



CITY COUNCIL CLOSED SESSION & ADJOURNED REGULAR MEETING AGENDA

Mayor Brianne Zorn
Vice Mayor Debbie McKillop
Councilmember Jay Howard
Councilmember Mark Ross
Councilmember Satinder S. Malhi

DATE: October 23, 2024
TIME: 5:30 PM – Closed Session
7:00 PM – Adjourned Regular Session
PLACE: Council Chamber, 525 Henrietta Street, Martinez, CA 94553; and via Zoom

INFORMATION FOR THE PUBLIC

Information regarding meetings, including agenda materials, schedules and more, please visit the City's Meetings & Agendas webpage: <https://www.cityofmartinez.org/government/meetings-and-agendas>.

REMOTE PARTICIPATION

This meeting will be conducted in-person in the City Hall Council Chamber and shall be aired in real time via Zoom. The City cannot guarantee the public's access to teleconferencing technology, nor guarantee uninterrupted access as technical difficulties may occur from time to time. To attend the meeting via Zoom, you must be logged into a registered Zoom account. Click "Join Meeting" and enter the following details:

1. **Link:** <https://cityofmartinez-org.zoom.us/j/95678676377?pwd=aPrG7624KAdu7guZdDm85FhHgH7nKK.1>
2. **Webinar ID:** 956 7867 6377
3. **Passcode:** 686746

PUBLIC COMMENTS

Public comments can be made in person at the meeting or submitted in writing. Written comments must be received by 12pm the day of the meeting. For information on how to submit written comments, please visit the City's Meetings & Agendas webpage linked above.

ADA ACCOMODATIONS

In accordance with the Americans with Disabilities Act and California law, the Council Chamber is wheelchair accessible and disabled parking is available at City Hall. If you are a person with a disability and require modifications or accommodation to attend and/or participate in this meeting, please contact the City Clerk's Office at (925) 372-3512. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

AGENDA CONTINUED TO PAGE 2

CLOSED SESSION

CALL TO ORDER - *Open Session*

ROLL CALL - *Councilmembers Jay Howard, Mark Ross, Satinder S. Malhi, Vice Mayor Debbie McKillop, Mayor Brianne Zorn*

PUBLIC COMMENT - *Agenda Items Only*

CLOSED SESSION ITEMS - *Adjourn to Closed Session*

1. **CONFERENCE WITH LABOR NEGOTIATORS** - Pursuant to California Government Code Section 54957.6
Agency Designated Representatives: Michael Chandler, City Manager; Lauren Sugayan, Assistant City Manager; Terri Highsmith, City Attorney
Employee Organization: Management Compensation Plan Employees
2. **CONFERENCE WITH LABOR NEGOTIATORS** - Pursuant to California Government Code Section 54957.6
Agency Designated Representative: Terri Highsmith, City Attorney
Unrepresented Employee: City Manager

ADJOURNMENT - *Adjourn to an Adjourned Regular City Council meeting on October 23, 2024, at 7:00 PM.*

ADJOURNED REGULAR SESSION

CALL TO ORDER - *Pledge of Allegiance*

ROLL CALL - *Councilmembers Jay Howard, Satinder S. Malhi, Mark Ross, Vice Mayor Debbie McKillop and Mayor Brianne Zorn*

CIVILITY STATEMENT - *As your elected Governing Board, we will treat each other and the public with patience, civility, and courtesy as a model of the same behavior we wish to reflect in Martinez for the conduct of all City business and community participation. This includes respect for everyone's First Amendment Right to voice their opinion on matters within the City's subject matter jurisdiction, even if that opinion is different from our own. The decisions made tonight will be for the benefit of the Martinez community and not for personal gain.*

PRESENTATIONS

1. Proclamation - Red Ribbon Week
[Proclamation - Red Ribbon Week](#)
2. Chamber of Commerce Business of the Month
 - October 2024 - Special Olympics of Northern California

PUBLIC COMMENT - *Presentations and Non-Agendized Items Only. Non-agenda public comment is (1) limited to matters which are not action items listed elsewhere on the agenda, and (2) are within the subject matter jurisdiction of the City Council. Public comments are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments related to items appearing in the following sections of the Agenda will be heard prior to the City Council taking action on each item: **Consent Calendar, General Business, Public Hearing, and Appointments to Commissions and/or Agencies.***

