

ORDINANCE NO. 19-1

AN ORDINANCE OF THE RICHARDSON'S BAY REGIONAL AGENCY
UPDATING DEFINITIONS, PROVIDING FOR VESSEL CONDITIONS REQUIRED FOR
MOORING AND ANCHORING IN RICHARDSON'S BAY, AND AMENDING THE
LOCATION OF APPEAL HEARINGS

WHEREAS, it is a goal of the Richardson's Bay Regional Agency ("Agency") to have a safe, healthy, and well-managed Richardson's Bay ("Bay"); and

WHEREAS, the Agency conducted a public process to help identify current conditions that inhibit the Agency in achieving its goal, and to assist the Agency in defining what vessel conditions are necessary for the Bay to be safe and healthy; and

WHEREAS, as a result of the public process, the Agency has determined that vessels that are unseaworthy or inoperable, or lack an adequate sanitation device pose health and safety risks and hazards to other vessels and persons on the Bay, to the ecology of the Bay, to docks and other property on the shore, and to public safety and other personnel; and

WHEREAS, the Agency has authority to establish rules and regulations for anchoring and mooring in the Bay; and

WHEREAS, the Agency wishes to amend its ordinances to update its definitions, to establish vessel conditions required for mooring and anchoring in the Bay for the health and safety of persons, property, and the environment, and to amend the location of its appeal hearings to reflect the departure of the City of Sausalito from the Agency,

NOW, THEREFORE, BE IT HEREBY ORDAINED that the Board of Directors of the Richardson's Bay Regional Agency does hereby ordain as follows:

SECTION I. Section 1.04.020, Definitions, is hereby amended to add or revise the following definitions:

Adequate vessel sanitation facility: An operable marine sanitation device or portable toilet approved by the United States Coast Guard as suitable to prevent direct discharge of human waste into Richardson's Bay.

Agency: Refers to the Richardson Bay Regional Agency established by Joint Powers Agreement in July 1985, and amended July 2018 to reflect the withdrawal of the City of Sausalito from the Agency.

Discharge: To spill, leak, pump, pour, emit, empty, dump, deposit, or throw.

Houseboat: A structure in the water that has a pontoon, flat-bottomed hull or similar configuration, and is generally not used for recreational or active navigational use.

Mooring: A means of fixing a floating vessel to the bottom in one location, temporarily or permanently, by use of cable lines, chains, anchors, weights, or other equipment, remaining attached to the bottom and not carried aboard such vessel as regular equipment when underway, and through its resistance to drag maintains a vessel within a given radius.

Operable: A vessel's ability to maneuver safely under its own power, using only its usual and customary equipment, from any place within the jurisdiction of the Agency to an inspection site authorized by the Harbor Master, and back to its point of origin.

Person: Any person, firm, association, organization, partnership, business trust, corporation or company, singular and plural.

Seaworthy: Operational thru hulls, hoses and sea cocks; bilge pumps are operational and bilges are free of oil; no loose debris or materials on deck; hull, keel, decking, cabin and mast are structurally sound and vessel is free of excessive marine growth, excessive delamination or excessive dry rot that compromises the vessel's integrity to stay intact and afloat without extraordinary measures; capable of operation to avoid striking vessels, persons, and or property should it break free from its anchor.

Sewage: Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

Vessel: Shall have the same meaning as set forth in California Harbors and Navigation Code Section 550(a) or successor statute as it currently exists or may hereinafter be amended. As of the date of the adoption of this ordinance, vessel includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.

SECTION II. Title 3, Vessels, is hereby amended to add the following:

3.04.050 Vessel Condition and Requirements

- a. Vessels anchored or moored in Richardson's Bay shall be seaworthy and operable. Exceptions may be granted by the Harbor Master to Agency-only regulations at his/her discretion following his/her determination that the owner of the vessel is using the bay as a temporary safe harbor and making a good faith effort to bring the vessel into compliance with Agency regulations.

The Harbor Master has no authority to grant exceptions to any state or federal requirements.

- b. Vessels anchored or moored in Richardson's Bay shall have current and valid registration with the California Department of Motor Vehicles or current and valid documentation with the United States Coast Guard.
- c. Richardson's Bay is a Federal No Discharge Zone, and overboard discharge of human waste is strictly prohibited. Each vessel must have a functional adequate marine sanitation device. Discharge of pet waste overboard within Richardson's Bay is also prohibited.

SECTION III. Title 6, Nuisance Code, is hereby amended as follows:

Section 6.04.050 Hearing Notice/Notice to Abate, subsection b, is amended to change the location to appear before the Richardson Bay Regional Agency Board to delete reference to Sausalito, and instead read as follows:

YOU ARE HEREBY NOTIFIED to abate said condition to the satisfaction of the Harbor Master within ____ days of the date of this Notice or to appear before the Richardson Bay Regional Agency Board at _____, Marin County, California.

SECTION IV. Effective Date

This ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the board members voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Richardson's Bay Regional Agency held on the 11th day of July, 2019, by the following vote:

AYES: BOARD MEMBERS Kathrin Sears, Marty Winter, Jim Wickham
NOES: NONE
ABSENT: BOARD MEMBERS Jim Fraser

Jim Wickham
CHAIR, BOARD OF DIRECTORS

ATTEST:

Beth Pollard
CLERK, BOARD OF DIRECTORS