

RICHARDSON BAY REGIONAL AGENCY

ORDINANCE NO. 91-1

AN ORDINANCE OF THE RICHARDSON BAY REGIONAL AGENCY, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 87-1 BY ADDING SECTIONS 1(l) AND (m), 4(e), 13 "BEACHED VESSELS", AND 14 "TOWING, IMPOUND AND STORAGE" AND AMENDING SUBSECTION (b) OF SECTION 4 ENTITLED "HARBORMASTER", SUBSECTION (a) OF SECTION 5 ENTITLED "PERMITS, ANCHORING AND MOORING", SECTION 8 "REGULATIONS OF SPEED AND SAFETY", SECTION 9 ENTITLED "DISCHARGE OF REFUSE", AND SECTION 10 "PENALTIES"

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The Richardson Bay Regional Agency does ordain as follows:

Section 1. The Title and Preamble to Ordinance 87-1 are amended to read as follows:

AN ORDINANCE OF THE RICHARDSON BAY REGIONAL AGENCY, STATE OF CALIFORNIA, ESTABLISHING RULES AND REGULATIONS FOR USE, FOR ANCHORING, AND FOR MOORING IN RICHARDSON BAY AND BELVEDERE COVE.

IV. WHEREAS, the Richardson Bay Regional Agency desires to adopt regulations pertaining to the anchoring and mooring of transient vessels in Richardson Bay and Belvedere Cove, to implement the policies contained in the Richardson Bay Special Area Plan. (Rev.5-91)

Section 2. Section 1 of Ordinance 87-1, entitled "Definitions" is amended to add subsection (l) Transient Vessels and (m) Personal Water Craft to read as follows:

(l) Transient Vessels: a vessel that is not regularly anchored, moored or berthed in Richardson Bay.

(m) Personal Water Craft: any motorized vessel which has an internal combustion engine powering a water-jet pump, or a fully covered propeller chamber as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel. This term shall include, but is not limited to, vessels commonly known as "Jet Skis", "Wet Bikes", "Surf Jets", and "Sea-Doo".

Section 3. Subsection (b) of Section 4 of Ordinance 87-1, entitled "Harbormaster" is amended to read as follows:

(b) The Harbormaster and his designee/assistant, acting under the orders and jurisdiction of the Richardson Bay Regional

Agency or its designated representative shall have full authority in the enforcement of all ordinances and regulations affecting Richardson Bay, including, but not limited to, the power to issue infraction citations. The Harbor master and his designee/assistant shall act as the Agency's Marine Safety Officer. The Harbormaster and his designee/assistant shall have concurrent jurisdiction to issue such citations for violations of member City and County ordinances relative to Richardson Bay. The appropriate Law Enforcement Department of each member City and County is hereby authorized to issue misdemeanor citations for violations of this, and any ordinance of the Richardson Bay Regional Agency.

Section 4. Subsection (e) is added to Section 4 of Ordinance 87-1 to read as follows:

(e) The Harbormaster and his designee/assistant, are authorized to stop and board any vessel for the purpose of inspecting for compliance with laws within their authority, and for the purpose of enforcing such laws in conformity with state and federal laws.

Section 5. Subsection (a) of Section 5 of Ordinance 87-1, entitled "Permits, Anchoring and Mooring" is amended to read as follows:

(a) Any person may temporarily anchor a vessel for a period not more than 72 hours, in any 7 day period, in the designated anchorage areas without a permit. No person may anchor a vessel in the non-designated anchorage areas at any time. The Harbormaster is authorized to require persons to relocate vessels within the designated anchorage areas.

Section 6. Section 6 of Ordinance 87-1, entitled "Residential Use of Houseboats or Vessels Prohibited", is amended to read as follows:

(a) Living aboard a houseboat or vessel anchored or moored in Richardson Bay is prohibited. The Harbormaster may issue a permit to transient vessels to anchor in the designated anchorages for more than 72 hours provided that the Harbormaster determines that no permanent residential use is intended. In such cases, the Harbormaster shall issue a permit valid for 30 days. This permit may be renewed for 2 additional 30 day periods at the Harbormaster's discretion.