CONSENT CALENDAR

1. Motion waiving reading text of all Resolutions and Ordinances.
2. Motion to approve City Council Action Minutes for October 2, 2024.
[Action Minutes 10-2-24](#)
3. Motion approving Check Reconciliation Registers, dated September 26, October 3, and October 10, 2024.
[Check Reconciliation Register 9-26-24](#)
[Check Reconciliation Register 10-3-24](#)
[Check Reconciliation Register 10-10-24](#)
4. Motion to reject claim presented by Mary Louise Young (GL-21228-MZ).
[Claim - Mary Louise Young \(GL-21228-MZ Redacted\)](#)
5. Waive the reading and adopt the Ordinance approving a Zoning Text Amendment to amend the Martinez Municipal Code (“MMC”) by establishing new and amending existing regulations by 1) adding Chapter 22.45 (Exceptions); 2) adding Chapter 22.81 (Development Incentives and Community Benefits Program); and 3) amending Chapters 22.04 (Definitions), 22.10 (Agricultural Districts), 22.12 (Residential Districts), 22.14 (PA Professional and Administrative Districts); 22.15 (Site Development Regulations), 22.16 (Commercial Districts), 22.17 (Affordable Housing Overlay District), 22.18 (Industrial Districts), 22.19 (Civic District), 22.20 (GF Government Facilities Districts), 22.22 (RI Recreational Facilities Districts), 22.23 (Downtown Shoreline District), 22.29 (Alhambra Valley District), 22.36 (Off-Street Parking and Loading Facilities), and 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) by adding definitions for “Community Benefit,” “Development Incentive”, and “Flexible Community Benefit”, and amending the definitions of “State Licensed Transitional Housing” and “Supportive Housing;” updating the development standards (such as density, height and stories, setbacks, floor area ratio, lot coverage, and private outdoor space) to comply with the aforementioned new Chapters; updating the permitted height to comply with the 2023-2031 Housing Element; adding Floor Area Ratio requirements; clarifying the ADU Bonus Program; permitting Accessory Dwelling Units on properties with religious institutions; and other minor amendments.
[Staff Report - Zoning Text Amendments Ordinance No. 1463](#)
[Ordinance No. 1463 Zoning Text Amendments](#)

6. Waive the reading and adopt the Ordinance approving a Zoning Text Amendment to amend the Martinez Municipal Code (“MMC”) by: 1) adding Chapters 22.58 (Lot Consolidation Incentives) and 22.59 (Project Phasing Facilitation Measures); 2) amending Chapter 22.36 (Off-Street Parking and Loading Facilities) to comply with Assembly Bill (“AB”) 894 regarding shared parking, to comply with AB 2097 regarding minimum parking requirements within one-half mile of public transit, and to update restaurant parking requirements; and 3) amending the definition of “Home Occupation” in Chapter 22.04 (Definitions).
[Staff Report - Zoning Text Amendments Ordinance No. 1464](#)
[Ordinance No. 1464 Zoning Text Amendments](#)
7. Receive and file Quarterly Investment Report for the Month Ended September 30, 2024.
[Staff Report - Quarterly Investment Report 09-30-2024](#)
[Attachment A - Quarterly Investment Report 09-30-2024](#)
8. Adopt motion authorizing the City's submittal of the Federal EPA Environmental and Climate Justice Community Change Grant application.
[Staff Report - EPA Waterfront Community Change Grant Application Approval](#)
[Attachment A - Martinez Waterfront Environmental Community Change Grant Application](#)
9. Adopt a resolution authorizing the City Manager to execute a professional services contract with Willdan Financial Services for Citywide Cost Allocation Study.
[Staff Report - Contract of Willdan Finance Services](#)
[Attachment A - Willdan Contract \(Draft\)](#)
[Resolution - Willdan Financial Services](#)

GENERAL BUSINESS ITEMS

PUBLIC HEARING ITEMS

1. Conduct a Public Hearing, waive first reading, and introduce an Ordinance 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.
[Staff Report - Marina Regulations Amendments](#)
[Attachment A - Strikethrough and Underlined Version of Amendments](#)
[Ordinance - Amending Chapter 12.36 \(Marina Regulations\)](#)
2. Conduct a public hearing and approve a resolution adopting the Marina Fee Schedule to establish user fees and service charges for the Martinez Marina.
[Staff Report - Marina Fee Schedule](#)
[Attachment A - Strikethrough and Underlined Version of Marina Fee Schedule](#)
[Resolution - Marina Fee Schedule](#)
[Exhibit A - Marina Fee Schedule](#)
3. Conduct a public hearing and at the conclusion of the public hearing adopt a resolution incorporating the 2024 City of Martinez Conflict of Interest Code and its Appendix.

[Staff Report - Adoption of Amended Conflict of Interest Code 2024](#)
[Attachment A - Conflict of Interest Code 2023](#)
[Resolution - Adoption of Amended Conflict of Interest Code 2024](#)
[Exhibit A - Conflict of Interest Code 2024](#)

4. Conduct a public hearing, waive the first reading, and introduce an Ordinance amending Section 2.04.050 of Chapter 2.04 and Section 2.68.080 of Chapter 2.68, adding Section 2.06.010 and Chapter 2.06, and repealing Sections 2.60.020 and 2.60.030 of Chapter 2.60 of the Martinez Municipal Code regarding Appointed Officers.

[Staff Report - Appointed City Clerk](#)
[Ordinance - Appointed City Clerk \(Draft\)](#)

CHIEF OF POLICE

1. Comments/Updates

CITY MANAGER

1. Comments/Updates

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

SUBCOMMITTEE REPORTS

1. School Liaison Subcommittee Report Out (10/7/2024)
2. Budget & Finance Subcommittee Report Out (10/21/2024)

CITY COUNCIL

1. Comments/Updates

ADJOURNMENT - *Adjourn to a City Council Study Session on November 6, 2024, at 5:30 PM.*

On October 18, 2024, a true and correct copy of this agenda was posted on the City Hall Kiosk, located at 525 Henrietta Street, Martinez, CA 94553, and on the City website at www.cityofmartinez.org.

