

RICHARDSON BAY REGIONAL AGENCY

ORDINANCE NO. 87-1

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

THE RICHARDSON BAY REGIONAL AGENCY ORDAINS AS FOLLOWS:

PREAMBLE

- I. WHEREAS, the County of Marin, and the Cities of Belvedere, Mill Valley, Sausalito and Tiburon have adopted the Richardson Bay Special Area Plan, and
- II. WHEREAS, the Richardson Bay Special Area Plan contains policies which direct the formation of a Joint Powers Agency for the purpose of providing for local control of the anchorage areas of Richardson Bay and Belvedere Cove, and
- III. WHEREAS, the Richardson Bay Regional Agency was established by the County and the Cities in July 1985, and
- 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,

SECTION I. DEFINITIONS

- a. Agency: refers to the Richardson Bay Regional Agency established by Joint Powers Agreement in July 1985.
- b. Anchoring: attachment of a vessel to the bottom or the shore of Richardson Bay or Belvedere Cove, using equipment, lines, rope, chain or cable which is carried onboard the vessel as regular equipment when underway.
- c. Anchorage Area: any portion of the Harbor which has been designated by the Agency for the anchoring of vessels.
- d. Harbor: the Richardson Bay special anchorage and non-anchorage areas and the Belvedere Cove non-anchorage area as designated in 33CFR, and as further shown on the map in Exhibit A.
- e. Houseboat: a structure in the water, floating or not floating, used for an extended period of time for private residential use and generally not used for recreational or active navigational use.
- f. Live-aboard: a vessel having capability for active self-propelled navigation moored for an extended period of time and used continuously during that time for private residential use and used on some occasions for recreational or commercial purposes.

- g. Moored for an extended period of time: located for 30 days or more in one place.
- h. Mooring: a means of fixing a floating vessel to the bottom in one location, temporarily or permanently, by use of cable, lines, chains, or other equipment remaining attached to the bottom and not carried aboard such vessel as regular equipment when under way.
- i. Non-anchorage area: any portion of the Harbor which has been designated by the Agency as an area where vessels may not anchor but where mooring of vessels may be allowed pursuant to Section 5 of this ordinance.
- j. Person: any person, firm, association, organization, partnership, business trust, corporation or company.
- k. Vessel: a structure designed to be navigable upon water.

SECTION 2. APPLICABILITY

Provisions of this ordinance and any rules and regulations adopted pursuant to it shall be applicable and shall govern the Harbor as defined above and described in Exhibit A, attached to this document and by this reference incorporated in it.

SECTION 3. EXEMPTIONS

The provisions of this ordinance shall have no application to vessels operated by the United States of America, the State of California, or any governmental entity or its agencies or instrumentalities. Further, this ordinance shall have no application to any vessel in an emergency situation as determined at the sole discretion of the Harbor Master or the Harbor Master's designee.

SECTION 4. HARBOR MASTER

- a. Whenever a power is granted to or duty is imposed upon the Harbor Master, the power may be exercised or the duty may be performed by a deputy or assistant of the Harbor Master or by a person authorized pursuant to law by the Agency unless the ordinance expressly provides otherwise.
- b. The Harbor Master, 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 the Harbor.
- c. The Harbor Master shall provide information for users of the harbor on the use of mooring, dinghy landings and shore access and shall use any authorized VHF channels to provide information to and assist vessels desiring to use the Harbor.
- d. The Harbor Master shall maintain a current file of information, with the assistance of marina operators and owners, of the transient berths and marina services which may be available and provide this information upon request.

SECTION 5. PERMITS - ANCHORING AND MOORING

- a. Any vessel may anchor temporarily for a period of less than 72 hours in the anchorage area without a permit. The Harbor Master may require vessels to relocate within the anchorage.

