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Chapter 16.04BEACHING OR ABANDONMENT OF VESSELSSections:

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16.04.010 Definitions. For the purposes of this chapter

A "Harbor of the city" includes all areas within the boundaries of the city of Sausalito below the line of ordinary high tide, and, in addition, includes all salt marsh lands adjacent to said areas.

B "Person" shall be understood to include natural persons, firms, copartnerships, associations, companies or corporations, singular and plural

C. "Tidelands" shall be understood to refer to and include all tide and submerged lands lying below the line of ordinary high tide

D "Watercraft" shall be understood to refer to and include floating carriers of every nature, kind and description, including vessels and boats, or any other kind of floating carrier constructed or intended or adapted for the purpose of carriage by water of property or persons, and shall also include rafts, barges and/or scows and other floating equipment not capable of self-propulsion (Ord 343 §7, 1936)

16 04.020 Vessel deemed abandoned when. For the purpose of this chapter a vessel or watercraft shall be deemed to have been abandoned as provided in this chapter when:

A. The same shall have been allowed, with or without permission of the owner of the tideland on which it is situated, to remain for a period of thirty (30) days upon any of the tidelands or salt marsh lands referred to in this chapter, out of active service and without ship's papers or compasses or the navigating instruments customarily and usually carried by and found on a craft of its size and character, and/or not in the possession or under the control of its master and/or crew, or of a watchman or guard regularly employed as such, in good faith, for the purpose of safeguarding and protecting the same and regularly and continuously occupied in such service and employment; or

B. The same shall be allowed in any manner to remain on any privately owned tideland or marsh land without the written consent of the owner thereof or on any publicly owned tideland or marsh land without the written permission of the public authority having jurisdiction thereof, and/or for any period or duration of time not justified as a reasonable and proper exercise of the public constitutional right of fishing and navigation, or

C. An intent to abandon the same shall be shown by any other act or omission or combination of acts or omissions, or both. (Ord. 343 §8, 1936).

16.04.030 Vessel deemed beached when For the purpose of this chapter, a vessel or watercraft shall be deemed to have been beached, as provided in this chapter, when such craft rests on the mud or other bottom or does not float freely at ordinary low tide (Ord. 343 §9, 1936).

16 04 040 Beaching or abandonment of vessels unlawful--Exceptions. It is unlawful for any person to tie up any vessel or watercraft to any wharf, pier, buoy or dolphin within the harbor of the city without prior consent of the owner or operator of the wharf, pier, buoy or dolphin first had and obtained, or to anchor or tie up any vessel or watercraft within the harbor except in anchorage areas, if any, prescribed by the U. S War Department or other duly constituted authority or to voluntarily or carelessly beach, ground, sink or abandon, or permit, assist in or cause to be beached, grounded, sunk or abandoned, any vessel, watercraft, or other obstruction in the tidal water below ordinary high water line within the harbor; or to tow, move, shift or propel any vessel or watercraft, or assist in the towing, moving, shifting or propelling of any vessel or watercraft, for the purpose of permitting the same to be or become sunk, grounded, beached or abandoned in said tidal waters, or to deposit or release loose timbers, logs, piles or any lumber in the tidal waters.



The provisions of this section shall not apply to any work, obstruction or structures in said tidal waters heretofore or hereafter specifically authorized by duly constituted authority. (Ord. 343 §1, 1936).

16.04.050 Permitting beaching or abandonment unlawful.

It is unlawful for any person owning, leasing, occupying, possessing or having charge or control of any tidelands within the harbor and located under or adjacent to any navigable waters thereof, to authorize or permit any vessel or watercraft to be or become beached, sunk, grounded or abandoned upon the tidelands in violation of the provisions and requirements of this chapter. (Ord. 343 §2, 1936).

16.04.060 Council may permit beaching upon certain conditions. Notwithstanding anything in Sections 16.04.040 and 16.04.050 provided, the city council may, upon written application being first made to it, permit a vessel or other watercraft to be tied up or beached upon any tidelands within the harbor upon such conditions as it may specify, if, after a full consideration of the circumstances, it determines that such tying up of such vessel or beaching thereof will not become an obstruction to navigation or a public nuisance, or violate any regulation or law duly prescribed by the United States government or other public authority; provided, however, that where a permit or other legal authorization is required under federal laws or regulations, the same shall first be obtained; and further provided that the council may, in its discretion, require the owner of such vessel or watercraft to furnish to the city a penal bond in sufficient amount in the opinion of the council, to insure the removal of such vessel or watercraft whenever the council shall order such removal. (Ord. 343 §3, 1936).

16.04.070 Emergency beaching. The provisions of this chapter shall not apply to any act of beaching or grounding any vessel or watercraft upon any tidelands referred to in this chapter when the same is necessary as an emergency measure by reason of fire or other hazard or calamity; provided, however, that the person or persons causing or responsible for such beaching thereof shall remove the vessel or watercraft within a reasonable time after the termination of such emergency; and provided further, that a failure without good cause to make such removal within fifteen days from and after such beaching or grounding shall render such person or persons, and each of them, causing or permitting or responsible for such beaching or grounding to be and become immediately after the termination of such fifteen-day period, subject to all of the provisions and penalties of this chapter.

The provisions of this section shall apply to and cover the act of the owner, master or operator of any tug or other

vessel or boat, whether power propelled or not, which tows or assists in the moving or propelling of any vessel or watercraft for the purpose of causing or permitting the same to be or become beached or grounded in the manner and for the purpose as in this section set forth. (Ord. 343 §4, 1936).

16.04.080 Destruction or removal of abandoned vessels. Any vessel, watercraft or other obstruction which has heretofore or which may hereafter become beached, grounded, or sunk within the tidal waters below ordinary high water within the harbor and which may continue for a longer period than thirty days after the adoption of this chapter, or after such beaching, grounding or sinking, shall be and become immediately thereafter subject to be summarily broken up, removed, destroyed, sold or otherwise disposed of by the city council in such manner as the council in its discretion may determine, without liability for any loss, injury or damage in favor of the owner, operator or person in charge of the same, or of any other person, by reason of such breaking up, removal, destruction, sale or disposition thereof. (Ord. 343 §5, 1936).

16.04.090 Removal of obstructions to navigation. Under emergency, in case of any vessel, watercraft, raft or other obstruction or object, sinking or grounding, or being unduly delayed in any portion of the tidal waters of the harbor in such manner as to create an unlawful obstruction to navigation, in the opinion of the city council, the council shall have the right to take immediate possession of any such vessel, watercraft, raft or other obstruction or object so far as to remove or to destroy it and to immediately clear the locality of the unlawful obstruction, using its best judgment to prevent any unnecessary injury; and it is unlawful for anyone to interfere with or prevent such removal or destruction. The council shall have a lien on such object for any costs it may incur in causing such removal. (Ord. 343 §6, 1936).

16.04.100 Penalty for violation. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail for a term not exceeding three months or by both such fine and imprisonment. (Ord. 343 §10, 1936).

Chapter 16.08HOUSEBOATSSections:

- 16.08.010 Applicability.
- 16.08.020 Definitions.
- 16.08.030 Houseboat requirements.
- 16.08.040 Certificate of occupancy required.
- 16.08.050 Permit required for construction, alteration or moving houseboat into city.
- 16.08.060 Houseboat marina requirements.
- 16.08.070 Penalty for violation.

16.08.010 Applicability. The provisions of this chapter shall be applicable to all houseboats located within the city at the time of adoption of the ordinance codified in this chapter as well as any houseboats which may be located within the city subsequent to the adoption of the ordinance codified in this chapter. (Ord. 800 §6, 1972).

16.08.020 Definitions. For the purpose of this chapter, the words and phrases defined in this section shall be construed in accordance with the definitions set forth unless it is apparent from the context that a different meaning is intended:

A. "City or county" means any city, county, city and county, or port authority.

B. "Houseboat" means any watercraft or industrial or commercial structure on or in the waters of the state, floating or nonfloating, which is designed or fitted out as a place of habitation and is not principally used for transportation. "Houseboat" includes platforms, and waterborne hotels and restaurants.

C. "Houseboat marina" means any area within the city covered by the waters of San Francisco and Richardson Bays where one or more houseboats are moored and which area is zoned by Ordinance No. 630 for the mooring of houseboats either permanently or on a temporary basis. (Ord. 800 §1, 1972).

16.08.030 Houseboat requirements. No person shall use or occupy or permit the use or occupancy of a houseboat for living quarters, either permanently or on a temporary basis, within the city, except when established in a specific location for which a conditional use permit has been issued pursuant to the zoning regulations of the city, and when such houseboat meets the following additional requirements:

A. Construction. Every houseboat shall be inspected and approved by the director of public works of the city, or the Sausalito building inspector, or any individual qualified to render such inspection and duly authorized by the city to do so for the problems of buoyance, windage, stability and structure, and for compliance with this chapter.

B. Safety. Every houseboat shall be supplied with life-saving equipment and extinguishers, access to circumference of the houseboat, and adequate means of egress.

C. Water Connection. Every houseboat shall have a secure water connection above the waterline with an approved back-flow prevention device.