/s/ Kat Galileo, Assistant City Clerk



Marina Regulation Amendments

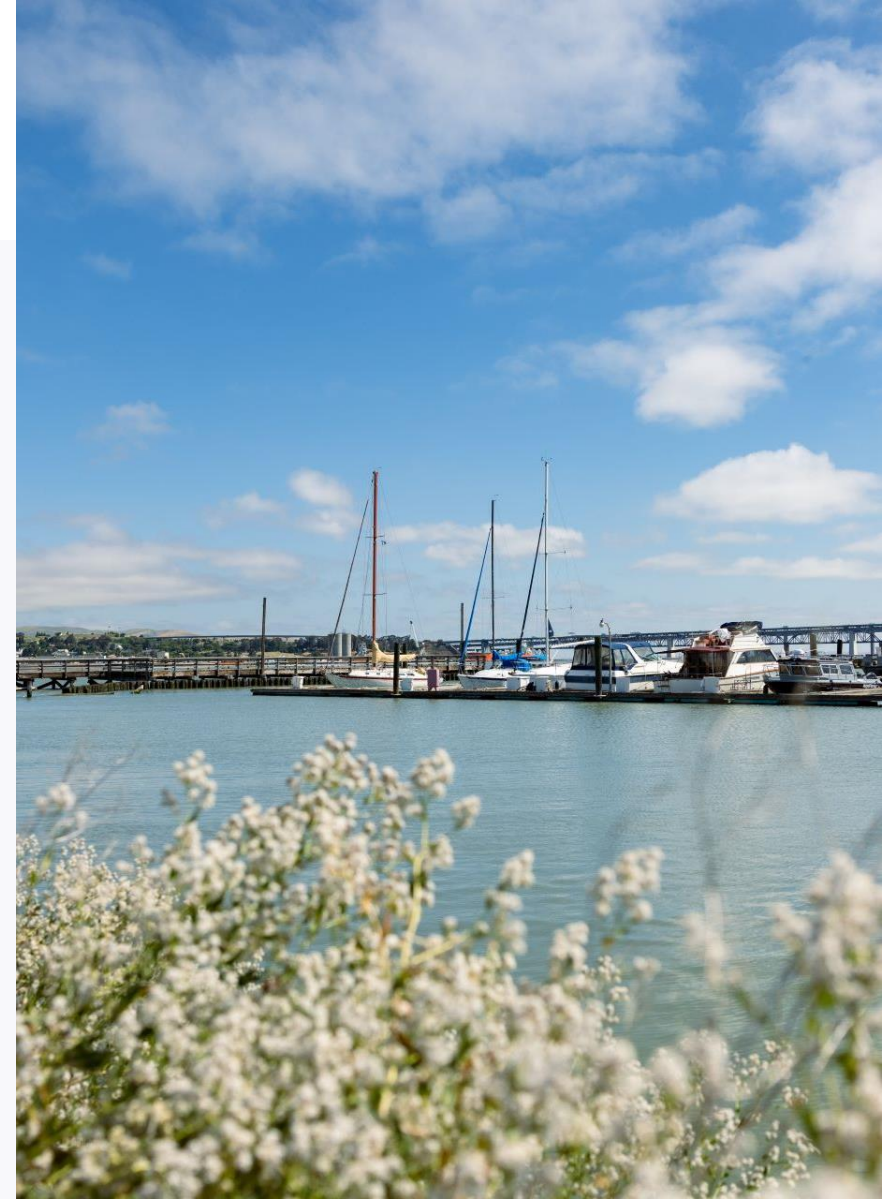
City Council

October 23, 2024

Changes to Ordinance - Added Today

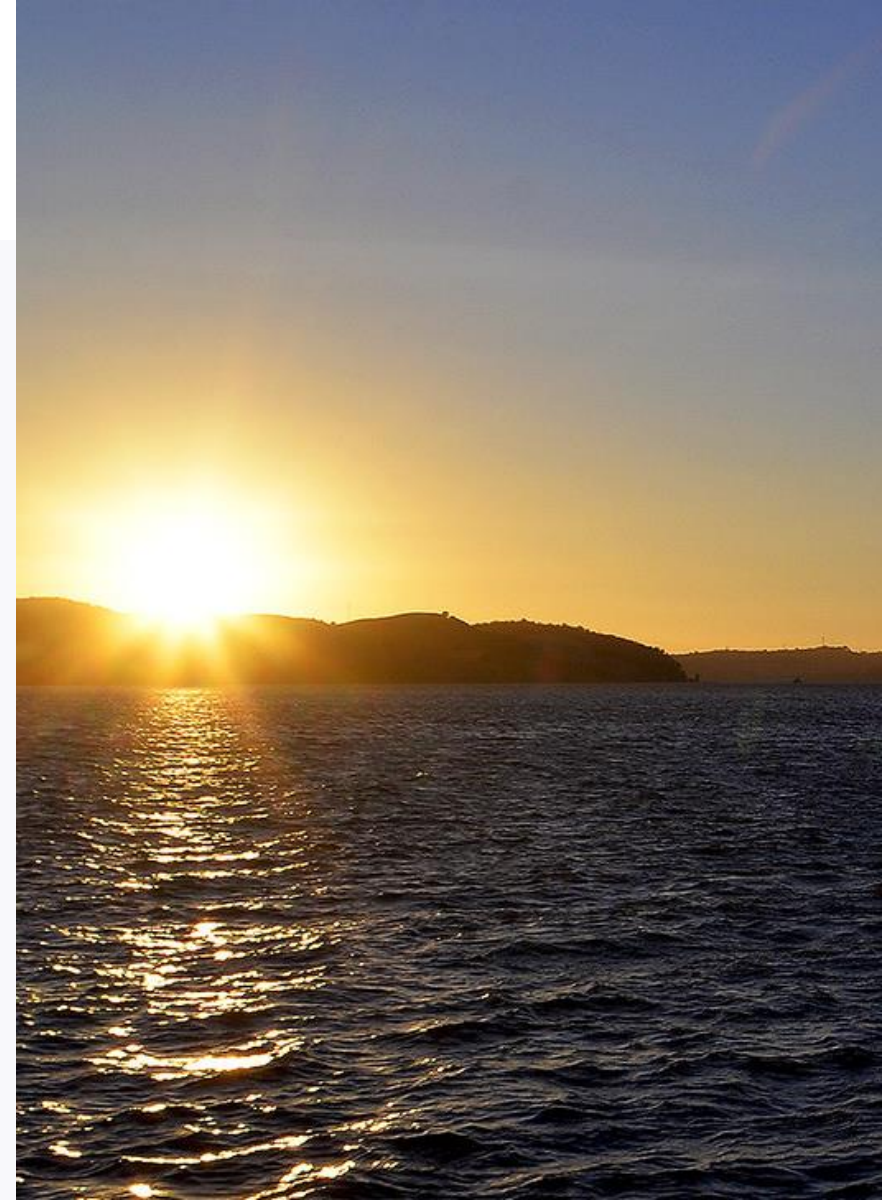
City Attorney noted a few last-minute modifications that needed to be incorporated into the proposed amendments for consistency. ***These are not reflected in the posted Staff Report.***

- Replacing the term “berth agreements” with “Mooring Licenses”
- Deleting term “Sublease” which was already addressed through term “Assign”
- Replace term “tenant” with “occupant”



Background

- Modifications to 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.
- Marina Regulations have not been updated since 1998
- City took over operations on August 22nd. This involved the City's need to develop a Municipal Mooring Agreement for boat owners and led to the discovery of inconsistencies with code terminology and practices resulting in the need to update the Municipal Code to reconcile the code with operation and management of the Marina.



Proposed Amendments to Ordinance

The proposed amendments include:

- Make late berthing fees delinquent if not paid by the 10th of the month (changed from the last day of the month).
- Require short-term (or “guest”) mooring for longer than one week be subject to a full month’s mooring fee.
- Require payment of a full month’s mooring fee regardless of when a monthly mooring license is effective.
- Make charges for water and electricity use subject to a separate fee that is not included in the standard mooring fee.
- Allow the Operator to install a meter to charge for actual utility use, at the Operator’s sole discretion. (future initiative)
- Remove language regarding “on-board tenant permits” and require the payment of liveaboard fees for continuous occupation of vessels for longer than 48 hours in any seven-day period.

Proposed Amendments to Ordinance - Continued

- Authorize the Operator to enter upon vessels in the harbor to verify they are in operable condition.
