ORDINANCE NO. 2011-10

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDING CHAPTER 13.14 TO THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO SURF SCHOOLS

BE IT ORDAINED By The City Of Santa Cruz As Follows:

SECTION 1. Chapter 13.14 is hereby added to the Santa Cruz Municipal Code to read as follows:

Chapter 13.14
SURF SCHOOL REGULATIONS

Sections:

13.14.010 Application of Chapter
13.14.020 Surf School Regulations
13.14.030 Surf School Permits and Permit Fees
13.14.040 Indemnification
13.14.050 Penalties

13.14.010 Application of Chapter.

This chapter shall apply to all surf schools that operate at Cowell Beach Waters. As used in this chapter "Cowell Beach Waters" is defined as from Collins Cove to Cypress Point. As used in this chapter, the term "surf school" is defined as any person, business or other entity, which, for compensation, teaches individuals how to board surf, body surf, boogie board, kayak surf, windsurf, kite surf, stand up paddle or perform any other ocean sport entailing the use of sport-related equipment such as, but not limited to, boards, paddles or boats.

13.14.020 Surf School Regulations.

A. Student to Instructor Ratio. Subject to subsection E, the maximum student to instructor ratio for surf schools which provide board surfing, stand up paddle, body surfing or boogie board lessons shall be four (4) students per one (1) instructor; the maximum student to instructor ratio for surf schools which provide other types of lessons shall be two (2) to one (1).
B. Maximum Total of Surf School/ Surf Schools Students. A maximum of four (4) surf schools will be permitted within the City to conduct surf lessons at Cowell's Beach. The total number of surf school students using Cowell's Beach during any single period of time shall not exceed thirty-two (32) students however, no surf school students shall be allowed in the water between sunset and 7 a.m.
C. Surf School Instructor Qualifications. Every surf school instructor shall at a minimum have the following current certifications and qualifications: Basic First Aid and CPR.
D. Surf School Uniforms. Surf schools while conducting their operations at Cowell's Beach, shall assure that all students and instructors wear uniform shirts or vests identifying their respective surf schools. Said shirts or vests shall be sufficiently distinctive in color or design so as to allow lifeguards and Fire

Department and Police Department personnel to differentiate between surf schools. The City when issuing surf school permits may designate the color shirt or vest to be employed by a surf school for this purpose. The name of the surf school or logo shall be displayed prominently on the back of the vest. The colors of a surf school's instructor uniform shirts and student uniform shirts shall be the same; however the instructor's shirt shall be imprinted with the designation "INSTRUCTOR" so as to allow for the ready differentiation between the surf school's instructor and the surf school's students.

E. Surf School Board Surfing Equipment. Surf schools which provide board surfing lessons at Cowell's Beach shall, while conducting said lessons, use only soft foam boards with flexible rubber fins and leashes.

F. Surf School Insurance. Surf schools shall not be permitted to conduct operations at Cowell's Beach unless and until they have provided to the City proof that they currently have in place liability insurance in an amount prescribed by the Risk Manager as well as worker's compensation insurance as required by state law.

G. Other Applicable Regulations. Surf schools that conduct operations at Cowell's Beach shall comply with all other applicable federal, state and local statutes and regulations including but not limited to Santa Cruz Municipal Code Chapters 13.08 and 13.10 pertaining to beaches and parks and the commercial use of beaches and parks, Santa Cruz Municipal Code Chapter 5.04 pertaining to business license taxes and applicable California Labor Code statutes governing employment including statutes governing wages, hours and worker's compensation.

H. All surf school classes are required to stage and to enter and exit the water only at Cowell's Beach and only at that portion of Cowell's Beach up coast from Collin's Cove.

13.14.030 Surf School Permits and Permit Fees.

A. Permits. No surf school shall conduct operations at Cowell's Beach without first obtaining a permit to do so from the City Parks and Recreation Department. The permit shall assure compliance with the surf school regulations set forth in Section 13.14.020 and at a minimum shall specify the following:

1. The maximum number of instructors and students the permitted surf school may have while conducting its operations.
2. The type and color of uniform shirt or vest to be worn by surf school instructors and students.
3. The types of equipment that may be used by the permitted surf school while conducting its operations.
4. If necessary to assure that the maximum number of surf school students specified in Section 13.14.020.B is not exceeded, the days of the week and/or hours of the day during which the permitted surf school shall be authorized to operate at Cowell's Beach.

B. Permit Fees. The City Parks and Recreation Department shall assess permit fees to surf schools, which shall be due and payable in full at the time of permit issuance. The amount of the fee shall be set by the Director of Parks and Recreation and shall correspond to the costs incurred by the City in administering this ordinance, cleaning and maintaining the beach to the extent necessitated by

the surf school use of the beach, regulating surf schools in accordance with this ordinance and providing public safety services attributable exclusively to the operation of surf schools at Cowell's Beach. To this end, to the extent it is necessary for the City to employ lifeguards or other law enforcement or emergency response personnel that would not otherwise be required but for the conduct of surf school operations at Cowell's Beach, as part of its permit fee assessment the City may recover from those surf schools on a pro rata basis the costs it incurs employing said lifeguards, law enforcement personnel or emergency response personnel.

13.14.040 Indemnification.

No surf school shall conduct operations at Cowell's Beach without first executing an agreement by which it obligates itself to indemnify the City against and hold the City harmless from all claims for death, personal injury or property damage caused or allegedly caused by the surf school's operations. The indemnification/hold harmless agreement shall be in a form approved by the City Attorney. Surf school liability insurance procured by surf schools to comply with Section 13.14.020(F) shall name the City as an additional insured.

13.14.050 Penalties.

Any person or entity operating a surf school in the City in violation of any of the provisions of this Chapter or in violation of any of the conditions set forth in the applicable surf school permit shall be guilty of an infraction. Three violations within one year period shall constitute grounds for permit revocation.

SECTION 2. This ordinance shall be in force and take effect thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 13 day of September, 2011, by the following vote:

AYES: Councilmembers Robinson, Beiers, Madrigal, Terrazas, Bryant, Vice Mayor Lane; Mayor Coonerty.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Ryan Coonerty
Mayor

ATTEST: ss/Bren Lehr
City Clerk Administrator

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PASSED FOR FINAL ADOPTION this 27th day of September, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED:_____
Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2011-10 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

_____
City Clerk Administrator