

ORDINANCE NO. 1562

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE TITLE X, CHAPTER 3, REGULATIONS FOR USE OF THE ARCATA MARSH AND WILDLIFE SANCTUARY, TO UPDATE OVERNIGHT TIME RESTRICTIONS

Recitals

WHEREAS, the City recognizes that the Arcata Marsh and Wildlife Sanctuary (AMWS) provides exceptional coastal access and bird watching opportunities;

WHEREAS, over the past couple years incompatible overnight uses in the AMWS have increased;

WHEREAS, community groups such as Friends of the Arcata Marsh (FOAM) and Redwood Region Audubon have requested the City seek effective ways to discourage these incompatible uses particularly during the evening times, and in summer of 2022 FOAM volunteers assisted the City in understanding patterns of parked vehicles at the Marsh during evening and early morning hours;

WHEREAS, the City has implemented improvements along South I Street through the Marsh with the intention of increasing both pedestrian and wildlife safety, including a gravel walking shoulder on South I Street north of the first parking lot, additional signage about wildlife crossings, advisory speed limit signage, and planned speed humps;

WHEREAS, the City has an opportunity to provide additional benefits to wildlife by restricting motorized vehicles during the night time hours;

WHEREAS, the proposed overnight use time restrictions would be more consistent with the operating hours of the City's other parks (excepting the Plaza in the downtown commercial core), and other City parks are closed from sunset to sunrise;

WHEREAS, the AMWS provides coastal access such that an addition of one hour after sunset would not restrict coastal access in the evening;

WHEREAS, the proposed overnight use time restrictions are consistent with other public coastal access areas in the Humboldt Bay region such as Mad River Beach County Park and the Ma-le'l Dunes Unit of Humboldt Bay Wildlife Refuge;

WHEREAS, the City installed a gate on South I Street to enable enforcement of the overnight hours restriction; however, the current closure hours of midnight to 4am are not in line with the City's other parks and facilities with gates (Arcata Community Center, Arcata Skatepark and Redwood Park) creating a limited ability for APD staff to enforce the current Marsh gate closure hour and sweep through South I Street at midnight;

WHEREAS, the proposed use hours of sunrise to one hour after sunset are supported by bird and wildlife-focused community groups;

WHEREAS, the City Council recites these facts as true and correct and incorporates them as findings that support adoption of this Ordinance.

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

Section 1. Title X (Public Property), Chapter 3 (Regulations for use of the Arcata Marsh and Wildlife Sanctuary), Sections 10605 and 10635 of the Arcata Municipal Code are hereby amended as shown by the following strikethrough for deletions and double underscore for additions:

TITLE X—PUBLIC PROPERTY
CHAPTER 3—REGULATIONS FOR USE OF THE ARCATA MARSH AND WILDLIFE
SANCTUARY
ARTICLE 1 – GENERAL PROVISIONS

SEC. 10600. Access generally.

Access to all marshes will be restricted from public use unless specifically authorized by the Director of Environmental Services or his designee.

SEC. 10605. Motorized vehicles, overnight parking.

Motorized vehicles will be restricted to the South I Street extension and parking lots. Parking will be allowed only in designated parking lots. Parking shall be prohibited on South the I Street extension, in the South I Street parking lot, and in the Interpretive Center parking lot, between one hour after sunset and sunrise except for special events and permits issued or authorized by the City, between the hours of 12:00 a.m. and 4:00 a.m.

SEC. 10610. Hunting.

No hunting will be allowed within 100 yards of the land and open water adjacent to the Arcata Marsh and Wildlife Sanctuary and the Arcata Oxidation Pond.

SEC. 10615. Leash law.

The Arcata leash law for animals will be strictly enforced at the site.

SEC. 10620. Access.

Access to the outer dikes of George Allen and Robert Gearheart Marshes will be prohibited from public use unless specifically authorized by the Director of Environmental Services or his designee.

SEC. 10625. Air space.

The air space above the Marsh will be restricted to the heights established by the Federal Aviation Authority. Restrictions include the use of hang gliders, kites, model airplanes, and hot air balloons.

SEC. 10630. Horses.

Horses will be restricted to the use of the I Street and the parking lot areas.

SEC. 10635. Camping

The entire site will be closed from one hour after sunset to 4:00 a.m. sunrise, unless specifically authorized by the Director of Environmental Services or his designee. No overnight camping is allowed.

SEC. 10640. Model boats.

All motorized model boats will be restricted to the westerly one-quarter of Franklin R. Klopp Recreational Lake.

SEC. 10645. Boats generally.

No boats will be allowed in any water body of the Sanctuary except for Humboldt Bay and Butcher's Slough unless specifically authorized by the Director of Environmental Services or his designee.

SEC. 10650. Fishing.

Fishing is prohibited in the Sanctuary with the exception of the south side of Klopp Lake and Humboldt Bay. Fishing is restricted to the use of artificial flies and lures in accordance with Article 7, Section 13.39 of the California Sport Fishing Regulations. A valid California Sport Fishing License is required in all areas.

SEC. 10655. Trees.

Trees and shrubs to be planted must be on the approved list and in the areas designated for planting by the Wetlands and Creeks Advisory Committee.

SEC. 10656. Release of Animals.

A. The City Council finds that the presence of non-native animals in the Arcata Marsh and Wildlife Sanctuary disrupts the native ecology of that environment. The presence of non-native species is due in part to their release by people.

B. It shall be unlawful to release or cause the release of any animal into the Arcata Marsh and Wildlife Sanctuary, except when specifically authorized by the Director of Environmental Services.

C. It shall be unlawful to release or cause the release of any animal into any area adjoining or in such proximity of the Arcata Marsh and Wildlife Sanctuary such that said animal could reasonably be expected to migrate into the Arcata Marsh and Wildlife Sanctuary.

D. The Director of Environmental Services, or his/her designee, is authorized to impound and remove all non-native animals found in the Arcata Marsh and Wildlife Sanctuary. The Director, or his/her designee, shall deliver the impounded animals to the Sequoia Humane Society for processing in accordance with the internal procedures of the Humane Society.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: CEQA. Based on the statements and findings recited above, the City Council finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal Code Regs. Section 15307 of the CEQA Guidelines, Actions Taken by Regulatory Agencies to Protect Natural Resources, and 14 Cal Code Regs. Section 15308, Actions Taken by Regulatory Agencies to Protect the Environment.

This Ordinance shall take effect thirty (30) days after the date of its adoption.

DATE: January 4, 2023

ATTEST:

/s/ Bridget Dory
City Clerk, City of Arcata

APPROVED:

/s/ Sarah Schaefer
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1562, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the 4th day of January, 2023, by the following vote:

AYES: **SCHAEFER, MATTHEWS, ATKINS-SALAZAR, STILLMAN, WHITE**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Bridget Dory
City Clerk, City of Arcata