- Amend vehicle parking and towing requirements to specify vehicles shall comply with marked signs and that no vehicle shall be parked for a period exceeding 72-hours, rather than 24 hours, without permission of the Operator.
- Insert language related to pets and wildlife.
- Require proof of adequate insurance when entering the harbor.
- Clearly define parking requirements for vehicles, trailers and RV's
- Make violation of any provisions set forth in Chapter 12.36 a misdemeanor, rather than an infraction.
- Replace masculine pronouns with gender neutral terms and replace "boat" with "vessel" for consistency throughout.
- Correct section numbering.

Recommendation

Conduct a Public Hearing, waive first reading, and introduce an Ordinance 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.





Questions?



Attachment A

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 1 year; (3) a fine not exceeding \$500.00 for each additional violation within 1 year.

1. [Title 5](#). Business Taxes and Regulations

2. [Title 8](#). Health and Safety

[Chapter 8.08](#)—Trees and Shrubs—Planting and Maintenance

[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](#). ~~Public Rights-of-Way~~[City Real Property](#)

[Chapter 12.28](#)—Obstruction of Sidewalks

~~[Chapter 12.36](#)—Marina Regulations~~

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

12.36.010 - Definitions.

For the purpose of this ~~section~~[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, ~~Martinez, California.~~

- 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 ~~their~~ his designee(s) ~~ated~~ representative.
- 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".
- ~~G.H.~~ "Vessel" means any boat or watercraft that is 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 ~~his~~ the Operator's duties shall be obeyed. Every ~~boat-vessel~~ entering the Harbor and Marina shall immediately become subject to the authority and direction of the Operator. Each ~~boat-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 ~~rentals licenses agreements, mooring licenses~~ in the Harbor, ~~permanent long-term~~ and ~~transient short-term~~.

