

ORDINANCE NO. 1

AN ORDINANCE OF THE BEL MARIN KEYS COMMUNITY SERVICES DISTRICT PROHIBITING ENCROACHMENTS ON LAGOONS, THE UNDERLYING FEE OF WHICH IS OWNED BY DISTRICT, AND PROVIDING FOR PERMITS THEREFOR IN CERTAIN CIRCUMSTANCES.

THE BOARD OF DIRECTORS OF THE BEL MARIN KEYS COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. It shall be unlawful for any person without securing a permit therefor, as hereinafter provided, to do or cause to be done any of the following acts upon the waters of the Bel Marin Keys lagoons over that portion of Bel Marin Keys Community Services District property lying more than 60 feet outboard of the concrete curb, that approximates the higher high water line.

- (a) docking of vessels
- (b) installation of floating docks and gangways

SECTION II. Upon filing an application therefor, the Board of Directors of the Bel Marin Keys Community Services District may issue written permits authorizing the permittee to do any of the following acts within or upon the above described waters of the Bel Marin Keys lagoons.

- (a) dock vessels
- (b) install floating docks and gangways

SECTION III. Any permit issued pursuant to this ordinance shall require that the permittee pay the entire expense of replacing existing facilities if required, and may impose such other conditions regarding the location and the manner in which the work is to be accomplished, as the Board of Directors deems necessary for the protection of the navigable waters of Bel Marin Keys lagoons and underlying lands of the Bel Marin Keys Community Services District.

SECTION IV. All permits shall require that whenever future improvements or maintenance of Bel Marin Keys lagoons and related waterways necessitates the relocation or partial removal of an encroachment, the permittee will remove or relocate the same at his sole expense. In such cases, the district's secretary shall serve a written demand upon the permittee by mail, addressed to the permittee at the address shown on the permit, specifying the location of the encroachment to be removed or relocated and fixing a reasonable time within which the work of removal or relocation must be completed. All permits are revocable upon 30 day's notice and the encroachment must thereafter be removed or relocated as specified by the district board.

SECTION V. The permittee shall be responsible for maintenance and repair of any works for which the permit was issued. Should any work constructed under the permit become defective and unsightly in appearance through lack of proper maintenance or any other reason, such defects shall be considered as sufficient reason for revocation of the permit, unless such defects be corrected within 30 days notice of intention to cancel permit.

SECTION VI. Applications for permits shall be accompanied by a Five Dollar (\$5.00) fee.

SECTION VII. Applicants shall submit a detailed drawing to scale showing the nature and extent of the proposed encroachment. The drawing shall show plan, side and end views. Design of berthing facilities shall be based on the following criteria:

- (a) Any encroachment must conform to the Architectural Control Committee requirements.
- (b) Gangways
 1. Gangways shall not be steeper than $2\frac{1}{2} : 1$ at low water.
 2. Minimum gangway width shall be 30".
 3. Live load design shall be not less than 30-lbs. per square foot.

4. Hand rail shall withstand a twenty pound lateral load per linear foot of rail.

(c) Floating equipment

1. Floats shall have sufficient buoyancy provided to support a twenty pound per square foot uniform live load plus the dead load of the structure with no allowance for structural members in floatation calculation. The minimum width of floating equipment shall be three feet.
2. Framing shall be not less than two inches nominal thickness, if constructed of wood. If any portion of the entire structure is constructed of plywood, it shall be $\frac{1}{2}$ " minimum thickness, marine grade except portions above water may be exterior grades.

(d) Anchor cables and deadman

1. Anchor cables and deadmen for floating equipment shall be adequate to resist lateral forces produced by a combination of wind, current, wave and impact action.

SECTION VIII. All berthing facilities which are installed prior to the requirement of the issuance of a permit hereunder, shall conform to the requirements of this Ordinance within one year of notification by the District. Berthing facilities which are determined to constitute a hazard to navigation by the Board of Directors or fail to comply with this Ordinance shall be removed upon order of this Board.

SECTION IX. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance.

The Board of Directors of the Bel Marin Keys Community Services District hereby declares it would have passed this Ordinance's sections, sub-sections, sentences, clauses and phrases thereof irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION X. Any person, firm, or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the County jail for a period not to exceed six months or by a fine not exceeding Five Hundred Dollars (\$500.00) or by both such fine and imprisonment. Each day during which any violation of this Ordinance is continued or allowed to continue shall be deemed a new offense and shall subject the violator to additional prosecution.

SECTION XI. This Ordinance shall take effect and be enforced thirty days after the date of passage and approval. It shall be published at least once in a newspaper circulated within the district before the expiration of fifteen days after its passage with the names of the members voting for and against the same.

PASSED AND ADOPTED by the Board of Directors of the Bel Marin Keys Community Services District on this 9th day of May, 1968 by the following vote:
AYES: 5 - Howard Bean, William C. Hanson, William Treber, Clyde Wrightsman, James Zoeller
NOES: 0
ABSENT: 0

BEL MARIN KEYS COMMUNITY SERVICES DISTRICT

By James J. Zoeller
Chairman of the Board of Directors

Attest:
Betty J. Zoeller
Secretary for the District