

ORDINANCE NO. U 14-0013

AN URGENCY ORDINANCE OF THE CITY OF
MANHATTAN BEACH AMENDING CHAPTERS 5.16, 12.08,
AND 12.40 OF THE MANHATTAN BEACH MUNICIPAL
CODE REGARDING FISHING AND PIER REGULATIONS,
AND DECLARING THE URGENCY THEREOF

WHEREAS, the City Council wishes to encourage public access and protect the rights of all recreational users of the coastal area, including fishers, swimmers, surfers, and other recreational users; and

WHEREAS, the City Council wishes to adopt reasonable regulations to achieve the proper balance so that all users of the pier and the ocean, including swimmers, surfers, fishers, and other recreational users, can have access to the coastal area without being exposed to life-threatening and dangerous incidents.

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS
FOLLOWS:

Section 1. The City Council hereby amends Chapter 5.16 (“Fish and Fowl”) of Title 5 (“Sanitation and Health”) of the Manhattan Beach Municipal Code by amending Section 5.16.010 to read as follows:

“5.16.010 Molesting park or beach animals, waterfowl, birds, fish, nests or eggs.

It shall be unlawful for any person to molest, hunt, disturb, injure, shoot at, take, net, poison, wound, harm, kill or remove from any park, beach or riding and hiking trail any kind of animal, waterfowl, bird, fish, nest or eggs except:

A. When necessary to avoid bodily harm.

B. When fishing in inland waters as permitted by the City Manager or his duly authorized representative.

C. If requested by the Administrative Head of a park containing a nature museum, he may capture such an animal, waterfowl, bird, fish, nests or eggs and deliver it unharmed to the Administrative Head.

D. If a person is a duly authorized park employee and is doing so in the performance of his duties.

E. When fishing from the City pier or surf in accordance with the regulations in this Code.”

Section 2. The City Council hereby amends Chapter 12.08 (“Beach Regulations – Rules and Regulations”) of Title 12 (“Beaches, Parks and Recreation”)

of the Manhattan Beach Municipal Code by amending Section 12.08.100 to read as follows:

“12.08.100 Fishing.

No person shall:

A. Cast, extend, set, use or draw, or assist in casting, extending, setting, using or drawing any seine or net of any kind for the purpose of catching fish within a distance of one mile from the mean high tide line of the City.

B. Place, throw, or cast fish or parts thereof (“chum”) or other debris into the water.

C. Fish with any line other than a monofilament line. A maximum 40 lb. test line weight is allowed.

D. Fish with any steel, metal, or braided leader line.

E. Fish with any hooks larger than a 4/0 or 3 inches in length by 2 inches in width.

F. Fish using more than two hooks on a single line.

G. Fish with any fishing tackle, line, hook or other equipment in a manner that is dangerous to persons using the beach or the water. Any person fishing from the beach shall comply with any direction given by the City’s police officers or any lifeguards as may be necessary to safeguard lives, persons and property near or in the vicinity of any person fishing.”

Section 3. The City Council hereby amends Chapter 12.40 (“Wharf Regulations”) of Title 12 (“Beaches, Parks and Recreation”) of the Manhattan Beach Municipal Code by amending Section 12.40.030 to read as follows:

“12.40.030 Refuse on pier.

It shall be unlawful for any person to leave any paper, fish, fish bait, clam shells, fish remnants, or any other debris of any kind or character upon the pier. Every person bringing the same, or any luncheon, or any fish bait or tackle upon the pier shall keep the same in a receptacle or package, and when leaving the pier, shall remove the same from the pier and leave thereon no litter or debris of any kind.”

Section 4. The City Council hereby amends Chapter 12.40 (“Wharf Regulations”) of Title 12 (“Beaches, Parks and Recreation”) of the Manhattan Beach Municipal Code by adding a new Section 12.40.090 to read as follows:

“12.40.090 Pier fishing.

It shall be unlawful for any person to:

A. Fish with more than one fishing line or cast out more than one fishing line at the same time on or from any part of the pier, whether such line is attached to a fishing rod or not.

B. Cast a line by swinging said line above the iron railing on the pier or by swinging or casting said line overhead from a pole or from the hand. Casting must be from below the level of the railing of the pier.

C. Place, throw, or cast from the pier any fish or parts thereof ("chum") or other debris into the water.

D. Cast any line other than a monofilament line from the pier. A maximum 40 lb. test line weight is allowed.

E. Cast any steel, metal, or braided leader line from the pier.

F. Cast with any hooks larger than a 4/0 or 3 inches in length by 2 inches in width from the pier.

G. Fish from the pier using more than two hooks on a single line.

H. Fish from any area of the pier easterly of the City's posted "No Fishing" signs.

I. Clean or gut fish or other marine life on the pier.

J. Fish from the pier with any fishing tackle, line, hook or other equipment in a manner that is dangerous to persons using the beach, the pier, or the water. Any person fishing from the pier shall comply with any direction given by the City's code enforcement officers or police officers as may be necessary to safeguard lives, persons and property near or in the vicinity of any person fishing."

Section 5. The City Council hereby repeals Manhattan Beach Municipal Code Section 12.08.290.

Section 6. The City Clerk is hereby directed to change all references to the term "wharf" in the Manhattan Beach Municipal Code to "pier."

Section 7. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. It is therefore exempt from California Environmental Quality Act review pursuant to Section 15061(b)(3) of the CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000 *et seq.*). In addition, this Ordinance is exempt under CEQA Guidelines Sections 15307 and 15308 because

the Ordinance amends the City's fishing and pier regulations in a manner that would protect natural resources and the environment.

Section 8. On July 5, 2014, a swimmer was bitten by a juvenile white shark that had been caught by an individual fishing from the pier. Over the past several months, there have been reports of other large sharks in the area. The media has reported that some pier fishers are using bait and other fishing equipment to attract and catch sharks, which endangers the safety of swimmers and surfers. On July 15, 2014, the City Council declared an emergency and nuisance, temporarily prohibiting fishing on the pier in order to give the City time to develop reasonable regulations to protect recreational users and maintain access to coastal waters. The City's Municipal Code already contains regulations regarding fishing and the use of the pier, but the existing regulations do not adequately protect the public safety while maintaining access for all recreational users. Based upon the foregoing facts, the City Council finds and determines that it is necessary to adopt this Ordinance on an urgency basis for the immediate preservation of the public peace, health or safety. For these reasons, the public peace, health, safety and welfare require that this Ordinance take effect immediately. This is an urgency ordinance within the meaning of Government Code Section 36937(b) and shall take effect immediately.

PASSED, APPROVED AND ADOPTED this _____ of _____, 2014.

AYES:
NOES:
ABSENT:
ABSTAIN:

AMY THOMAS HOWORTH
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney