

Article 3: Public Parks, Playgrounds, Beaches, Tidelands and other Property**Division 15: Limitations on Possession, Sale, and Disposal of *Caulerpa* Algae**

(“*Limitations on Possession, Sale, and Disposal of Caulerpa Algae*”

added 8-6-2001 by O-18967 N.S.)

§63.1501 Legislative Findings and Intent of Division

The Council finds that the decorative algae known as the genus *Caulerpa* that is used in home and office aquariums is an invasive plant pest that is highly injurious to marine animal and plant life. *Caulerpa* has been found in the ocean off the City of Carlsbad, just twenty miles to the north of this City. The Council finds that *Caulerpa* most likely enters the ocean by means of storm drains into which people have dumped their waste from aquariums, which includes pieces of *Caulerpa*. Without drastic, local, preventive measures, this algae may spread and kill flora and fauna in the oceans within this City’s jurisdiction. The purposes of this division are to establish laws that prevent the possession, sale, or distribution of *Caulerpa* in the City of San Diego and to prevent the improper disposal of *Caulerpa* into the City’s waterways, storm drains, and ocean.

(Added 8-6-2001 by O-18967 N.S.)

§ 63.1502 Possession, Sale, or Improper Disposal of *Caulerpa* Unlawful

Except as provided in this division, it is unlawful for any person:

- (a) to sell, possess, transport within this City, transfer, or make a gift of any salt water algae of the genus *Caulerpa*; or,
- (b) to release alive into the City’s waterways, storm drains or ocean any salt water algae of the genus *Caulerpa*.

(Added 8-6-2001 by O-18967 N.S.)

§ 63.1503 Bona Fide Scientific Research Exception

A person may possess or transport specimens of the algae genus *Caulerpa* for bona fide scientific research or for identification purposes. Whether the research is bona fide shall be determined by a senior marine biologist of the City’s Water or Metropolitan Wastewater Departments, or their successor departments.

(Added 8-6-2001 by O-18967 N.S.)

§ 63.1504 Acceptable Methods of Disposal

Acceptable methods of disposal shall be determined by the City's Water Department after consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, or the National Marine Fisheries Service.

(Added 8-6-2001 by O-18967 N.S.)

§ 63.1505 Penalties

- (a) A violation of this division constitutes an infraction punishable by a fine of up to \$250 per violation. The designated Enforcement Official may also seek injunctive relief in the Superior Court pursuant to Municipal Code section 12.0202.
- (b) Each day a violation of this division persists constitutes a separate violation.
- (c) Any fine that is levied under this division for violation of section 67.4502 may be waived by the City if the violator disposes of the algae by an acceptable method, as determined by the City's Water Department under section 63.1504.

(Added 8-6-2001 by O-18967 N.S.)