## Chapter 11.36 WATERCRAFT REGULATION\*

**Sections:**

11.36.00E \*Editor's notes to Chapter 11.36.

Prior ordinance history: Ords. 2951, 3028 and 3064.

11.36.010 Findings and purpose.

(a) Local use regulation of watercraft in the waters of this state are authorized by Sections 268 and 660 of the California Harbors and Navigation Code in the areas of time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control.

(b) The provisions of this chapter with respect to boating within the Bel Marin Keys Community Services District and upon Novato Creek are intended to protect and promote the public health, safety and general welfare, to preserve the environment, and to protect the value, worth and enjoyment of the lagoons and waterways within Bel Marin Keys Community Services District and upon Novato Creek from damage due to noise and wave action caused by excessive speed, and to prevent injury to person or property as a consequence of boating activities within said areas.

(c) With respect to the prohibition of the use of personal watercraft within all shoreline waters and estuaries of Marin County, the purpose of the ordinance codified in this chapter is to reduce existing conflicts and limit potential conflicts between uses of the shoreline waters and estuaries of Marin County, eliminate adverse impacts to the diverse and unusual species found in the shoreline waters and estuaries of Marin County, promote overall public safety, and decrease hydrocarbon pollution that is disproportionately caused by personal watercraft.

(d) Conflicts between uses have the potential to increase in the future because of increasing use of Marin County's marine waters as well as use and development of shoreline areas. Examples of conflicts that currently occur in addition to fish, marine mammal and wildlife habitat disruption are those between personal watercraft and individuals engaged in water sports such as kayaking, windsurfing, swimming and canoeing, due to the nature and design of personal watercraft including high maneuverability, high speed, ability to travel in shallow areas, and noise patterns that are unique and annoying.

(e) These same unique characteristics of personal watercraft also cause conflicts between shoreline uses in areas zoned for residential and open space activities.

(Ord. 3302 § 2 (part), 1999)

11.36.020 Definitions.

As used herein, the following terms have the following meanings:

(1) "Open space" means any common ownership use area owned in fee by the Bel Marin Keys Community Services District ("district"), as depicted in maps maintained by and available for public inspection in the administrative offices of the district. The provisions and use regulations set forth under this Chapter 11.36 may be posted at the entrance to or within any open space in accordance with the provisions of Section 11.36.090.

(2) "Park" means any of the seven park and public designated recreational areas owned in fee by the district, as depicted in maps maintained by and available for public inspection in the administrative offices of the district. The provisions and use regulations set forth under this Chapter 11.36 may be posted at the entrance to or within any park in accordance with the provisions of Section 11.36.090.

(3) "Personal watercraft" means a vessel, as defined in California Harbors and Navigation Code Section 651(s), that is less than twelve feet in length, propelled by machinery, that is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(4) "Shoreline area" means the area between the intersection between the mean high water mark and the shore of any waterway within the district and extending upland for a distance of fifty feet from that intersection. The provisions and use regulations set forth under this Chapter 11.36 may be posted at the entrance to or along any shoreline in accordance with the provisions of Section 11.36.090.

(5) "Special-use area" means all or a portion of a waterway that is set aside for specified uses or activities to the exclusion of other incompatible uses or activities.

(6) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water, except either of the following:

(a) A seaplane on the water;

(b) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to a fixed tract or arm to which the watercraft is attached or by which the watercraft is controlled.

(Ord. 3302 § 2 (part), 1999)

(Ord. No. 3764, § I, 2022)

11.36.030 Speed limit.

No person shall operate any motorized vessel upon the following areas of the lagoons and waterways in Bel Marin Keys Community Services District and Novato Creek, in excess of five miles per hour:

(1) Novato Creek from the Triple Box culvert at the entrance of the Bel Marin Keys community to one hundred yards downstream from the most easterly of the two locks;

(2) Within a minimum of two hundred feet from the shoreline of the lagoon north of Bel Marin Keys Boulevard, or within a minimum of one hundred twenty-five feet from the shoreline of the lagoons south of Bel Marin Keys Boulevard, or within a minimum of one hundred twenty-five feet from any earthen levee adjacent to the lagoons south of Bel Marin Keys Boulevard, and through the narrow channel connecting Sunset and Sunrise Lagoons to the entrance of Sunrise Lagoon.

