

RICHARDSON BAY REGIONAL AGENCY

ORDNANCE NUMBER 24-01

OF THE RICHARDSON BAY REGIONAL AGENCY AMENDING THE RICHARDSON BAY REGIONAL AGENCY CODE

WHEREAS, it is the intention and responsibility of the Board of Directors of the Richardson Bay Regional Agency (Board) to make decisions affecting the future of Richardson Bay; and

WHEREAS, the Board has engaged with the community and stakeholders and to hear and understand concerns and suggestions about impacts of vessels and their occupants on the bay, habitat, ecosystems, and the shoreline; historical and cultural ties to the anchor out tradition; and risks to the health and safety of vessel occupants, public safety and other personnel, and shoreline residents; among other comments; and

WHEREAS, on September 8, 2021, the Richardson Bay Regional Agency (the Agency) entered an agreement with the Bay Conservation and Development Commission concerning removal of occupied vessels and preservation of habitat and committing the Agency to enforcement of provisions of the Richardson Bay Regional Agency Code (the Code), particularly those concerning limitation on the location and duration of anchoring; and

WHEREAS, the Board desires to revise the Code to clarify and strengthen the procedures for enforcing these provisions; and

WHEREAS, the Board has expressed support for the goal of a safe, healthy, and well-managed Richardson Bay,

In consideration of the foregoing, the Board of Directors of the Richardson Bay Regional Agency does ordain as follows:

Section 1. Adoption.

The Richardson Bay Regional Agency Code is hereby amended to read as set forth in Attachment 1.

Section 2. California Environmental Quality Act.

This ordinance is a regulatory action for the protection of natural resources and the environment and is therefore exempt from the requirements of the California Environmental Quality Act, pursuant to California Code of Regulations, title 14, sections 15307 and 15308.

Section 3. Severance Clause.

The Board declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause, and phrase of this ordinance is severable and independent of every other section, sub-

section, sentence, clause, and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause, or phrase is held invalid, the Board declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

Section 4. Publication.

A summary of this ordinance shall be published in a newspaper published in Marin County within fifteen days after its adoption.

NOW, THEREFORE, BE IT RESOLVED that the Richardson Bay Regional Agency by adoption of this Ordinance hereby authorizes amending the Richardson Bay Regional Agency Code.

Following a duly noticed public hearing, the foregoing ordinance was introduced at the regular meeting of the Board of Directors of the Richardson Bay Regional Agency held on July 11, 2024, and was adopted by the following vote on September 12, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

CERTIFICATION:

James K. Lynch, Board Chair

Karen Prows, Board Clerk

APPROVED AS TO FORM:

AGENCY COUNSEL

Proposed Revision to RBRA Code Section 4.06.010 (Redline)

Chapter 4.06
Vessel Impound

Section:

4.06.010 TOWING, IMPOUND, ~~AND STORAGE, AND DISPOSITION OF VESSELS~~

The Harbormaster and his or her designee are hereby authorized to remove and/or impound any vessel or other object found in violation of any of the provisions of this Code or any other ordinance of the Agency. Except as provided in Sections 3.04.060, 3.04.070, and 3.04.080 of this Code, or in any other circumstance governed by the Harbors and Navigation Code, removal or impoundment is subject to the following procedures:

- 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. If the owner or agent of any such vessel, watercraft or object cannot be found within Thirty (30) days or refuses upon demand to pay the lawful costs and expenses incurred by the Agency, the Agency may sell the property at public auction after publication of the sale is advertised in a newspaper of general circulation at least Five (5) days prior thereto, or the Agency may keep, destroy, or otherwise dispose of such property.
- c. The Executive Director or his or her designee is authorized to enter into contracts on behalf of the Agency with parties for the removal and impounding of any vessel, watercraft, or object found in violation of this Code or any other ordinance of the Agency.
- b.d. 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, or to move, remove, or in any way tamper with any vessel in a marina marked or designated as an impounded vessel.

Proposed Revision to RBRA Code Section 4.06.010 (Clean)

Chapter 4.06
Vessel Impound

Section:

4.06.010 TOWING, IMPOUND, STORAGE, AND DISPOSITION OF VESSELS

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- 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.
- b. If the owner or agent of any such vessel, watercraft or object cannot be found within Thirty (30) days or refuses upon demand to pay the lawful costs and expenses incurred by the Agency, the Agency may sell the property at public auction after publication of the sale is advertised in a newspaper of general circulation at least Five (5) days prior thereto, or the Agency may keep, destroy, or otherwise dispose of such property.
- c. The Executive Director or his or her designee is authorized to enter into contracts on behalf of the Agency with parties for the removal and impounding of any vessel, watercraft, or object found in violation of this Code or any other ordinance of the Agency.
- d. 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, or to move, remove, or in any way tamper with any vessel in a marina marked or designated as an impounded vessel.