

PUBLIC HEARING

**BELVEDERE CITY COUNCIL
JUNE 13, 2016**

To: Mayor and City Council

From: Mary Neilan, City Manager
Tricia Seyler, Police Chief
Emily Longfellow, Deputy City Attorney

Subject: **Introduction and first reading of an ordinance adding a new Section to Title 11 "Water and Watercraft" of the Belvedere Municipal Code requiring boat permits, establishing a fee for boat permits, and providing a penalty for any boat in Belvedere Waters without a permit in excess of 10 hours; clarifying the City's authority to remove derelict boats pursuant to existing State law; deleting Chapter 11.12 to prohibit Houseboats; and amending other sections of Title 11 for consistency and minor administrative correction purposes.**

Recommended Motion/Item Description

1. That the City Council conduct the public hearing and discuss the proposed ordinance amendments adding a boat permitting section to Title 11 of the Belvedere Municipal Code, deleting Chapter 11.12 to prohibit houseboats, and other consistency and administrative correction Code amendments.
2. Motion to read the ordinance by title only. The City Clerk will read aloud the full title of the ordinance.
3. Motion to approve the first reading of the ordinance and to waive future reading of the ordinance in its entirety.

Background

Since the 1840's, people have been living on boats in Richardson Bay. This anchor-out population grew in the 1960's as people sought a free spirited life, and again in 2010 when anchorages in Oakland/Alameda, San Leandro, and Redwood City closed to stem environmental damage, causing some of the anchor-out population to move to Richardson Bay. In 2008 approximately 98 vessels were anchored in Richardson Bay. By 2015 there were approximately 210-240 vessels.

While some boats in Richardson Bay are used as residential houseboats or "live aboards", many are also used as storage or garbage boats. These derelict boats present health, safety, and public welfare issues for Belvedere. Boats that are abandoned or break free from their anchor can drift into Belvedere waters, washing ashore and risking both safety and property.

The Richardson Bay Regional Agency (RBRA), of which the City is a member, is responsible for the management of and activity in Richardson Bay. However, due to the increased number of vessels in the Bay and the limited resources of RBRA, their ability to respond to problems in Belvedere is limited and may not meet Council and community expectations. The Council asked for a means of citing these derelict boats that would discourage their owners from allowing them to become a nuisance in Belvedere, augmenting what the RBRA is able to do on our behalf.

The Council has also expressed concern that as other RBRA agencies take on additional enforcement in their jurisdiction, occupied boats may move to Belvedere waters. The Council wanted to be sure the Belvedere Municipal Code provided tools to prevent that from happening.

The proposed amendments to BMC Title 11 would enhance the enforcement options already in place by: 1) requiring every boat to have a permit if in Belvedere waters for over 10 hours, or face a citation and/or potential impoundment of the boat; and 2) prohibiting residential houseboats in Belvedere.

The ordinance's goal is to minimize or eliminate the presence of occupied and unoccupied boats in Belvedere waters, thereby reducing the chance of a vessel threatening to cause or causing property damage in Belvedere. Should a boat break loose and drift onto Belvedere property, public or private, the ordinance calls for a citation to be issued and fines imposed.

Current Regional Boat Regulations

Currently, Belvedere's Municipal Code does not limit the length of time a boat may remain in Belvedere waters. Additionally, the Code allows houseboats with City permission.

RBRA regulations provide that any boat in the jurisdictional waters of Richardson Bay (which include Belvedere waters) must have a permit to remain more than 72 hours. However, that regulation is not being enforced. The regulations also provide that RBRA will remove derelict boats that wash ashore within 24 hours. Due to budgetary constraints RBRA is not always able to remove these boats within the 24 hour period.

The City of Sausalito requires any boat in Sausalito waters over 10 hours to have written permission from the city. Although Sausalito's ordinance was adopted in 1981, it has rarely been enforced. Recently, Sausalito indicated it would move towards enforcing its boat permit ordinance in an attempt to remove derelict boats and boats that are being used as storage vessels. Sausalito has started a public outreach campaign to inform boat owners that boats without a permit will be issued a citation and possibly removed.

Public Health and Safety Issues

Unauthorized boats present numerous public health, safety, and welfare issues for Belvedere. First, as noted above, many of the boats are in derelict condition and being used for storage and/or garbage storage. Many of these boats are improperly anchored and abandoned. During storm events, and with the normal action of the tide, boats float adrift in Richardson Bay often washing ashore on Belvedere properties. Such boats present clear environmental hazards because abandoned, derelict boats release oil, fuel, trash, and other pollution and debris into the

water. These boats also present significant navigational hazards as unanchored boats endanger other vessels, people, and property.