- b. Any person anchoring a vessel for more than 72 hours shall obtain an anchoring permit from the Harbor Master.
- c. Owners of private moorings which were authorized prior to the adoption of this ordinance, who can present to the Harbor Master evidence of ownership of the submerged land underlying the moorings or of authorization from the owner or trustee for placement of the moorings, shall not be required to obtain permits but shall register the moorings with the Harbor Master.
- d. Any person desiring to install a mooring in the waters of the Harbor after the adoption of this ordinance or to validate a previously existing mooring which does not meet the requirements of Section 5.c must secure a permit from the Harbor Master in addition to any permits required from other government agencies. A person applying for a mooring permit shall present evidence of ownership or permission of the owner of the submerged land on which the mooring is to be placed.
- e. Private moorings shall be used only by the owner or with the owner's permission.
- f.
 - 1) The Harbor Master may deny or revoke a mooring permit or cancel the registration of a mooring which preexisted the adoption of this ordinance if the Harbor Master finds that the mooring contributes to traffic congestion, causes dangerous crowding of vessels, contributes to risk of fire, sinking, breakaway or collision damage or if removal of the mooring is necessary to aid in enforcement of any provision of this ordinance.
 - 2) If the Harbor Master finds that removal of a mooring is necessary to relieve crowding of vessels, the Harbor Master shall give preference to moorings which were authorized prior to adoption of the ordinance or which have had permits for the longest period of time.
 - 3) If the Harbor Master finds it necessary to invoke Section 5.f.(1), the Harbor Master shall send the permittee a written notice at the address appearing on the application or registration. The notice shall state the reason for the notice and shall state that the permittee must correct the condition for which the notice was issued or remove the mooring within fifteen (15) days of issuance of the notice. If the owner does not correct the condition or remove the mooring, the Harbor Master may remove it. The cost of removal shall be borne by the owner of the mooring.
 - 4) An owner of a mooring who takes exception to the determination of the Harbor Master as stated in the notice may file a written appeal of the Harbor Master's decision to the Board of the Richardson Bay Regional Agency or its designee within fifteen (15) days of issuance of the notice. The decision of the Board or its designee shall be final.
- g. When a mooring is sold or transferred, the new owner shall make application to the Harbor Master for a new mooring permit before being permitted to use the mooring. A new mooring installation permit will be issued upon payment of a transfer fee in addition to the mooring installation fee and presentation of evidence of sale or transfer. No transfer shall be permitted unless all past due fees are paid.

SECTION 6. RESIDENTIAL USE OF HOUSEBOATS OR VESSELS PROHIBITED

Living aboard a houseboat or vessel anchored or moored offshore for more than 30 days in the anchorage or non-anchorage areas of the Harbor is prohibited. With the permission of and at the discretion of the Harbor Master, transient vessels may be permitted to anchor or moor for more than 30 days in locations designated by the Harbor Master, provided that the Harbor Master determines that no permanent residential use is intended and that there are no available berths suitable for the vessel in any marina in the Harbor.

SECTION 7. FEES

- a. Fees for anchoring or mooring a vessel in any part of the Harbor shall be established by the Agency by resolution after public hearing. All fees shall be reasonable so that persons of varying financial means may enjoy the use of the Harbor.
- b. The Agency shall provide the mode and procedure for collecting all mooring and anchoring fees and the identification by tag or plate or otherwise of all vessels upon which fees are currently paid if such identification will aid enforcement and collection.
- c. When the owner of any mooring is delinquent in payment of fees for fifteen (15) days or more, the Harbor Master may cancel the permit upon five (5) days written notice to the permittee by first class mail to the address shown on the permit. If the mooring is not removed by the owner within thirty (30) days after cancellation of the permit, it shall be deemed abandoned.

SECTION 8. REGULATIONS CONCERNING SPEED AND SAFETY

- a. Within the limits of the anchorage areas; in Belvedere Cove; in the area of the Harbor west of the Richardson Bay Bridge; and in the Sausalito Channel, starting at Spinnaker Point in the east, extending to Clipper Yacht Harbor gas dock in the west, bounded on the north by the Channel markers numbered 4, 6 and 8, and extending southerly to the high water line, 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, nor 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 at a speed in excess of five (5) miles per hour or at which there is a visible wake under any authority: (1) within two hundred feet (200 ft.) of any person who is swimming or bathing or sailboarding or rowing a boat; or (2) within two hundred feet (200 ft.) of any (a) beach frequented with bathers; (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 the embarkation or discharge of passengers.

