.150 - Boat Races, Regattas, or Exhibitions.

It is unlawful to conduct, participate in, or cause to be conducted any regatta, motorboat, or other vessel race, tournament, or exhibition within the harbor without written permission of the Operator and subject to such regulations as may be imposed.

12.36.155 - Penalty.

Every person violating any provision of these rules and regulations shall be deemed guilty of a misdemeanor as set forth in the Martinez Municipal Code, Section 1.12.010.

12.36.160 - Enforcement.

The Police Department and, if lawful and delegated the authority by the City, the Operator, shall enforce the provisions of this Chapter, the provisions of the California Harbors and Navigation Code and all other laws pertaining to the Harbor.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Martinez hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. PUBLICATION AND EFFECTIVE DATE. This ordinance shall become effective 30 days after the date of adoption. At least five days prior to its final adoption, a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk. Within 15 days after adoption, the City Clerk shall publish a summary of this ordinance with the names of those City Council members voting for or against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

APPROVED: _____
Brienne Zorn, Mayor

ATTEST: _____
Kat Galileo, Assistant City Clerk

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance that was duly introduced at an adjourned regular meeting of the City Council of the City of Martinez, held on the 23rd day of October 2024, and adopted at a regular meeting of the City Council of the City of

Martinez, held on the 6th day of November 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

Approved as to form:

Terri Highsmith, City Attorney