Second, unpermitted residential anchor-outs present public safety issues. For example, as its residential anchor-out population grew, Sausalito reported an increase in related crimes including theft, violent crimes, domestic disputes, and narcotics use.

Moreover, preventing unauthorized boats within Belvedere waters furthers the public purpose of allowing recreational boating and providing for unobstructed water vistas for the public and residents.

Proposed Ordinance Amendments

The amendment imposes regulations to prevent unauthorized boats in Belvedere waters and authorizes the City to issue citations to, and remove, abandoned and derelict boats. Additionally, it prevents the unauthorized establishment of a residential anchor-out community in Belvedere waters. The proposed amendments are attached.

A summary of the proposed amendments follow. The amendments propose a new boat permit requirement and prohibit houseboats, and also reiterate and clarify the City's authority to enforce existing state law:

1. Boat Permit Required.
 - a. Any vessel within Belvedere Waters in excess of 10 hours must have and display a City permit.
 - b. Any vessel without a permit over 10 hours may be impounded and stored by the City.
 - c. If left unclaimed for 30 days, the vessel will constitute abandoned property and the City may sell or dispose of the vessel.
2. Vessels that pose an immediate hazard to health, safety, or the environment may be impounded and stored by the City. If left unclaimed for 30 days, the vessel will constitute abandoned property and the City may sell or dispose of the vessel.
3. The City may remove and dispose of Marine Debris within 10 days of posting notice. Marine Debris is a boat or boat material that is not seaworthy and cannot be made seaworthy.
4. The City may remove and dispose of any abandoned vessel remaining in Belvedere Waters 30 days after posting notice.
5. Residential anchor-outs, or houseboats, are prohibited in Belvedere Waters.

Enforcement Challenges and Fiscal Impact

To date, Belvedere has relied on RBRA to enforce limits on anchor-outs and to abate abandoned and derelict vessels in Richardson Bay. Discussion is ongoing among member agencies regarding increased enforcement of existing regulations. The goal is to propose a more robust budget and workplan, acceptable to all cities and the county, for the RBRA Board to consider in the next few months. Adopting our own (and more stringent) requirements suggests we will take responsibility for our own enforcement.

Unlike Sausalito PD and the County Sheriff, the City does not own a boat, nor do we have personnel trained in water based enforcement. The City will need to explore options to contract for these services or invest significant resources in the equipment and training necessary to enforce this Code ourselves. Required tasks include boarding the vessel to post a citation and determining if the boat is occupied, registered or abandoned; hauling the boat (or debris) to a location for storage; complying with due process requirements; and potentially destroying the boat.

Chief Seyler has been in touch with the Marin County Sheriff who has expressed a willingness to assist the City enforce this ordinance in Belvedere waters. At this point it is not clear how much assistance could be provided, and at what cost. Staff has also been in touch with Bill Price, Harbormaster at RBRA, to determine how much assistance he might be able to provide, over and above the services he provides annually to all member agencies and can report on those conversations at the Council meeting.

Once the ordinance is effective, staff will work diligently to enforce its provisions, but may be constrained by the limits of our own resources and the small number of service providers that already have a presence in Richardson Bay.

Environmental Review

This item exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15061 because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment.

Recommendation

1. That the City Council conduct the public hearing and discuss the proposed ordinance amendments adding a boat permitting section to Title 11 of the Belvedere Municipal Code, deleting Chapter 11.12 to prohibit houseboats, and other consistency and administrative correction Code amendments.
2. Motion to read the ordinance by title only. The City Clerk will read aloud the full title of the ordinance.
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Attachments

- Draft Ordinance
- Map of Richardson Bay

CITY OF BELVEDERE

ORDINANCE NO. 2016-

**AN ORDINANCE OF THE CITY OF BELVEDERE
AMENDING TITLE 11, "WATER AND WATERCRAFT,"
OF THE BELVEDERE MUNICIPAL CODE
TO ADD A BOAT PERMITTING REQUIREMENT, PROHIBIT HOUSEBOATS, AND
OTHER MINOR ADMINISTRATIVE AND CONSISTENCY CODE AMENDMENTS**

**THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Findings.

- A. There are a large number of boats in Richardson Bay, including residential houseboats, storage boats, garbage storage boats, and derelict and abandoned boats.
- B. Derelict, abandoned, and improperly anchored boats and marine debris in Richardson Bay wash ashore on Belvedere properties and into Belvedere waters.
- C. Title 11 of the Belvedere Municipal Code provides regulations for watercrafts and their use.
- D. The State of California became the owner of all tidelands pursuant to a land grant, which the City holds in trust for the public benefit pursuant to various legislative grants from the State.
- E. The California Constitution guarantees the public freedom of access to and the right of navigation on all navigable waters, and the right to exercise the incidents of navigation thereon.
- F. In furtherance of protecting the public safety and welfare, local jurisdictions may impose reasonable regulations regarding boats within their jurisdictional waters.
- G. The water within the City of Belvedere's jurisdictional boundaries is an open water area for the public purpose of recreational boating and unobstructed water vistas for the public and residents.
- H. The City Council finds that discouraging boat owners from allowing boats to float adrift in Belvedere waters or become beached on land is necessary to protect the public safety and welfare because floating abandoned and beached boats cause damage including property damage including property damage, impairment of public vistas, and environmental damage as pollution and debris are released from damaged boats.
- I. The City Council finds that discouraging boat owners from allowing boats to float adrift in Belvedere waters or become beached on land is also necessary to protect the public safety and welfare because abandoned and beached boats present significant navigational hazards.

J. City permission for vessels to moor, anchor, or otherwise be present in Belvedere waters in excess of a 10 hour period is in furtherance of protecting the public safety and welfare, and necessary to ensure the continued use of Belvedere waters for recreational boating and unobstructed water vistas

K. The City Council finds prohibiting “liveaboards”, houseboats, and all other watercrafts that are used for the purpose of residential dwellings in Belvedere waters is necessary for the public safety and welfare because such residential boat use is inconsistent with the use of the area for recreational boating and providing unobstructed water vistas for the public and residents, and can impair navigation.

L. The City has initiated text amendments to the City’s “Water and Watercraft” Title 11 of the Municipal Code to require boat permits, impose a penalty if a boat is present in Belvedere waters in excess of 10 hours, prohibit houseboats, and other administrative and consistency code amendment issues (collectively, “Code Amendments”).

M. The Code Amendments are categorically exempt from the provisions of the Environmental Quality Act (“CEQA”) per CEQA Guidelines section 15061(b)(3), which exempts projects that clearly will have no significant adverse environmental impacts.

N. The City Council held a duly noticed public hearing on June 13, 2016, and considered all evidence presented and testimony given during the public hearing regarding the Code Amendments.

O. The City Council finds that the Code Amendments are necessary for the public health, safety, and welfare as described herein and in the staff report incorporated by reference, are consistent with the goals, policies, and programs of the Belvedere General Plan, and are consistent with the objectives of the Water and Watercraft Ordinance.

P. Nothing in this legislation is intended to affect the City’s ability enforce applicable local, state, or federal laws including, but not limited to Richardson Bay Regional Agency regulations, and state laws including Harbors and Navigation Code sections 522, 523, and 550, as may be amended from time to time.

SECTION 2. **Amendment.** Chapter 11.04 of the Belvedere Municipal Code is hereby amended to read as follows:

Chapter 11.04

GENERAL PROVISIONS

Sections:

- | | |
|-----------|-------------------------|
| 11.04.010 | Definitions. |
| 11.04.020 | City Manager authority. |

11.04.030	Applicability
11.04.040	<u>Vessels subject to controls of City.</u>
11.04.050	<u>Public Nuisance declared.</u>
11.04.060	<u>Remedies</u>

11.04.010 Definitions. The following words and phrases, when used in this Title, shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Section:

A. “Abandoned property” refers to any hulk, derelict, wreck, or parts of any Vessel, sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition in Belvedere Waters without a Permit for 30 days or more, and without a watchperson or other person being maintained upon or near, and in charge of the Vessel.

B. “Anchoring” refers to using equipment carried on the Vessel to maintain position in the water.

C. “Belvedere Waters” means and refers to any and all of the navigable waters of Richardson Bay or San Francisco Bay covering submerged lands held in trust by the City.

D. “Harbors and Navigation Code” refers to the California Harbors and Navigation Code, as may be amended from time to time.

A. ~~“City property” means all property owned by the City including submerged lands shown on the assessor’s map as owned by the City.~~

B. ~~“Houseboat” means any watercraft or structure on or in the waters within the corporate limits of the City, floating or nonfloating, which is designed or fitted out as a place of habitation and is not principally used for transportation. “Houseboat” also includes any vessel anchored, moored, berthed, or otherwise present in or on any part of Belvedere Cove and/or in or on any waters within the corporate limits of the City, and which vessel is used as a place of residence or habitation by any person(s) for longer than seven days in any thirty day period.~~

E. “Impound” means the removal and storage of a Vessel by the City.

F. “Liveaboard” refers to a Vessel that is used by any person(s) as a residence and/or is occupying that Vessel and engaging in those usual and customary activities associated with a person's residence or abode such as, but not limited to, sleeping and preparation of meals. This definition will also include any individual using a Vessel for four or more days or nights within any seven-day period as a place of business, storage use, professional location or other commercial enterprise, when transportation is a secondary or subsidiary use.