D. Electrical Connection. Every houseboat shall have a permanent and adequate electrical connection.

E. Sewer. Every houseboat shall be connected to a public sewer system with adequate vents, tanks and ejector devices. ABS and PVC may be used for drainage and vents. Should a public sewer not be available, then other devices acceptable to the regional water quality control board may be used. Holding tanks designed and intended to accept all waste discharges from houseboats may be approved by the city in those instances where direct sanitary sewer connections cannot be accomplished.

F. Mooring. Every houseboat shall maintain adequate lines, cleats and other necessary mooring equipment. This shall be inspected by the owner and/or operator of the marina or property upon which or within which such watercraft are located preceding the winter season.

G. Gangway (Secondary Walkway). Every houseboat shall have a firm and substantial walkway extending from houseboat to mooring docks.

H. Construction Specifications. All construction shall conform to specifications established by the city. (Ord. 800 §2, 1972).

16.08.040 Certificate of occupancy required. Any person desiring to maintain a houseboat within the city shall file with the city an application for a certificate of occupancy. Such certificate of occupancy shall not be issued unless the houseboat complies with the provisions set forth in Section 16.08.030, and the following requirements:

A. Such craft shall be located in an appropriate zoning district.

B. Payment of fees based upon the rates established by the Uniform Building Code. (Ord. 800 §3, 1972).

16.08.050 Permit required for construction, alteration or moving houseboat into city. No person shall commence the construction, alteration or renovation of any houseboat within the city, or move a houseboat into the city, for use within the city, until he has first obtained from the building inspector a permit authorizing such work. The fees for such

permits shall be based upon the rates established by the Uniform Building Code. All and any work thereafter shall be accomplished in conformance with the requirements set forth in Section 16.08.030. (Ord. 800 §4, 1972).

16.08.060 Houseboat marina requirements. No person shall rent or hold out for rent any site or space for the establishment or location of a houseboat without having first secured a permit from the city to do so. The following requirements shall be satisfied before issuance of such permit:

A. Information Required. The owners and/or operators of any marina or water area within the city upon which any houseboat is proposed to be located shall furnish to the city the following information:

1. The number of houseboats located or proposed to be located within the subject marina;
2. A brief physical description of all such houseboats;
3. The names of the legal owners and their addresses of all such houseboats;
4. The location within the marinas of all such houseboats;
5. Such information required by subdivisions 1 through 4 of subsection A inclusive, shall further be provided to the city on an annual basis.

B. Garbage. The owners and/or operators shall provide enclosed garbage receptacles in an accessible location for the use of houseboat occupants. No garbage, trash or refuse shall be dumped into the waters of San Francisco or Richardson Bays.

C. Parking. The owners and/or operators shall provide off-street parking in accordance with the parking standards set forth in the zoning regulations of the city.

D. Mooring. The mooring plan of every marina should achieve the best in personal safety and aesthetics for its individual problems. All houseboats shall float at plus five feet above mean low low water unless, upon conditional use permit review, a greater depth may be required should surrounding uses so demand and require.

E. Location. No houseboat marina shall be established or developed except in compliance with all applicable zoning regulations.

F. Pump-Out Facility. There shall be provided in each houseboat marina in which are located houseboats utilizing holding tanks a permanent holding tank pump-out facility or equivalent services which are operable and available for use at all times and which are capable of servicing all houseboats berthed, docked, or moored at said marina or anchorage area. (Ord. 800 §5, 1972).

16.08.070 Penalty for violation. Any person convicted of violating the provisions of this chapter shall be guilty of an infraction and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars. (Ord. 800 §7, 1972).

Chapter 16.12

DUNPHY PARK WATERS

Sections:

- 16.12.010 Definitions.
- 16.12.020 Waters of Dunphy Park declared open water area.
- 16.12.030 Mooring or maintaining vessel or water structure without permission unlawful.
- 16.12.040 Occupying or going upon moored vessel or water structure without permission unlawful.
- 16.12.050 Penalty for violation.

16.12.010 Definitions. For the purposes of this chapter, the following terms shall have the meanings given in this section:

A. "Moor" means the fixing of a vessel or watercraft in one location temporarily or permanently by mooring, anchoring, grounding or any other means.

B. "Vessel" includes ships, boats, canal boats, barges, sailing boats, motor boats, and every other structure adapted to be navigated from place to place for the transportation of merchandise or persons.

C. "Watercraft" includes water-borne structures of every kind and nature which are not included within the definition of "vessel," including, but not limited to, houseboats, rafts and floating platforms.