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1. ~~Permanent Long-term rentals licenses agreement berths mooring licenses~~ are ~~made granted, as available,~~ to owners desiring to moor their ~~boats-vessels~~ for a period of one month or longer, ~~subject to a license mooring agreement.~~
 2. ~~Transient Short-term and/or "Guests" rentals licenses agreements berths mooring licenses, as available,~~ are ~~assigned granted, as available,~~ to owners desiring to moor their ~~boats 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 ~~boat-vessel~~ to be accommodated, unless the application is rejected by the Operator. The Operator may reject applications ~~only on the basis of~~ 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 ~~boat-vessel~~ shall be berthed in the space assigned by the Operator. No exchange of berths between ~~boat-vessel~~ owners will be permitted without the prior approval of the Operator.
- D. The holder ~~of a long-term mooring license of a permanent berth assignment, hereinafter called "Lessee", license agreement for permanent long term berth~~ may, upon a bona fide sale of the ~~boat-vessel~~ berthed therein ~~and, with~~ the approval of the Operator: (i), relinquish the berth to the buyer of the boat vessel; or (ii) conversely, he may, upon approval of the Harbor Master, retain the aforesaid berth assignment for another boat-vessel owned by him the permanent long-term agreement mooring license holder, provided the ~~latter boat other vessel~~ is within the classification of the berthing space assigned and the berthing space is occupied within ~~thirty (30)~~ 30 days.
- E. Any sale, purchase, or exchange of ~~boats-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 boat vessel at the Marina, they would need to receive approval of the Operator and if permitted, enter into a mooring agreement with obtain a mooring license from the Operator.~~
- F. ~~The berth assignment of any Lessee who occupies his assigned berth with his own boat for a total of less than six (6) months in any twelve (12) month period may be cancelled.~~
- ~~G.F.~~ The holder of an agreement for a permanent long term berth a long-term mooring license for a berth assignment of a specific size has no preemptive right to a larger berth in the event ~~he they~~ purchases a larger ~~boat vessel~~.
- H. ~~G.~~ Mooring of a boat-vessel the size of which is greater than that of the berth assigned to the license Lessee license agreement holder is not permitted unless authorized by the ~~Harbor Master Operator~~.
- ~~I.H.~~ The Harbor Master Operator shall have the authority to move, or relocate in the Harbor, any ~~boat-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.

~~H.~~ Unauthorized berth occupancy is prohibited and the Harbor Master Operator is authorized to move or secure ~~the any unauthorized vessel boat~~ until ~~berthage~~ any outstanding mooring fees and charges, plus any penalty, has been paid.

~~K.J.~~ Vessels illegally moored or stored in the Marina may be towed to another location or hauled out to dry storage by the Harbor Master Operator. Towing, mooring, and/or storage fees will be charged to the vessel's owner. A ~~fifteen (15)~~ day grace period may be allowed before hauling out, except in emergency or in the interest of safety.

~~L.K.~~ No berth shall be ~~assigned or sub-leased~~ by a mooring license holder ~~Lessee Licensee or agreement holder~~. Any such activity ~~will~~ may result in cancellation ~~of the lease license 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.

~~M.L.~~ A security deposit shall be required for all new ~~permanent long-term agreements rentals licenses 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 permanent long-term license agreement granted, regardless of whether the assignment or license agreement is effective the first day of the month, ~~then~~ the full month's rental mooring fee is charged. ~~If an initial period is less than a full month, the charge will be on a pro rata basis utilizing a thirty (30) day schedule for all months.~~
- 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 ~~last tenth (10th)~~ day of the same month.
- D. All berth fees not paid by the tenth ~~(10th)~~ day of the month in which they fall due shall be subject to and assessed a late charge set by the Operator and/or City Council.
- E. ~~Transient Short-term "guest"~~ mooring for longer than seven ~~(7)~~ days will be subject to two (2) times the normal rate 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 ~~fifty (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 ~~in order~~ to secure the removal of a vessel.

- D. The Ceity 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 ~~of the State of California~~, the charges for berthing fees or charges for service are liens upon a vessel, and when these are delinquent ~~fifty (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 Ceity, 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 of 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 ~~of the State of California~~.

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 ~~fifteen (15)~~ days in advance of the effective date of release. There shall be no prorating of applicable monthly fees for the final month. Charges will continue until such written release is effective.

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 Ceity 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, ~~etc. 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 boat/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 ~~eighteen (18)~~ inches in width and three ~~(3)~~ 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, ~~etc.~~, 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 boats-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 under normal usage are included in mooring fees 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, he 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 boat vessel in question.
- ~~C.~~ D. At the City's or Operator's sole discretion, the City and/or Operator may elect to attach a meter and charge a tenant-occupant 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 boat-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 boat vessel in a slipits 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 boatsvessels.
- D. Fueling and defueling of vessels at other than the fuel pier is prohibited.
- E. Boats-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. ~~may request, on fifteen (15) days written notice, a demonstration of the boat's operability unless other arrangements are authorized in writing by the Operator.~~

12.36.0605-- Unnecessary Disturbance.

- A. Outboard motors attached to any boats-vessels must be equipped with approved mufflers approved by the Operator.
- B. The vessel owner of the vessel is responsible for the conduct and action of his 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.

12.36.0705 - 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.

12.36.0705-- Swimming or Diving in Harbor.