The Board of Directors of the Bel Marin Keys Community Services District shall post Novato Creek and the lagoons and waterways specified above, with a five mile per hour speed limit notice.

In any area where the speed is not otherwise restricted, no vessel shall operate at a speed greater than forty-five (statute) miles per hour in the north or south lagoon. The Board of Directors of the Bel Marin Keys Community Services District shall mark the lagoons and post a map showing the portions of the lagoons governed by this limitation. ;hn0; (Ord. 3438 § 1, 2006: Ord. 3302 § 2 (part), 1999)

(Ord. No. 3510, § I, 2009)

11.36.040 Prohibited use of personal watercraft in special use area.

(a) Use and operation of personal watercraft in the area designated in subsection (b) of this section as a special use area is incompatible with competing uses and is, therefore, prohibited.

(b) For the purposes of this chapter, the special use area shall consist of all waters within the territory of the County of Marin accessible from a shoreline, or the farthest extension of the shoreline of Marin County as defined by its landmarks. The area is to include the shoreline of the Pacific Ocean from the Sonoma County line to the Golden Gate Bridge and the San Francisco Bay shoreline from the Golden Gate Bridge to the Marin/Sonoma County line at the Petaluma River. The special use area includes but is not limited to all estuaries (Estero), rivers and bays within Marin County jurisdiction. This special use area shall also include a distance of seven miles inland from the mouth of the rivers or navigable creeks.

In the event that another regulatory authority has exclusive jurisdiction over any of the shoreline of the special use area, the special use area shall begin at the boundary of the shoreline under the jurisdiction of the County of Marin.

(c) The regulation contained in this chapter shall not apply to any motorized vessel or personal watercraft owned, operated or controlled by the United States, any California State agency or by any local government agency within Marin County engaged in bona fide emergency or rescue operations or other operations conducted solely to protect public health and safety.

(Ord. 3302 § 2 (part), 1999)

11.36.050 State or federally funded facilities.

If any officer, department or agency of the county constructs a recreational boat launch facility with funds provided pursuant to 26 U.S.C. 9504(b)(2), or other state or federal funds which require that personal watercraft be permitted, the responsible officer, department or agency shall designate, and the board of supervisors shall confirm by motion, an access corridor for personal watercraft from the facility and through the special use area. The responsible officer, department or agency shall notify the office of the county administrator prior to entering into any commitment to construct any facility covered by this section.

(Ord. 3302 § 2 (part), 1999)

11.36.060 Water skiing.

The following regulations and limitations shall apply in waters within the territory of the Bel Marin Keys Community Services District to water skiing:

(1) No more than three boats shall tow water skiers on Sunrise Lagoon, and no more than four boats shall tow water skiers on Sunset Lagoon, at any time.

(2) Boats towing water skiers shall be limited to twenty-two feet overall length, measured from to stem to transom, in all lagoons where water skiing is allowed.

(3) Water skiing is prohibited in the water surrounding the street of Cavella Cay, the waters bordered by the streets Caribe Isle, Bel Marin Keys Boulevard, and Del Oro Lagoon, and that portion of Laguna Bel Marin south of a line from the west end of the dock at 145 Caribe Isle and the east end of the dock at 60 Montego Key, as indicated on the water safety map which was attached to Ordinance 3028.

All water skiing shall follow a counter clockwise pattern, and shall be limited to the designated ski areas; as shown on the Water Safety Map, attached as Exhibit A to Ordinance 3028, in Laguna Bel Marin, Sunrise and Sunset Lagoons; except that beginner double ski skiing shall be allowed in Unit 4 lagoons designated as Lagoons 4A and 4B on the water safety map attached to Ordinance 3028.

(Ord. 3302 § 2 (part), 1999)

11.36.065 Wake surfing prohibited.

No vessel operator shall intentionally engage in any water sport in which the sport participant is propelled entirely or substantially by the force of the vessel's wake alone within the Bel Marin Keys Community Services District and its waters, including, but not limited to, the North and South lagoon. No person shall intentionally engage in propelling themselves in any manner entirely or substantially by the force of a vessel's wake alone within the Bel Marin Keys Community Services District and its waters, including, but not limited to, the North and South lagoon.