G. “Marine Debris” refers to a Vessel, or part of a Vessel, including a derelict, wreck, hulk, or part of any watercraft or dilapidated Vessel that is unseaworthy and not reasonably fit or capable of being made fit to be used as a means of transportation by water.

H. “Mooring” refers to making fast to a mooring buoy having a fixed permanent anchor.

¶I. "Moorings" means any weight, chain, rope, float structure, and/or appliance used by a vessel for anchoring purposes, and which is not carried aboard such vessel as part of the regular equipment.

¶J. "Pier" means any fixed or floating structure for securing vessels, loading or unloading persons or property, or providing access to the water, and includes wharf, dock, float, or any other landing facility.

~~¶K. "Vessel" and "craft." The words "vessel" and "craft" each mean and include vessels, crafts and ships of all types, canal boats, barges, landing barges, drydocks, houseboats, sailing vessels, motorboats, and any other floating structure not defined above in this Section as a "mooring" or "pier," and every other structure adapted to be navigated from place to place for the transportation property and/or persons by any means.~~

K. "Vessel" shall mean every description of watercraft used or capable of being used as a means of transportation on the water, as further defined in the Harbors and Navigation Code section 21.

11.04.020 City Manager authority. A. The City Manager-police administrator shall have the authority conferred upon him or her by this Title and by other local, state or federal laws.

B. Whenever a power is granted to, or a duty is imposed upon the City Manager, the power is granted to, or a duty is imposed upon the City Manager, the power may be exercised or the duty may be performed by such other person as may be designated by the City Manager for the enforcement of the regulations set forth in this Title.

11.04.030 Applicability. The provisions of this Chapter shall have no application to Vessels operated by the United States of America, the State of California, or any governmental entities or their agencies or instrumentalities. This Chapter shall have no application to any Vessel in an emergency situation as determined at the discretion of the City Manager and/or City Police Chief and/or his or her designee.

11.04.040 Vessels subject to control of City. Every Vessel entering Belvedere waters shall immediately become subject to the order and direction of the City, and all Vessels shall be Anchored, Moored, or otherwise present in Belvedere Waters only with the required Permit pursuant to this Title.

11.04.050 Public Nuisance declared. A Vessel that is in violation of any provision of this Title shall constitute a Public Nuisance.

11.04.060 Remedies. The procedures and remedies set forth in this Title are cumulative and in no way prohibit the City from utilizing any other provision of federal, state, or local law including, but not limited to, regulations, procedures, and remedies adopted by the Richardson's Bay Regional Agency, and Harbors and Navigation Code Sections 522, 523, and 551.

SECTION 3. **Addition.** Chapter 11.05 is hereby added to the Belvedere Municipal Code to read as follows:

Chapter 11.05

PERMIT REQUIREMENTS; REMEDIES FOR MARINE DEBRIS, AND
ABANDONED OR DERELICT VESSELS

Sections:

- 11.05.010 Permit.
- 11.05.020 Immediate Impound of Vessels posing hazard.
- 11.05.030 Disposal and sale of Abandoned Property.
- 11.05.040 Marine Debris.
- 11.05.050 Liveaboards prohibited in Belvedere Waters.

11.05.010 Permit. A. Permit required.

1. It shall be unlawful for any Vessel to Moor, Anchor, berth, store, or otherwise be present in Belvedere Waters for a period of more than ten (10) consecutive hours without (1) a valid permit to do so from the City; and (2) having paid all applicable fees established by City Council resolution (“Permit”). The Permit must be displayed on the Vessel at a location that is visible from the outside of the Vessel at all times.

2. Permits may be obtained at the City Police Department after payment of a permit fee as established by City Council resolution. Each Permit shall be valid for a period of seventy-two (72) hours. Any Permit that is in arrears is invalid.

3. The Police Chief in his or her discretion may issue a Permit in the following circumstances:

a. as necessary for temporary events associated with the San Francisco Yacht Club or Corinthian Yacht Club.

b. for Belvedere residents who require temporary anchorage; or

c. for guests of Belvedere residents who require temporary anchorage.

