

## Title 10

### PARKS AND RECREATION

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Chapter 10.03

PARK RULES AND REGULATIONS

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10.03.010 Short Title.

This chapter shall constitute the “Park Rules and Regulations for the City of Lake Stevens” and may be cited as such. (Ord. 821, Sec. 2, 2009)

10.03.020 Definitions.

The terms used, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

- (a) “Department” means the City of Lake Stevens Planning and Community Development Department.
- (b) “Director” means the Director of the Planning and Community Development Department for the City of Lake Stevens, or his or her designee.
- (c) Event. Refer to Chapter 14.08.
- (d) Event Permit. Refer to Chapter 14.08.
- (e) “Park” means a site designed, developed or designated by the City for recreational use or activities by the public including, but not limited to:
  - (1) Indoor facilities, such as:
    - (i) Gymnasiums;
    - (ii) Swimming pools; or
    - (iii) Community and activity centers; and
  - (2) Outdoor facilities, such as:
    - (i) Sport fields;
    - (ii) Playgrounds;
    - (iii) Skate parks;
    - (iv) Docks, piers, boardwalks and fishing areas;
    - (v) Swim and beach areas;
    - (vi) Boat launches and marinas;
    - (vii) Parking lots; or
    - (viii) Gazebos, picnic shelters and related outdoor activity areas; and
  - (3) Areas and trails for:
    - (i) Pedestrians;
    - (ii) Bicyclists; or

- (iii) Dogs or equestrians; and
- (4) Any other public property or facility that the City has designed, identified or designated for recreational use or activities.
- (f) Park Permit. A park permit is required for any activity, assembly, gathering, meeting or other organized activity, of more than 50 but less than 100 persons, held in a City park, public property or facility, and that is not likely to cause a significant impact on the park, public property or facility or other property or facility users and the general public. Park permits are issued for events such as family reunions, birthday parties and other small group or organization meetings.
- (g) "Person" means all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.
- (h) "Smoking and tobacco use" means the carrying or smoking of any kind of lighted tobacco-containing pipe, cigarette, cigar, or the carrying or smoking of any other lighted smoking equipment using tobacco and any other chewing, tasting or ingesting of tobacco products. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 2, 2008)

10.03.030 Construction of Provisions.

This chapter is declared to be an exercise of the police power of the City enacted for the public peace, health, safety and welfare. The provisions of this chapter shall be liberally construed to accomplish the purpose of this chapter. (Ord. 821, Sec. 2, 2009)

10.03.040 Purpose.

Parks may from time to time be set aside by the City for park and recreational purposes. The City may organize public recreation programs consisting primarily of activities planned and directed by the Planning and Community Development Department. The Director of the Planning and

Community Development Department is authorized to contract with community groups to organize recreation activities in City parks that are open to the general public and for which a fee may be charged. (Ord. 821, Sec. 2, 2009)

10.03.050 Hours.

Park hours shall be 7:00 a.m. till dusk unless posted otherwise. Park hours may be extended as part of a permitted event or with prior written permission from the Director. No person shall enter or be present at a Lake Stevens park area after closing time. (Ord. 821, Sec. 2, 2009)

10.03.060 Posting Signs, Posters, and Notices.

- (a) No person shall, without prior written permission of the Director, attach any notice, bill, poster, sign, wire, rod, or cord to any tree, shrub, railing, post or structure within any park; provided, that the Director may permit the erection of temporary directional signs or decorations on occasions of public celebration and picnics.
- (b) No person shall, without prior written permission of the Director, use, place, or erect any signboard, sign, billboard, bulletin board, post, pole, or device of any kind for advertising in any park, or place or erect in any park, a permanent or temporary structure of any kind; provided, that before granting permit, the Director shall establish general rules and regulations pertaining hereto, including provisions requiring removal, protecting City employees, the general public interest, and persons using City parks.
- (c) It is further unlawful for any person to distribute literature of any kind in any park within the City without first obtaining written permission to do so from the Director. The Director shall establish rules and regulations relating to the distribution of literature which may prohibit the distribution of literature of a purely commercial advertising nature and shall require the deposit with the City of a "litter" cleanup

deposit in an amount to be determined by the Director prior to the issuance of any such written permit. (Ord. 821, Sec. 2, 2009)

10.03.070 Damage to Park Property Unlawful.

No person shall remove, destroy, or mutilate, injure, cut, disturb, misuse, or mark or write upon any structure or building, or any part of any structure or any building, or any fixture therein, or attached thereto, or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, or pick, cut or remove any shrub, tree, fern, plant, flower, lighting system, or sprinkling system, or any other property lawfully located within a park area. (Ord. 821, Sec. 2, 2009)