SECTION 9. DISCHARGE OF REFUSE

It shall be a violation of this ordinance to discharge or permit to discharge into the waters of the Harbor any refuse, untreated sewage, petroleum or petroleum matter, paint, varnish or any other noxious chemical or foreign matter of any kind.

SECTION 10. PENALTIES

Any person violating any of the provisions of this ordinance shall be guilty of an infraction and upon conviction shall be punished by a fine not exceeding fifty dollars (\$50.00).

SECTION 11. INJUNCTIVE RELIEF

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the attorney for the Agency may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.

SECTION 12. INVALIDATION OF PORTIONS OF THE ORDINANCE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such provisions to other persons or circumstances shall not be affected.

SECTION 13. PUBLICATION

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.

PASSED AND ADOPTED at a regular meeting of the Richardson Bay Regional Agency, State of California, on the 9th day of July, 1987, by the following vote to wit:

AYES: Board Members: Aramburu, Farley, Coxhead, Ruedy, Taber

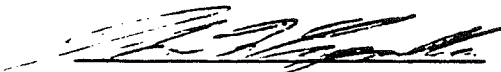
NOES: Board Members: None

ABSENT: Board Members: None



CHAIRMAN OF THE RICHARDSON BAY REGIONAL AGENCY

ATTEST:



Thomas F. Campanella
Clerk of the Agency

EXHIBIT A
Anchorage and Non Anchorage Areas
Richardson Bay and Belvedere Cove

Richardson Bay Anchorage

That portion of Richardson Bay beginning at a point bearing 257° from Peninsula Point and running southwesterly to the Sausalito shore, said point of beginning being latitude $37^{\circ}51'38''$, longitude $122^{\circ}28'3''$; thence along said line bearing 257° from Peninsula Point, southwesterly to latitude $37^{\circ}51'33''$, longitude $122^{\circ}28'28''$; said point being on the northerly line of the federally maintained channel; thence northwesterly along said channel to latitude $37^{\circ}52'6''$, longitude $122^{\circ}29'29''$; thence continuing northwesterly to latitude $37^{\circ}52'14''$, longitude $122^{\circ}29'37''$; thence northeasterly to latitude $37^{\circ}52'22''$, longitude $122^{\circ}29'25''$; thence southeasterly to the point of beginning along a line parallel to and 1,500 feet more or less from the afore-mentioned northeasterly line of the federally maintained channel; and also that portion of Richardson Bay beginning at a point on the Sausalito Shoreline being the intersection of the high tide line and southeasterly right-of-way of B Street; thence northeasterly along said right-of-way and its northeasterly prolongation to a point on the southwesterly line of the federally maintained channel, said point being latitude $37^{\circ}51'34''$, longitude $122^{\circ}28'38''$; thence northwesterly to latitude $37^{\circ}51'53''$, longitude $122^{\circ}29'13''$; thence WEST to latitude $37^{\circ}51'53''$, longitude $122^{\circ}29'25''$; thence S $45^{\circ}54'$ W to the high tide line; thence southeasterly along the Sausalito shore by high tide line to the point of beginning, exclusive of the turning basin, the fairways, the marinas and other private property, as defined by the Harbor Master of Richardson Bay.

Non-anchorage Area:

All that portion of Richardson Bay north of a line bearing 257° from Peninsula Point to the shore at Sausalito, except for: 1) those areas described above as anchorages; 2) the federally maintained channels; and 3) all channels approved for private use therein.