4. Vessels are allowed to Moor, Anchor, or otherwise be present in Belvedere Waters for a period of up to ten (10) consecutive hours without a Permit.

B. Penalty.

1. The owner of a Vessel in violation of this Section shall pay to the City a penalty of five hundred dollars (\$500) (“Penalty”) for each and every day the Vessel does not have a valid Permit. Each day constitutes a separate violation.

2. For Vessels in violation of this Section, the City shall issue a Penalty notice (“Penalty Notice”) by affixing a notice to the Vessel detailing the violation and Penalty owed to the City. The City shall also mail the Penalty Notice to the address of the Vessel’s last owner of record on file with the Department of Motor Vehicles by first class mail, in cases where the Vessel has a discernable registration number.

3. The Penalty Notice shall state the address and telephone number of the City, and contain information regarding how to pay the Penalty and appeal the Penalty if desired. The Penalty Notice shall state that the Vessel is subject to Impound within seventy-two (72) hours from the time of posting the Penalty Notice if a Permit is not obtained or the Vessel removed.

C. Impound. The City may Impound a Vessel that remains in Belvedere Waters without a Permit after seventy two (72) hours after the Vessel has been posted with a Penalty Notice. To Impound any Vessel, the City may relocate or secure the Vessel until such time as all fees or charges are paid in full, including, but not limited to, past due Permit fees, Penalties, interest, legal fees and costs, and charges for mooring, storage, and/or maintenance of the Vessel during Impoundment at the direction and reasonable discretion of the Police Chief. If the Vessel remains in Impound for a period of thirty (30) days without being claimed, the City may sell or destroy the Vessel pursuant to the provisions of the Harbors and Navigation Code.

D. Public Nuisance. A Vessel that is Moored, Anchored, or otherwise present in Belvedere Waters in violations of this Chapter shall constitute a public nuisance.

E. Costs Recoverable. All costs incurred by the City, including attorneys’ fees, for the enforcement and prosecution of this Section, and for the removal, storage, and disposal of any Vessel, and any associated costs, pursuant to this Section and all applicable provisions of local, state, or federal law, may be recovered by the City from the owner of the Vessel through any appropriate legal action in a court of competent jurisdiction.

F. Vessel Removal Fund. All Penalty moneys collected pursuant to this Section shall be deposited in a separate City fund, to be established by the City Council, which fund shall be used for the enforcement of this Chapter and in furtherance of its purposes.

11.05.020 Immediate Impound of Vessels posing hazard. A. The City may immediately remove without notice and Impound any Vessel in Belvedere Waters under the following circumstances:

1. The Vessel interferes with, or otherwise poses a danger to, navigation or the public health, safety, or welfare.

2. The Vessel poses a threat to adjacent wetlands, levies, sensitive habitat, and/or protected wildlife species or water quality.

3. The Vessel is found or operated with a registration date in excess of one year before the date it was found.

B. The City shall mail a notice to the owner, if known, that the Vessel shall be deemed Abandoned Property and disposed of or sold by the City if left unclaimed for thirty (30) days, information regarding how to reclaim the Vessel, and the City's address and telephone number.

C. Within thirty (30) days of notice, or if no such notice is possible, within thirty (30) days of Impoundment, the owner may reclaim the Vessel upon the payment of all fees and charges, including but not limited to, past due Permit fees, Penalties, interest, legal fees and costs, and charges for mooring, storage, and/or maintenance of the Vessel during Impoundment at the direction and reasonable discretion of the Police Chief. If the Vessel remains in Impound for a period of thirty (30) days without being claimed, the City may sell or destroy the Vessel pursuant to the provisions of the Harbors and Navigation Code.

D. All costs incurred by the City, including attorneys' fees, for the removal, storage, and disposal of any Vessel, and any associated costs, pursuant to this Section and all applicable provisions of local, state, or federal law, may be recovered by the City from the owner of the Vessel through any appropriate legal action in a court of competent jurisdiction.

11.05.030 Disposal and sale of Abandoned Property. A. The City may dispose of or sell Abandoned Property within Belvedere Waters if left unclaimed for thirty (30) days after posting notice on the Abandoned Property.

B. Notice pursuant to this Section shall be affixed to the Vessel and mailed to the owner's address of record if there is discernable identifying information on the Vessel. Notice shall contain a statement that the Vessel shall be deemed Abandoned Property and disposed of or sold by the City if left unclaimed for thirty (30) days, information regarding how to reclaim the Vessel, and the City's address and telephone number.