10.03.080 Animals at Large Prohibited.

No person shall allow or permit any dog or other pet to run at large in any park or public property. Any person with a dog or other pet in his/her possession in any park or on public property shall be responsible for both the conduct of the animal, damage caused by the animal, and removal from the park or public property of feces deposited by such animal. Dogs or pets on park or public property must be on a leash of no more than eight feet in length, and under the control and direction of the owner or guardian, except;

- (a) Dogs used by public law enforcement agencies and under control of a law enforcement officer.
- (b) In areas specifically designated as “off-leash areas” by the Director and posted as such, for the exercising of pets. Dogs and pets must still be under the control and direction of the owner or guardian.
- (c) When exceptions or conditions are applied as part of a permitted event.
- (d) The Director may ban dogs and other pets from areas of any parks or public property where she or he determines the same may be a nuisance. The Director may ban dogs and other pets from areas of any park or public property during a permitted event or where

organized public recreation activities may be conducted. (Ord. 821, Sec. 2, 2009)

10.03.090 Horses Prohibited.

No person shall permit any horse, except horses used by and under the control of a public law enforcement agency, to be in any park, whether at large or under the direct control of its rider, except in areas specifically designated by the Director and posted as such or as part of a permitted event. (Ord. 821, Sec. 2, 2009)

10.03.100 Firearms and Explosives.

No person shall shoot, fire, or explode any fireworks, firecrackers, torpedoes, or explosives of any kind or throw any projectiles, or carry any firearm, or shoot or fire any firearm, air gun, bow and arrow, BB gun, or use any slingshot on any park properties except a law enforcement officer in the line of duty. The Director may issue a permit for the purpose of conducting a public fireworks display under RCW 70.77.260. The permit must meet the requirements of Section 9.64.030, Public Display of Fireworks. (Ord. 821, Sec. 2, 2009)

10.03.110 Teasing, Annoying, or Injuring Animals Prohibited.

No person shall tease, annoy, disturb, molest, catch, injure, kill, or throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird, or fowl. No person shall fish on the park properties except at areas designated by the Director and posted as such. No person shall feed any fowl or other wildlife in the park except in designated areas. (Ord. 821, Sec. 2, 2009)

10.03.120 Restriction on Vehicles.

- (a) At all times and at all locations within any park, pedestrians shall enjoy the right-of-way over any motorized or unmotorized vehicle, bicycle, tricycle, animal, skates, or skateboard.
- (b) No person shall ride, drive, or operate any bicycle, skates, or skateboard in any area

within any park where such activity is prohibited by means of posted notice. The Director is authorized to place the appropriate notice or notices at such times, and/or within such areas of any park which shall make it unlawful to ride, drive, or operate any bicycle, skates, or skateboard within such designated areas, according to the posted notice.

- (c) No motorized or nonmotorized vehicle or trailer shall be parked in a City park overnight unless part of an event for which an event permit has been issued and for which the Director has specifically addressed and conditioned as part of the permit. (Ord. 821, Sec. 2, 2009)

10.03.130 Depositing Refuse and Litter.

No person shall throw any refuse, litter, cigarette butts, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park area or trail, or deposit any waste or abandoned material therein except in designated receptacles. No person shall deposit any refuse not generated in parks in any receptacle within any park or upon any park properties. (Ord. 821, Sec. 2, 2009)

10.03.140 Building Fires.

No person shall build a fire in any park. Charcoal barbecues are prohibited except in City-provided barbecue grills. (Ord. 821, Sec. 2, 2009)

10.03.150 Intoxicating Liquor and Drugs Prohibited.

No person shall bring into any park or consume by mouth, inhalation, or injection, or possess while in any park, any intoxicating liquor, narcotic, or dangerous drugs or consume by any method any material or substance (such as glue, for example) capable of producing a state of intoxication or euphoria; provided, however, that this section shall not be applied to any person consuming a drug obtained by such person by lawful prescription and taken pursuant to the medical direction of

a licensed health care practitioner; further provided, the City Council may permit the sale and consumption of alcoholic beverages within a confined licensed area pursuant to an event permit issued by the City and a permit issued by the Washington State Liquor Control Board. Any application to the City Council for such a permit shall include a site plan identifying the specific areas to be licensed. In granting such a permit, the Council may apply restriction reasonably calculated to comply with the purpose of the Public/Semi-Public Zone as set forth in the Lake Stevens Land Use Ordinance. (Ord. 821, Sec. 2, 2009)