- A. It shall be unlawful for any person to swim, bathe, wade, water-ski, or use a surf, board or paddle board 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 sixteen (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.

12.36.08075 – Lodgings.

It shall be unlawful for any person to reside on any vessel berthed in the Harbor. This prohibition against residing on vessels shall not prevent the Any person who occupies or uses of a vessels in the Harbor for eating and sleeping purposes for a ~~continuous~~ period not to exceeding ~~seventy-two two -days (72) hours~~ in any seven ~~(7)~~-day period provided that the owner or operator of the vessel so notifies the Operator 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. Such use shall be subject to the requirements and limitations of Section 12.36.085 herein. Holders of on-board tenant permits are exempt from the time limit period. The Operator shall assign the space in which the holder of the on-board tenant permit shall berth. On-board tenant permits will be issued on availability, unless the application is rejected by the Operator. The Operator may reject applications only on the basis of the applicant's credit, tenant or employment history, references, condition of the applicant's vessel and/or any lawful limitation imposed on the number of on-board tenant permits. The Operator may charge a credit check fee. 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.~~

12.36.0850 - 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 of Martinez.~~
- 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 of Martinez.~~
- 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 ~~of the vessel~~ shall be liable for the costs of cleanup of any contamination caused by the owner ~~to~~ Marina waters or waters within City limits, and ~~the any~~ security deposit ~~of paid by the vessel's~~ owner may be applied against the same.

12.36.08590 – Minors in Harbor.

It shall be unlawful for any person under the age of ~~sixteen (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 ~~of any vessel~~ located at the Harbor to go upon such vessel.

12.36.0950 - 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 ~~twenty-four~~ (24) hours from the time of catching. No person shall throw fish or cleaning residuals overboard at the dock or from a vessel.

12.36.095100- Damage to Property.

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

12.36.1050 - 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 ~~Lessee~~ vessel's owner, without any request for showing vessel or allowing access to piers by Marina personnel.

12.36.1405 - 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. ~~In the event that~~if vessels are not ~~so~~ 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. ~~In the event~~ 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~~ 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 of the State. 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 pro tanto.
- 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 ~~or his~~ their assistant(s) 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 ~~and his~~ their assistant(s) shall not be held liable for any damage to such vessel, watercraft, or other thing whether such damage occurs before or after ~~he~~ they assumes 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 of the State.
- 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 of the State.

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, ~~his~~ their assistant(s), 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.

12.36.1105 - Compliance with Federal, State, and Local Rules and Regulations.

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

12.36.11520- Violation of Rules and Regulations.

- A. An applicant for a berth assignment agrees by ~~his~~ their signature on the application form, to comply with these rRules and rRegulations.
- 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 boat-vessel of any owner at the vessel owner's sole cost, who in the opinion of the Operator, fails to comply with the rRules and rRegulations for the operation of the Harbor.

12.36.1205 -- 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.
- ~~A.B.~~ _____ Every undocumented vessel entering the Harbor must be registered and numbered as provided by the laws of the State of California.
- ~~B.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.

12.36.12530- 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.

12.36.1305 - 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 of Martinez, 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.

12.36.13540- Vehicle Parking and Towing.

- ~~A. Vehicles shall park only in those areas designated and marked for such parking. Boat trailers with or without boats vessels shall not be parked or left at the Harbor for over twenty-fourseventy-two hours. Recreation vehicles, trailers, or campers, shall not be parked on Marina grounds without the permission of the Operator.~~ 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.

12.36.1405 -- 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 ~~should~~ shall be securely restrained by a substantial leash not to exceed six (6) feet in length and ~~is~~ 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 boatsvessels temporarily as vessels arrive and depart from the Marina. The presence of pets on moored

boats/vessels is permitted provided that such pets do not pose a nuisance or safety risk.

- B. Authority to Remove Pets: The ~~Marina Manager~~Operator reserves the right to require the removal of any pet or animal that is deemed disruptive, dangerous, or in violation of ~~M~~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.

12.36.1450 -- 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 or a ramp attendant is on duty, either when the boat-vessel is launched or when the boat-vessel is removed from the water.
- B. The ~~Marina Office personnel~~Operator and/or the ramp attendant 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 boats/vessels. Assistance will not be rendered as a convenience, but ~~will~~may be offered under adverse circumstances such as adverse weather conditions or a ~~boater's 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~~boaters using marina facilities other than the launching or recovery of boats/vessels.
- D. It is unlawful to launch, recover, or berth any vessel or other object in the Harbor without the authorization of the Operator.

12.36.1505 - Boat Races, Regattas, or Exhibitions.

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

12.36.15560 - Penalty.

Every person violating any provision of these rules and regulations shall be deemed guilty of an ~~infraction~~ misdemeanor as set forth in the Martinez Municipal Code, Section 1.12.0301.12.010.

12.36.1605- Enforcement.