C. All costs incurred by the City, including attorneys' fees, for the enforcement and prosecution of this Section, may be recovered by the City from the owner of the Vessel through any appropriate legal action in a court of competent jurisdiction.

11.05.040 Marine Debris. A. Notwithstanding any other provision of the Belvedere Municipal Code, or any and all other laws, the City may remove and dispose of Marine Debris that is sunk, partially sunk, or beached in or on Belvedere Waters within 10 days of giving notice of such action upon the following conditions:

1. The Marine Debris has no value or a value that does not exceed the cost of removal and disposal;

2. The City give notice that the Marine Debris shall be removed within 10 days if not claimed or removed, either by attaching such notice to the Marine Debris, or mailing notice first-class mail to the owner's address of record if there is discernible identifying information on the Marine Debris. Said notice shall include the City's address and telephone number.

B. The costs incurred by the City for the removal and disposal of the Marine Debris pursuant to this Section, including attorney's fees, may be recovered from the owner or the person/entity who placed the Marine Debris in the public waterway or beach land, through any appropriate legal action in the courts of California.

C. The City may immediately remove and dispose of Marine Debris that constitutes a public nuisance or a danger to navigation, health, safety, or the environment, unless the Marine Debris is whole and the owner of the Marine Debris is identifiable, in which case the Marine Debris shall be stored for ten (10) days to permit notification of the owner, if possible. If the owner is not immediately identifiable, the Marine Debris may be immediately destroyed or otherwise disposed of.

D. The owner of any Marine Debris stored by the City may recover the Marine Debris upon payment of all cost incurred for the removal and storage of the Marine Debris.

11.05.050 Liveboards prohibited in Belvedere Waters. Liveboards are prohibited in Belvedere Waters notwithstanding a valid Permit.

SECTION 4. Amendment. Chapter 11.08 of the Belvedere Municipal Code is hereby amended to the to read as follows:

Chapter 11.08

WATERCRAFT OPERATION

Sections:

- 11.08.010 Launching facilities.
- 11.08.020 Unsafe or dangerous mooring or anchorage prohibited.
- 11.08.030 Mooring limitations.
- 11.08.040 Obstruction of navigation—Unlawful acts designated.
- 11.08.050 Speed restrictions.
- 11.08.060 Safety of vessels—Storm warnings.

11.08.010 Launching facilities. It is unlawful to launch or remove from ~~the waters within the corporate limits of the City~~ Belvedere Waters any ~~v~~Vessel except at such locations as are designated for that purpose, or at such locations as are provided with launching facilities to do such work.

11.08.020 Unsafe or dangerous mooring or anchorage prohibited. It is unlawful to ~~a~~Anchor, or ~~m~~Moor, or fasten to any pier within Belvedere Waters ~~the corporate limits of the City~~ as to be unsafe or dangerous to any other ~~v~~Vessel previously lying at ~~a~~Anchor, or ~~m~~Moored, or fastened to any pier.

11.08.030 Mooring limitations. It is unlawful to make fast or tie any ¶Vessel to a ¶Mooring belonging to another ¶Vessel without the owner's permission, or to make fast or tie to a vessel already occupying a ¶Mooring without the owner's permission, or to anchor so close to the ¶Vessel occupying a ¶Mooring that the other ¶Vessel is endangered.

11.08.040 Obstruction of navigation—Unlawful acts designated. ~~It is unlawful to tie up or anchor a vessel within the corporate limits of the City in such a manner as to obstruct the channels, or to prevent or obstruct the passing of other vessels or to voluntarily or carelessly sink or allow to be sunk any vessel in any channel or berthing space, or to float loose timbers, logs or piles in any channel or berthing space in such a manner as to obstruct, impede or injure other vessels or the navigation thereof. It is a violation of this Chapter for any Vessel to prevent or obstruct the passage of other Vessels in any way including, but not limited to floating in or Anchoring a Vessel within Belvedere Waters so as to obstruct channels, or prevent the passing of other Vessels, or voluntarily or carelessly sink or cause a Vessel to be sunk in Belvedere Waters. It shall be the duty of the owner of any such Vessel to immediately mark it by a buoy during the day and by reasonably sufficient lighting at night, and to maintain such markings until the Vessel is removed. The owner of the Vessel shall immediately commence the removal of the Vessel and prosecute the removal diligently to completion. Any failure to immediately and diligently remove the Vessel shall be unlawful constitute an immediate hazard pursuant to this Chapter and Harbors and Navigation Code section 523 and the City immediately Impound the Vessel.~~

11.08.050 Speed restrictions. A. No persons shall operate a ¶Vessel, boat or other watercraft ~~within the corporate limits of the City in~~ Belvedere Waters at a speed greater than is reasonable or prudent, having due regard for other ¶Vessels, property and persons on such waters, and in no event at a speed which endangers the safety of persons or property.