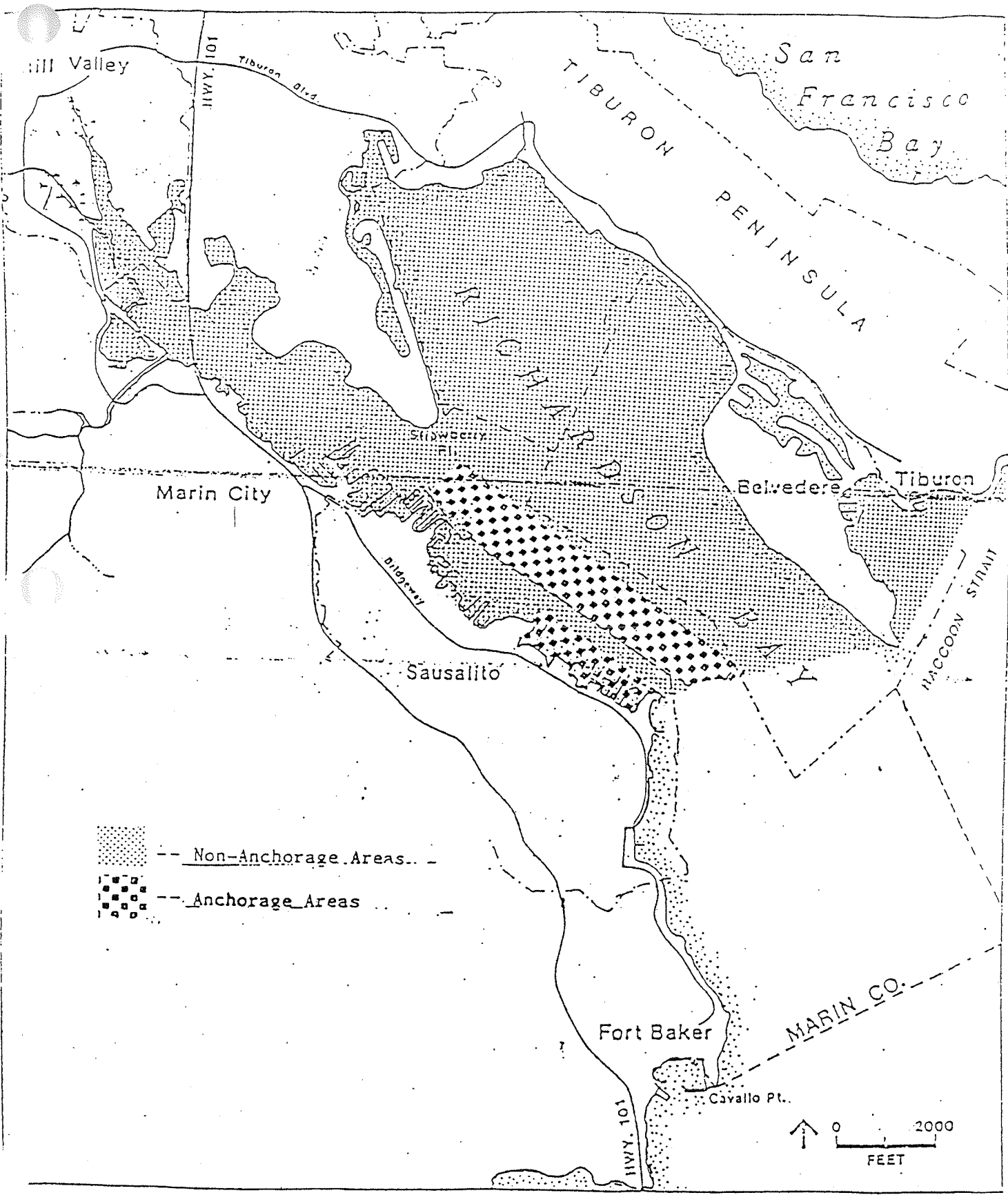
Section 110.228 San Francisco Bay Anchorage Grounds - (1) Anchorage No. 3, General Anchorage.



Non-anchorage Area:

That portion of Belvedere Cove bounded by the shore and a line beginning at latitude $37^{\circ}52'20''$, longitude $122^{\circ}27'02''$; thence southwest to latitude $37^{\circ}51'43''$ and longitude $122^{\circ}27'25''$.

Special Regulations:

There shall be no anchoring in the non-anchorage area with the following exception: the Harbor Master may authorize anchoring incidental to recreational boating activity or emergencies for a period not to exceed 48 hours.



-  -- Non-Anchorage Areas --
-  -- Anchorage Areas --