(Ord. 3438 § 2, 2006)

11.36.070 Swimmers.

Swimmers in waters within the territory of the Bel Marin Keys Community Services District shall wear international orange swim caps when swimming beyond twenty-five feet from the dock face, or beyond fifty feet from the shoreline. Swimming shall not be allowed in areas which have been designated ski areas. Swimmers may not enter the water from any park, open space or shoreline area.

(Ord. 3302 § 2 (part), 1999)

(Ord. No. 3764, § II, 2022)

11.36.080 Buoys.

No buoy shall be placed in any lagoon on waterway within the territory of the Bel Marin Keys Community Services District except by permission of the Bel Marin Keys Community Services District Board of Directors.

(Ord. 3302 § 2 (part), 1999)

11.36.085 Restrictions upon the rampways, ramp areas, parks, open space and shoreline areas owned or maintained by Bel Marin Keys Community Services District.

(1) It shall be unlawful for persons to perform any of the following acts within the ramp areas maintained by the Bel Marin Keys Community Services District:

(a) Fishing from any dock in the ramp area or from the ramp itself;

(b) Consuming alcoholic beverages;

(c) Impeding the lawful use of the ramp area for the launching or retrieval of vessels;

(d) Parking within the ramp area for a period beyond that necessary to either launch or retrieve a vessel;

(e) Engaging in activities or events (other than launching or retrieving vessels) at the launch area without a lawful event permit issued by the district manager or the board of directors of the Bel Marin Keys Community Services District;

(f) Parking adjacent to the boat ramps in excess of four hours;

(g) Overnight parking of any vehicles. The "ramp areas" are defined as the ramp structure itself and the surrounding area within twenty-five yards from any point on the ramp structure which is not otherwise a part of a public roadway.

(2) It shall be unlawful for persons to perform any of the following acts within the parks, open space or shoreline areas owned or maintained by the Bel Marin Keys Community Services District:

(a) Fishing;

(b) Accessing any park, open space or shoreline area after sunset;

(c) Launching of any vessel (motorized or/non-motorized);

(d) Dumping of trash or debris;

(e) Building, maintaining, attending or using a fire;

(f) Having any dog unleashed;

(g) Horseback riding or equestrian activities;

(h) Riding or driving any electrical or motorized vehicle (except mobility devices for people disabilities) without the expressed written consent of the district;

(i) Erecting any temporary structures in any park, open space or shoreline area without the express written permission of the district;

(j) Disturbing rocks or rip rap along the banks;

(k) Parking any vehicle on a street adjacent to or in front of a park, open space or shoreline area for a period more than seventy-two consecutive hours. Any vehicles and trailers parked must be moved at least ten feet after the expiration of any consecutive seventy-two hour period;

(l) Overnight parking of any vehicles adjacent to any shoreline area.

(Ord. 3438 § 3, 2006)

(Ord. No. 3764, § III, 2022)

11.36.090 Posting authorized—Description of signs.

Any person, governmental agency, department or instrumentality having possession or control of any of the properties enumerated in this chapter may post, at each entrance to or along the perimeter of any park, open space or shoreline area, and at intervals of not more than four hundred feet around any area devoted to such use, substantial signs not less than one square foot in area, displaying prominently in addition to such other information as may be deemed desirable, in legible letters not less than two inches in height, rules and regulations governing the use of the area as set forth under this Chapter 11.36. This signage must clearly state the proscribed activities and uses and must indicate that violation of the use provisions is an infraction pursuant to this chapter, and that such violation is punishable by law.

(Ord. No. 3764, § IV, 2022)

Ord. No. 3764, § IV, adopted May 10, 2022, renumbered § 11.36.090 as § 11.36.100.

11.36.100 Violation—Penalties.

Any violation of this chapter shall be deemed an infraction punishable upon a first conviction by a fine of not more than one hundred dollars, and for a second conviction, within a period of one year, by a fine not exceeding two hundred dollars, and for a third or any subsequent conviction within a period of one year by a fine not exceeding five hundred dollars.

(Ord. 3302 § 2 (part), 1999)

(Ord. No. 3764, § V, 2022)

Editor's note(s)—See editor's note, § 11.36.090.