B. No person shall operate a ¶Vessel or boat or other watercraft in Belvedere Cove, described as that area of water within a boundary line extending from the southeasterly point of Belvedere Island to the southeasterly point of Corinthian Yacht Club breakwater, at a speed in excess of five nautical miles per hour.

11.08.060 Safety of vessels—Storm warnings. It shall be the duty of every owner or operator or other person in charge of a ¶Vessel to apprise themselves of weather conditions and to heed storm warnings, and to take such steps as are necessary under the circumstances to insure the safety of such ¶Vessels in the event of unusual tide and weather conditions. It shall also be the duty of every owner or person in charge of a ¶Vessel to inspect at reasonable intervals the ¶Moorings, bilges and appurtenances of such ¶Vessels to preclude hazards common to ¶Vessels and insure seaworthiness.

SECTION 5. **Repeal.** Chapter 11.12, “Houseboats,” of the Belvedere Municipal Code is hereby repealed.

SECTION 6. **Amendment.** Section 11.16.010 of the Belvedere Municipal Code is hereby amended to the to read as follows:

11.16.010 Construction and operation by City authorized when. The City eCouncil may acquire or cause to be constructed such floats, wharves, piers and other facilities on City property as may be desired; and the City eCouncil may rent or lease in whole or in part such floats, wharves, piers and other facilities to individuals, nonprofit associations and such other organizations as it may determine. The City eCouncil may further, by resolution, establish charges for the use of such floats, wharves, piers and facilities.

SECTION 7. **Amendment.** Section 11.16.040 of the Belvedere Municipal Code is hereby amended to the to read as follows:

11.16.040 Private piers and moorings—License and permit required. It is unlawful to place, erect, construct or maintain piers or moorings on City property without having first obtained a revocable license or lease and permit to do so.

SECTION 8. **Amendment.** Section 11.16.070 of the Belvedere Municipal Code is hereby amended to the to read as follows:

11.16.070 Attaching more than two ~~v~~Vessels to City facilities—
Permission required. It is unlawful to make fast more than two ~~v~~Vessels abreast at any such float, wharf, pier or other facility on City property designated in Section 11.16.010 without first having obtained permission from the City Manager-police administrator.

SECTION 9. **Amendment.** Section 11.20.020 of the Belvedere Municipal Code is hereby amended to the to read as follows:

11.20.020 Disposal of oil, paints and other offensive articles. It is unlawful for any ~~v~~Vessel to discharge or dump in the water or leave standing on any float, wharf, pier or upon any shoreline, roadway or parkway any oil, spirits, gasoline, distillate, kerosene or other petroleum or paints, rubbish, cleanings or any other offensive articles.

SECTION 10. Amendment. Section 11.20.030 of the Belvedere Municipal Code is hereby amended to the to read as follows:

11.20.030 Boarding vessels or tampering with mooring prohibited—
Exceptions. No person shall, with intent of malicious mischief, board any ~~v~~Vessel, ~~yacht or other watercraft~~ ~~m~~Moored, tied or ~~a~~Anchored within the corporate limits of the City, nor shall any person board any ~~v~~Vessel without the consent of the owner or person in charge of said ~~v~~Vessel, ~~yacht or watercraft~~. No person shall tamper with or in any way molest or interfere with the ~~m~~Moorings or ~~a~~Anchorage of any ~~v~~Vessels, ~~yachts or watercraft~~ without the consent of the owner or person in charge of said ~~v~~Vessel, ~~yacht or watercraft~~.

SECTION 11 Amendment. Section 11.20.060 of the Belvedere Municipal Code is hereby amended to the to read as follows:

11.20.060 Fuels, explosives and flammable gases—Storage restrictions.
It is unlawful for any person to keep in storage any gasoline, fuel, explosive or inflammable gases whatsoever, or empty containers which previously contained such gases or products, on any float, wharf, pier or other harbor facility or aboard any ~~v~~Vessel, except in fuel tanks which are made part of the ~~v~~Vessel, while tied up or at ~~a~~Anchor. The City Manager-police administrator may order the removal of such products or containers at any time in the interests of public safety.

SECTION 12. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 13. Effective Date. This ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, a summary of the ordinance shall be published with the names of those city council members voting for and against the ordinance and the deputy city clerk shall post in the office of the city clerk a certified copy of the full text of the adopted ordinance along with the names of the members voting for and against the ordinance.