10.03.155 Smoking and Tobacco Use Prohibited.

Smoking and tobacco use are prohibited in all City parks under the control and jurisdiction of the City. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 1, 2008)

10.03.160 Camping.

It is unlawful for any person or group of persons to camp out in any park except at places set aside for such purposes by the Director and so designated by signs. (Ord. 821, Sec. 2, 2009)

10.03.170 Selling Refreshments or Merchandise.

No person shall sell refreshments or merchandise in any park without first entering into a concession contract with the City according to the rules and regulations established by the Director or unless sales are in conjunction with an event for which an event permit has been issued. (Ord. 821, Sec. 2, 2009)

10.03.180 Certain Vocations Prohibited.

- (a) No person shall take up collections for any purpose nor solicit for any services or products.
- (b) No person shall hold, operate or conduct a circus, carnival, or traveling exhibition on any

park property, except such activities as may be a regular part of the parks and recreation program, without first obtaining a written permit from the Director or except as part of an event for which an event permit has been issued.

- (c) Except as provided in Sections 10.03.040 and 10.03.170, it is unlawful for persons to conduct activities in a City of Lake Stevens park area for private voluntary gain (profit).
- (d) No person shall use a metal detector in any City park.
- (e) Except as part of an event for which an event permit has been issued:
  - (1) No person shall erect a canopy, tent, shelter or other temporary or permanent structure in a City park.
  - (2) No person shall operate an inflatable bouncy house, castle or similar type of apparatus in a City park or facility. (Ord. 821, Sec. 2, 2009; Ord. 797, Sec. 1, 2009)

10.03.190 Practicing and Playing Certain Games.

No person shall practice or play golf, baseball, horseshoes, cricket, polo, lacrosse, archery, or hockey except at park areas set apart or designated for such purposes by the Director so as not to conflict with normal park usage. (Ord. 821, Sec. 2, 2009)

10.03.200 Permit for Assemblies and Events Required.

- (a) Except as provided elsewhere in this chapter, no person, group or organization shall hold, host or sponsor any organized event, assembly, meeting or other organized activity in a park that would likely attract 50 or more persons except as part of an event or activity for which a park or event permit has been issued.
- (b) A park permit is required for any activity, assembly, gathering, meeting or other organized activity, of more than 50 but less than a

100 persons, held in a City park or public property.

- (1) A person or group desiring to hold, host, sponsor or organize such activity, as outlined above, shall apply for a park permit by filing a complete application with payment of all applicable fees (per the current City of Lake Stevens Fee Resolution) and all supporting and required documents with the City at least 14 days prior to the date on which the activity, assembly, gathering or meeting is to occur.
- (2) Additional permits and fees (per the current City of Lake Stevens Fee Resolution) may be required to rent or lease additional park or public facilities.
- (c) An event permit is required for any person, group or organization desiring to host, sponsor or organize an event in the City of Lake Stevens likely to attract participants and spectators of 100 persons or more pursuant to Chapter 14.44 LSMC.
- (d) When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberty of applicants and the public. (Ord. 821, Sec. 2, 2009)

10.03.210 Racing Regulations.

No person shall engage in, conduct, or hold any trials or competitions for speed, endurance, or hill climbing involving any vehicle, boat, aircraft, or animal in any park area, without first obtaining an event permit to do so. Said permit will outline specified places and times designated for such activities by the Director upon his/her determination that:

- (a) Adequate provision has been made to ensure that the health and safety of participants and spectators of any activities will not be subject to undue hazard; and
- (b) Such activities will be conducted in such a manner as to minimize potential damage to public or private property. (Ord. 821, Sec. 2, 2009)

10.03.220 Watercraft.

No person shall have, keep, or operate any boat, float, trailer, raft, or other watercraft in or upon any bay, lake, slough, river, or creek within the limits of any park, or land on the shore bordering any park, except at places set apart by the Planning Director and designated by signs. No boat, float, trailer, raft, watercraft, motorized or nonmotorized vehicle will be parked or left overnight in any park, except as part of an event for which an event permit has been issued. (Ord. 821, Sec. 2, 2009)

10.03.230 Emergency Aid by Watercraft.

No person shall land or dock a boat at any swimming dock or float, nor shall any boat be allowed within a swimming area except in an emergency involving rescue or lifesaving. The Director shall have the power to permit exceptions for special events. (Ord. 821, Sec. 2, 2009)

