

ORDINANCE NO. 6489A
(NEW SERIES)

AN ORDINANCE AMENDING SECTIONS 63.25.4, 63.25.5, 63.25.6, 63.25.7 AND 63.25.8 OF THE SAN DIEGO MUNICIPAL CODE REGULATING OPERATION OF WATERCRAFT IN MISSION BAY.

BE IT ORDAINED by the Council of The City of San Diego as follows: Section 1. That Sections 63.25.4, 63.25.5, 63.25.6, 63.25.7, and 63.25.8 of the San Diego Municipal Code be and the same are hereby amended to read as follows:

"SEC. 63.25.4 MISSION BAY REGULATIONS—SPEED OF WATERCRAFT

(a) No person shall operate a boat, vessel or other watercraft upon Mission Bay at a speed greater than is reasonable or prudent, having due regard for other vessels, property and persons on said Mission Bay, and in no event at a speed which endangers the safety of persons or property; provided however, that no person shall operate a boat, vessel, or other watercraft upon Mission Bay at a speed greater than five (5) nautical miles per hour between sunset and sunrise.

(b) In order to assure greater safety for all citizens using the Mission Bay recreational facilities, the City Council may, by resolution, establish prima facie speed limits for any area or areas of Mission Bay, and, when such limits are posted in or at the entrances to such areas, they shall be as fully effective as specified herein.

(c) The prima facie speed limit shall be five (5) nautical miles per hour in the following areas:

1. Within one-hundred feet (100) of a beach frequented by bathers; provided, however, that this subsection shall not apply in water areas where swimming is prohibited by ordinance or regulation and is so posted.

2. Within one hundred feet (100) of a boat, canoe, swimming flat or platform, or lifeline.

3. Under bridges.

(d) The speed of any vessel in excess of the limits specified in the preceding sub-section (c) or limits established and posted pursuant to the preceding sub-paragraph (b) is prima facie unlawful and a violation of this sub-section unless the defendant establishes by competent evidence that any speed in excess of said limits did not constitute a violation of the basic rule declared in sub-section (a) hereof, at the time, place and under the conditions then existing.

(e) These regulations shall not apply to City-owned, operated, or commandeered vessels; and the prima facie speed limits shall not, but the basic speed law shall, apply to vessels contending in a race pursuant to Section 63.25.11 when such vessel is being operated within the scope of the permit for said race.

"SEC. 63.25.5 MISSION BAY

REGULATIONS — RECKLESS OR DRUNKEN DRIVING

No person shall drive or operate a boat, vessel, or other watercraft on Mission Bay while under the influence of intoxicating liquor or in so reckless a manner as to indicate either a willful or wanton disregard for the safety of persons or property.

"SEC. 63.25.6 MISSION BAY REGULATIONS—WATER SKIING

(a) No water skier, aquaplaner or free-boarder and the towing boats therefor shall operate within 100 feet of another boat, canoe, paddleboard, float, swimmer, fisherman, or the beach except when taking off or landing in prescribed areas posted by the City for this purpose.

(b) In prescribed areas for water skiing, all motor boats shall adhere strictly to a counter-clockwise pattern regardless of the number of boats in the area, and shall be subject to the control and supervision of the authorized representative of the City. The sounding of a siren shall be a warning for all motor boats to beach immediately.

(c) Operators of or observers in motor boats shall signal with one arm in the air when a person or other hazardous object is in the water adjacent to or in the vicinity of their boat. Such person shall cut the motor completely when rescuing any person from the water into the boat.

"SEC. 63.25.7 MISSION BAY REGULATIONS — SIRENS AND MUFFLERS

(a) No person shall sound or operate or cause to be sounded or operated a siren on a vessel within the limits of Mission Bay Park. This provision shall not apply to City-owned, operated, or commandeered vessels. This section shall not preclude vessels from being provided with sound producing devices as required by the appropriate Coast Guard regulations.

(b) Except as provided in Section 63.25.11, every watercraft equipped with an internal combustion engine operated on Mission Bay shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-out, by-pass or a similar device.

"SEC. 63.25.8 MISSION BAY REGULATIONS — TOWING VESSELS

(a) Any motor boat in the process of towing any object shall be manned by two persons—an operator and an observer. The operator shall watch ahead at all times. The observer shall watch the towed object and advise the operator of any hazard. All occupants of a boat must remain in their seats while the boat is in operation. Towing line or lines must not exceed 75 feet in length.

(b) A motor boat in the process of towing has the right of way, and other boats shall not overtake or

follow at a distance of less than 200 feet in the wake of a boat in the process of towing."

Section 2. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Passed and adopted by the Council of the City of San Diego, California, this 26th day of April, 1955, by the following vote, to-wit:

YEAS—Councilmen: Burgener, Win-cote, Schneider, Kerrigan, Dail, God-frey, Mayor Butler.

NAYS—Councilmen: None.

ABSENT—Councilmen: None.

JOHN D. BUTLER,
Mayor of The City of
San Diego, California.

FRED W. SICK,
City Clerk of The City of
San Diego, California.

(SEAL)
By HELEN M. WILLIG, Deputy.

1 HEREBY CERTIFY that the

foregoing ordinance was not finally passed until six calendar days had elapsed between the day of its introduction and the day of its final passage, to-wit, on the 19th day of April, 1955, and on the 26th day of April, 1955.

I FURTHER CERTIFY that the reading of said ordinance in full prior to its final passage was dispensed with by a vote of not less than four members of the Council, and that there was available for the consideration of each member of the Council prior to the day of its final passage a written or printed copy of said ordinance.

FRED W. SICK,
City Clerk of The City of
San Diego, California.

(SEAL)
By HELEN M. WILLIG,
Deputy.

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