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

**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 mooring licenses in the Harbor, long-term and short-term.
 1. Long-term mooring licenses are granted, as available, to owners desiring to moor their vessels for a period of one month or longer.
 2. Short-term and/or "Guest" 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 a long-term 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 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, obtain a mooring license from the Operator.
- F. The holder of a long-term mooring license for a 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 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 by a mooring license holder. Any such activity may result in cancellation 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 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 mooring license granted, regardless of whether the assignment or 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 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 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: _____
Brianne 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

**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



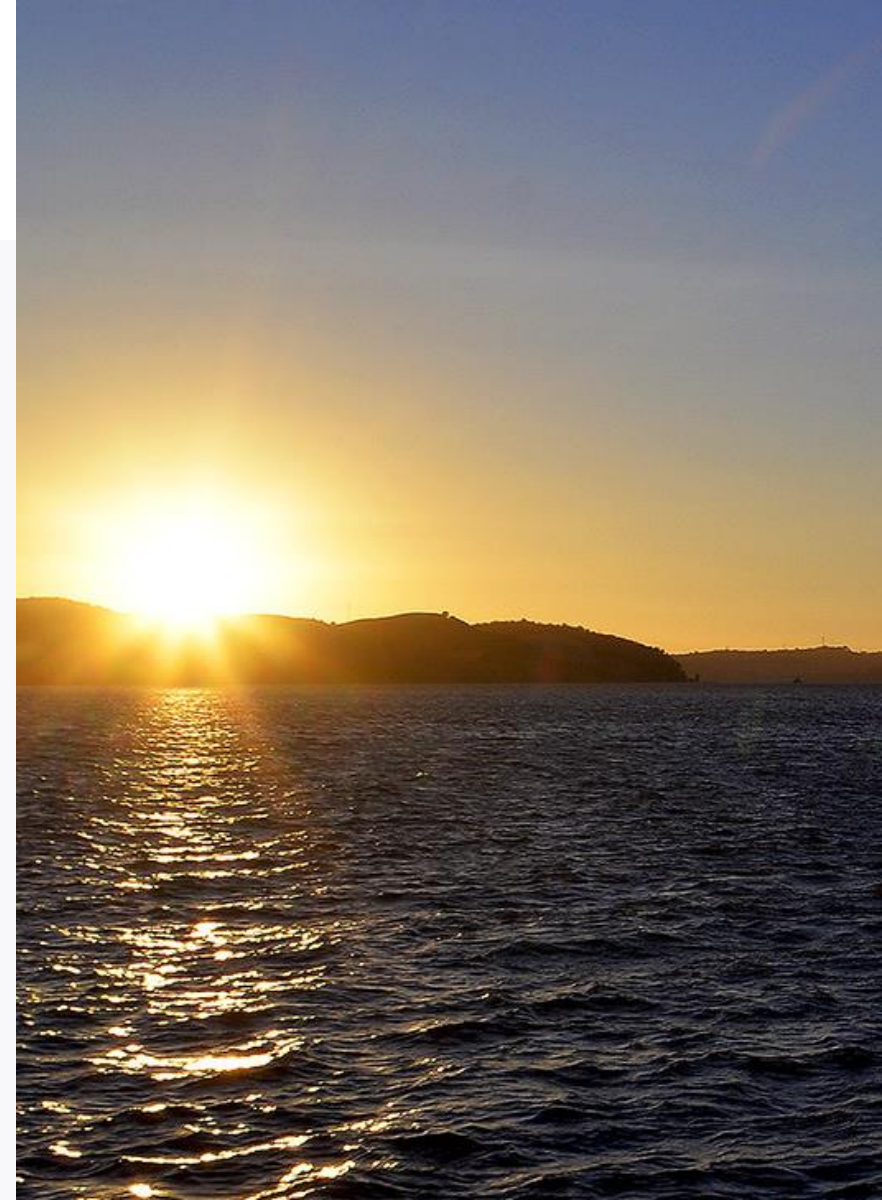
Marina Fee Schedule

City Council

October 23, 2024

Background

- City assumed management operations for the Marina on August 22nd.
- Conducted comprehensive review of operations.
- It was determined that formalizing the fees and service charges collected by the past private operator for boat mooring at the Marina is now necessary. This will ensure proper regulation and consistency in the charges applied to boat owners.



Discussion – Fee Schedule

- Recommend maintaining existing fees set forth by the previous operator.
- Reset electricity rate to be commensurate with other Marina's and to help close the gap in City subsidized expenditures.
- FY 2023/2024 = Water costs \$119,693, Electricity and Gas \$59,993, Marina Revenue = \$16,554.
- Combine electricity and add nominal water rate to create a utility cost rather than stand alone electricity rate.
- Rate increase for electricity would be doubled and it is recommended to add a charge for water at \$5/month, both rates are lower than neighboring Marina's.
- Change the fee to be a Utility Fee that combines electricity and water.