INTRODUCED AT A PUBLIC HEARING on _____, and adopted at a regular meeting of the Belvedere City Council on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

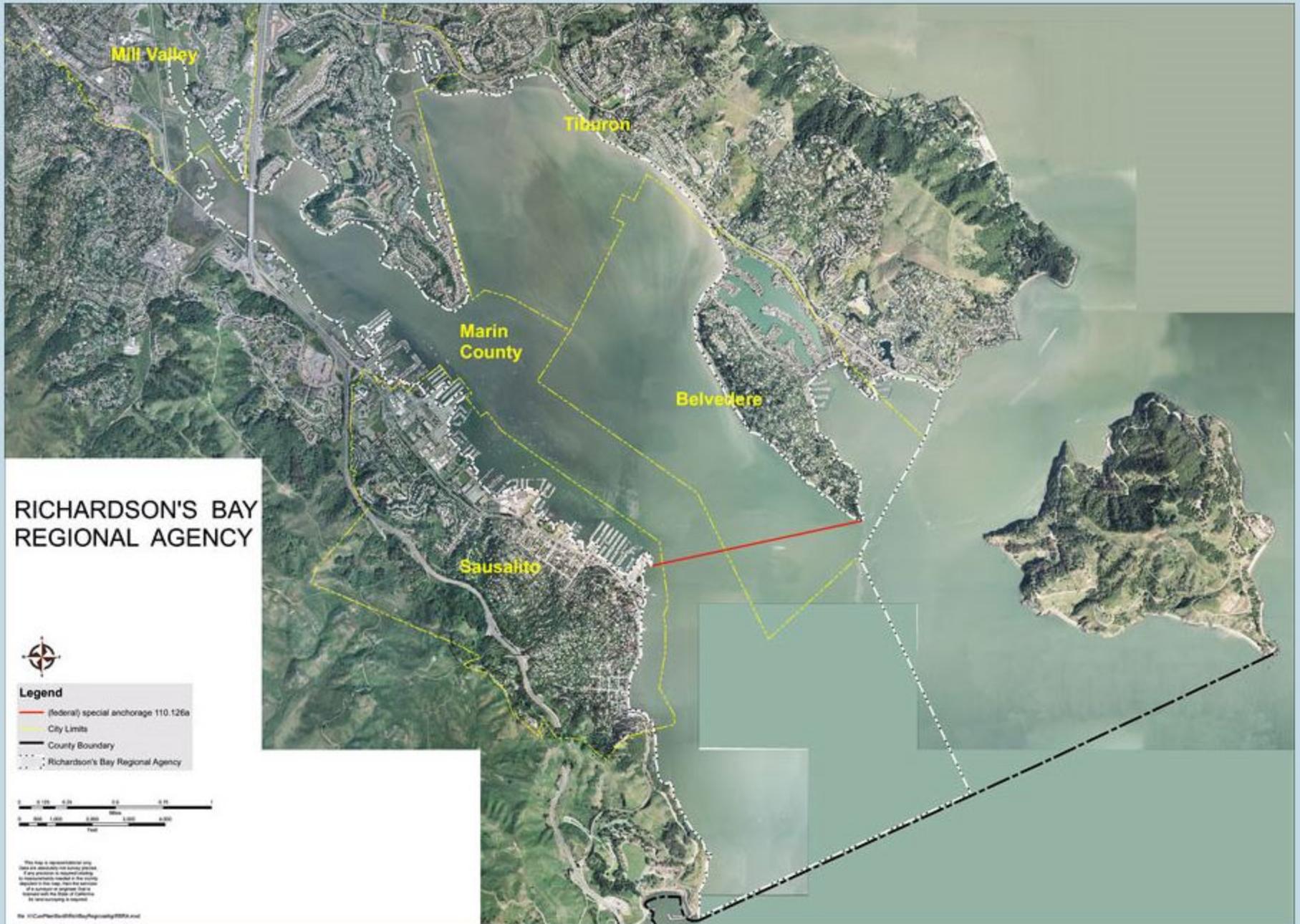
APPROVED: _____

Claire McAuliffe, Mayor

ATTEST: _____

Alison Foulis, City Clerk

Jurisdiction Map



**RICHARDSON'S BAY
REGIONAL AGENCY**



Legend

- (federal) special anchorage 110.126a
- City Limits
- County Boundary
- Richardson's Bay Regional Agency



This map is representational only. It is not intended to be used as a legal document. If any provision is required, it should be made in the contract. If a contract is required, it should be made in the contract. If a contract is required, it should be made in the contract.