Section 7. Section 8 of Ordinance 87-1 is amended to read as follows:

(a) Within the limits of the anchorage areas; in Belvedere Cove: in the area of the Harbor west of Richardson Bay Bridge; and in the Sausalito Channel, starting at Spinnaker Point in the

east, extending to Richardson Bay Bridge west, bounded on the north by the Starboard Channel markers and extending southerly to the shoreline, no vessel shall exceed a speed limit of five (5) miles per hour. Within the Harbor, due caution must be observed at all times. No person shall operate a vessel within the Harbor in a reckless or negligent manner, or shall any person operate any vessel at a speed which will endanger life, limb, property or wildlife.

(b) No person shall operate a vessel within the Harbor north of the Starboard Channel markers at a speed in excess of five (5) miles per hour under the following conditions: (1) within two hundred feet (200 ft.) of any person who is swimming or bathing or sail boarding or rowing a boat; or (2) within two hundred feet (200 ft.) of any (a) beach or lifeline; or (b) swimming float, diving platform or lifeline; or (c) dock, way or landing float to which vessels are made fast, or which is used for embarking or discharging of passengers; or (3) within two hundred feet (200 ft.) of any home.

(c) Personal Water Craft are only permitted to operate on Richardson Bay between the hours of 10:00 a.m. and sunset. They may not be operated at any time in the Wildlife Refuse at the northeast end of Richardson Bay.

Section 8. Section 9 of Ordinance 87-1, entitled "Discharge of Refuse" is amended to read as follows: It shall be a violation of this ordinance to discharge or permit a discharge into the waters of the Harbor any refuse, treated or untreated sewage, petroleum or petroleum matter, paint, varnish or any other noxious chemical or foreign matter of any kind.

Section 9. Section 10 of Ordinance 87-1, entitled "Penalties" is amended to read as follows:

(a) Any person violating any of the provisions of this ordinance shall be guilty of an infraction unless the offense is otherwise designated a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500.00. Every day the violation continues to exist constitutes a separate offense.

(b) Whenever an individual has violated any of the provisions of this or any ordinance of the Richardson Bay Regional Agency, the Agency may require proof of correction of the violation, as an element of bail.

(c) Whenever an individual has been convicted three times in a twelve month period of violating any of the provisions of this or any Ordinance of the Richardson Bay Regional Agency, the Agency Attorney may elevate the current violation to a misdemeanor and prosecute it as such. The Agency Board hereby

states that the continuing violation of its Ordinance(s) is a serious matter that warrants aggressive prosecution.

Section 10. Section 13, entitled "Beached Vessels" is added to Ordinance 87-1 to read as follows:

(13) Except in an emergency, it shall be unlawful for the owner or person in control or custody of any vessel to ground or beach the vessel in Richardson Bay tide or submerged lands without express prior permission of the Harbormaster. If a vessel is beached in an emergency or otherwise, the registered or legal owner shall remove the vessel from its beached location within 5 calendar days of its original beaching.

Section 11. Section 14, entitled "Towing, Impound and Storage" is added to Ordinance 87-1 to read as follows:

(14) Towing, Impound and Storage: The Harbormaster and his designee/assistant are hereby authorized to remove and/or impound any vessel, or other object found in violation of any of the provisions of this ordinance or any ordinance of the Richardson Bay Regional Agency.

(a) The registered and legal owners of record, or the agent of any such vessel or object so removed and impounded, shall have the right to secure the release of such vessel or object after furnishing proof of such ownership to the Agency and after payment to the Agency of the reasonable costs and expenses for such removal, impound and/or storage. The Boater's Lien Law of the State of California shall apply to vessels.

(b) It is unlawful to move, remove or in any way tamper with an official RBRA impound buoy and/or anchor and any vessel attached and impounded thereto. Any person who violates this section is guilty of a misdemeanor.

Section 12. This ordinance shall be published once, not later than 15 days following its adoption in the Marin Independent Journal, a newspaper of general circulation printed and published in the County of Marin.

Section 13. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provisions to other persons or circumstances. The Agency declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof


irrespective of the fact that any one or more sections, subsections, sentence, clause or phrase be declared invalid.

PASSED AND ADOPTED at meeting of the Richardson Bay Regional Agency on the 13th day of June, 1991 by the following vote:

AYES: Agency Members: Aramburu, Coxhead, Otter, Ruedy, Chair Sweeny  
NOES: Agency Members: None  
ABSENT: Agency Members: None

  
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ROBIN SWEENEY, CHAIRPERSON  
RICHARDSON BAY REGIONAL AGENCY

ATTEST:

  
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THOMAS CAMPANELLA, AGENCY CLERK