D. "Waters of Dunphy Park" means all of the property owned by the city of Sausalito covered by the waters of Richardson Bay, between the southerly line of Napa Street and the southeasterly line of Litho Street, including portions of Napa Street, Bee Street, Litho Street, Railroad Avenue, and Lot 263 and a portion of Lot 262 as shown on the unrecorded Salt Marsh and Tidelands Map No. One.

E. "Water structure" includes structures of every kind and nature, not included in the definitions of "vessel" and "watercraft," and which exist on, over or above the water, including, but not limited to, piers, wharves and docks (Ord. 911 §1(part), 1977: Ord. 844 §1, 1974).

16 12.020 Waters of Dunphy Park declared open water area. The city council declares that the waters of Dunphy Park are and shall be an open water area acquired, owned and maintained by the city for the purpose of providing active recreational boating and an unobstructed water vista for those using and enjoying the upland area of Dunphy Park. The city council finds that the use of the waters of Dunphy Park for the purpose of mooring vessels or watercraft, and for the purpose of building, constructing and/or maintaining other water structures without the consent of the city is inconsistent with the use of the area for active recreational boating, and for the purpose of providing an unobstructed water vista. (Ord. 911 §1 (part), 1977: Ord. 844 §2, 1974).

16 12.030 Mooring or maintaining vessel or water structure without permission unlawful. It is unlawful for any person to moor any vessel or watercraft, or to place, build, construct or maintain any water structure in the waters of Dunphy Park without first obtaining the written consent of the city (Ord 911 §1(part), 1977: Ord. 844 §3, 1974).

16 12.040 Occupying or going upon moored vessel or water structure without permission unlawful. It is unlawful for any person to go upon, board, occupy, reside or dwell upon, or be present upon any vessel or watercraft moored in the waters of Dunphy Park, or any water structure placed, built or constructed in the waters of Dunphy Park without the written consent of the city. (Ord 911 §1(part), 1977: Ord. 844 §4, 1974).

16 12.050 Penalty for violation. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500 00), or by imprisonment in the county jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment. (Ord. 911 §1(part), 1977: Ord. 844 §5, 1974)

Chapter 16 16

MOORAGE

Sections:

- 16.16.010 Definitions
- 16.16 020 Written consent required.
- 16.16 030 Violation--Penalty.

16.16 010 Definitions The following terms as used in this chapter are defined as follows:

A "Boat" means any boat, vessel or floating craft of every kind and description.

B. "Waters of the city" means any and all of the waters of Richardson Bay or San Francisco Bay covering the tide and/or submerged lands owned by the city which are more particularly described in Exhibit "A" attached to the ordinance codified in this chapter and incorporated herein by reference. (Ord. 986 §1, 1981).

16.16.020 Written consent required It is unlawful for any person to berth, anchor, moor, store or beach any boat in the waters of the city in excess of 10 hours without first obtaining the written consent of the chief of police For the purpose of this chapter, "beach" shall have the meaning set forth in Section 16.04.020. (Ord. 1108 §1, 1995: Ord 986 §2, 1981).

16.16.030 Violation--Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars. (Ord. 986 §3, 1981)

Chapter 16.20

CITY WATERS AND BEACHES

Sections:

- 16.20 010 Definitions
- 16.20.020 Speed limit.
- 16.20.030 Shorelines.

Sections: (Continued)

16 20.040 Penalty

16 20.010 Definitions As used in this chapter, the following terms shall have the meanings shown unless the context clearly indicates otherwise:

"Personal watercraft" means 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 and occupied by one or two people sitting or standing within the vessel and which vessels are commonly referred to as "jet ski's "

"Recreational vessel" means a vessel used primarily for pleasure "Vessel" shall have the meaning set forth at Section 651(g) of the Harbors and Navigation Code.

"City waters" means all areas within the corporate limits of the city which are either submerged or subject to tidal action (Ord. 1098 §1(part), 1994)

16.20.020 Speed limit No person shall use, operate or navigate any recreational vessel or any personal watercraft at a speed in excess of five miles per hour in any portion of the city waters within five hundred (500) feet of any shoreline within city limits. (Ord 1098 §1(part), 1994)

16.20 030 Shorelines No person shall permit or allow any personal watercraft to land at or depart from any shoreline in any portion of the city. (Ord. 1098 §1(part), 1994)

16.20.040 Penalty for violation. Any person violating any of the provisions of this chapter is guilty of an infraction, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00) for the first offense and by a fine of one hundred fifty dollars (\$150.00) for each subsequent offense. In addition to any other remedy provided by law, any vessel or personal watercraft used in violation of this chapter shall be a nuisance, and subject to abatement. (Ord. 1098 §1(part), 1994)