Fee Comparison

Staff compared the Martinez Marina's current rates against nearby publicly-owned marinas

Fee Comparison					
Fee Type	Benicia	Vallejo	Pittsburg	Antioch	Martinez
Liveaboard Fee	\$345 per mo.	\$275 per mo.	\$292.80 – \$585.40 per mo. based on size of vessel	\$175 per mo. + \$60 for each additional person	\$200 per mo.
Key Fee	\$25 deposit	\$25	\$23.40	\$10	\$25 deposit
Standard Mooring Fee	\$12.85 per ft.	\$8.79 - \$11.41 per ft. depending on dock material / cover	\$8.60 per ft.	\$6.30 - \$7.90 depending on dock cover	\$5.30 - \$10.07 per ft.
Transient Mooring (or "Guest") Fee	\$1.50 per foot per night	Day use: \$10 per day Overnight: \$1.00 per foot of vessel per day	\$1 per night (\$20 minimum)	<45' = \$25 per night >45' = \$35 per night	0-30' = \$20 per night 31-39' = \$30 per night 40-45' = \$40 per night 46'> = \$1 per ft. per night
Evicted Boat Storage Fee			\$28.35 per day	\$150 per occurrence	\$40 per day
Towing Fee		\$95 per hr. (\$95 minimum)	\$27 – \$60 based on distance for vehicle only	Time and Materials	Actual cost
Transfer Fee			\$28.35		First free; \$50 after

Fee Comparison					
Fee Type	Benicia	Vallejo	Pittsburg	Antioch	Martinez
Late Fee		10% of outstanding amount Additional fees: 60 days late: \$105 90 days late: \$140	10% of outstanding amount	10% of outstanding amount (\$10 minimum)	10% of outstanding amount
Expired Insurance or Registration Fee		\$50 per mo. until current	\$28.35 per day		
Security Deposit/ Performance Fee	2 months' rent + key deposit	1 month's rent		1 month's rent	1 month's rent plus incremental amount for length of boat
Electricity	Metered \$0.1478 and/or PG&E current rate (minimum \$9.86 per mo.)	28' = \$10 per mo. 28' - 39' = \$15 per mo. 40' - 47' = \$20 per mo. 48' - 55' = \$30 per mo. 56' - 59' = \$50 per mo. 60' = \$100 per mo.	Included in rent	PG&E established rates per kilowatt hour -metered	20' = \$5 per mo. 25' = \$6 per mo. 30' = \$8 per mo. 35' = \$10 per mo. 40' = \$12 per mo. 45' = \$15 per mo.

Recommendation

Conduct a public hearing and approve a resolution adopting the Marina Fee Schedule to establish user fees and service charges for the Martinez Marina.





Questions?



Kat Galileo

From: Martinez, CA <webmaster@cityofmartinez.org>
Sent: Wednesday, October 23, 2024 10:24 AM
To: CityClerk
Subject: *NEW SUBMISSION* Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Public Comment

Submission #: 3569476
IP Address: 66.234.208.219
Submission Date: 10/23/2024 10:24
Survey Time: 3 minutes, 30 seconds

You have a new online form submission.

Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Public Comment

For City Council and Council Subcommittee Meetings and Agenda Items

To submit written comments for an upcoming City Council meeting, complete the form details below. Upon submission, the City Clerk will receive your comments and forward them to the City Council in advance of the meeting. Comments must be submitted by 12pm the day of the meeting.

Name

Emily Leutzinger

Company/Organization (If Applicable)

City Council Meeting Date

10/23/2024 10:20 AM

For a list of upcoming meetings dates visit: www.cityofmartinez.org/government/meetings-and-agendas

I wish to speak on:

Non-Agenda Item or Topic

Comment

I would like to voice my concerns about the speeding cars on Berrellesa and Alhambra. I live in downtown Martinez and I hardly feel comfortable crossing streets with my 8 month baby due to the number of accidents, near accidents, speeding cars, and failure of cars to stop at crosswalks right outside my house, which is near the downtown fire station.

Thank you,
Martinez, CA

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Kat Galileo

From: Martinez, CA <webmaster@cityofmartinez.org>
Sent: Tuesday, October 22, 2024 3:19 PM
To: CityClerk
Subject: *NEW SUBMISSION* Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

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Public Comment

Submission #: 3567791
IP Address: 144.46.104.12
Submission Date: 10/22/2024 3:18
Survey Time: 9 minutes, 26 seconds

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Public Comment

For City Council and Council Subcommittee Meetings and Agenda Items

To submit written comments for an upcoming City Council meeting, complete the form details below. Upon submission, the City Clerk will receive your comments and forward them to the City Council in advance of the meeting. Comments must be submitted by 12pm the day of the meeting.

Name

Paul Hollidge

Company/Organization (If Applicable)

City Council Meeting Date

10/23/2024 07:00 PM

For a list of upcoming meetings dates visit: www.cityofmartinez.org/government/meetings-and-agendas

I wish to speak on:

Non-Agenda Item or Topic

Comment

The Honorable Members of the Martinez City Council 525 Henrietta Street Martinez, CA 94553 Dear Honorable Council Members, I am writing to urge you to ensure that the Martinez Police Department takes all necessary measures to uphold the law and protect businesses and lives during this election season. As we approach the elections, it is crucial that our community remains a safe and respectful environment for all residents, business owners, and visitors. Unfortunately, there have been concerns about potential disruptions and violence. We have all seen what has happened in other communities when proper preparatory measures were not taken and law enforcement was held back. I respectfully request that the city council: 1. Directs the police department to increase

patrols in high-density areas and business districts. 2. Ensure that our city will not tolerate the willful destruction of property and that officers be allowed to handle potentially volatile situations. 3. Collaborates with local business owners to address concerns and prevent potential issues. By taking these steps, you can help ensure that our city remains a beacon of safety for the citizens and business owners in our community. Thank you for your dedication to our community. Paul and Lisa Hollidge

Thank you,
Martinez, CA

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