10.03.240 Testing Vehicles Prohibited.

No person shall operate any motor vehicle or motorcycle for the purpose of testing it, or ascertaining its fitness for service, along or upon any park drive, parkway, or park boulevard. (Ord. 821, Sec. 2, 2009; Ord. 491, 1995)

10.03.250 Amplified Music and Public Address Systems.

No person shall operate a powered public address system or amplified music speaker system or other means of amplifying sound at any park areas without a written permit from the Planning

Director; provided, that the Director shall establish general rules and regulations pertaining thereto. Vehicle-operated portable radios, music and other media players are permitted on City-owned, operated or maintained property, provided they shall only be operated at a volume that does not allow the sound to be heard by a person with normal hearing that is more than 25 feet from the sound device, nor in any manner which unreasonably disturbs the peace of others as provided for in Chapter 9.56, Noise Control. (Ord. 821, Sec. 2, 2009; Ord. 551, 1997; Ord. 491, 1995)

10.03.260 Adoption of Rules and Regulations by Director.

The Director shall have the power to promulgate and adopt reasonable rules and regulations pertaining to the operation, management, and use of the parks, and shall post the same in conspicuous places in the parks. Rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter to locally and nationally recognized organizations or associations. Rules and regulations may include the establishment of hours during which any park or portion thereof as designated by signs located within the designated portion shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. No person shall violate or fail to comply with any park rule or regulation duly adopted and posted by the Director. (Ord. 821, Sec. 2, 2009; Ord. 491, Sec. 3, 1995)

10.03.270 Violation and Penalty.

Failure to comply with any provision of this chapter or violation of any provision of this chapter is an infraction for the first offense and for a second offense within a 365-day period.

- (a) For the first offense the fee of such violation shall be set equivalent to the basic rule violation as set forth in the Justice Information System (JIS) Law Table as published by the Administrative Office of the Courts.

- (b) For the second offense, the fee of such violation shall be set equivalent to double the basic rule violation as set forth in the Justice Information System (JIS) Law Table as published by the Administrative Office of the Courts.
- (c) Third or subsequent offenses of this chapter in a 365-day period shall either be:
  - (1) A misdemeanor subject to a jail term of not more than 90 days, a fine of not more than \$1,000, or both such fine and imprisonment; or
  - (2) Subject to enforcement pursuant to Title 17 of the Lake Stevens Municipal Code.
- (d) Payment of a civil fine within three business days of the issuance of the notice of infraction issued under this chapter shall reduce the amount of the fine owing by 50 percent. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 3, 2008; Ord. 604, Sec. 9, 1999; Ord. 491, Sec. 3, 1995)

ter and any other provisions of the Lake Stevens Municipal Code, this chapter shall control. (Ord. 821, Sec. 2, 2009; Ord. 491, Sec. 3, 1995)

10.03.280 Reward for Assisting in Enforcing Chapter.

The Director may offer, post, and pay a suitable reward not exceeding \$100.00 for information leading to the arrest and conviction of anyone violating the provisions of this chapter. (Ord. 821, Sec. 2, 2009)

10.03.290 Principal Offender Defined.

Anyone concerned in the violation of this chapter, whether directly committing the act of omitting to do the thing constituting the offense, or who aids or abets the same, whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense is, and shall be, a principal under the terms of this chapter, and shall be proceeded against and prosecuted as such. (Ord. 821, Sec. 2, 2009)

10.03.300 Conflicts.

All City ordinances shall be in force in all City parks. In the event of a conflict between this chap-



Chapter 10.04

GENERAL PROVISIONS

Sections:

- 10.04.010 Short title
- 10.04.020 Authorization - Waters defined
- 10.04.030 Application - Provisions supplemental
- 10.04.040 Definitions
- 10.04.050 Public employees - Compliance required
- 10.04.060 Application of water safety and watercraft code - Exemptions
- 10.04.070 Public health
- 10.04.080 Liability for damages
- 10.04.090 Adoption of Statutes by Reference

10.04.010 Short Title. This title shall constitute the "Water Safety and Watercraft" code of the City and may be cited as such.

10.04.020 Authorization - Waters defined.

- A. The City, in the exercise of its police power, assumes control and jurisdiction over all waters within its limits.
- B. As authorized by RCW 35A.21.090, the powers and jurisdiction of the City with boundaries adjacent to or front on any lake, or other navigable waters, shall extend into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such lake or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the City limits.

10.04.030 Application - Provisions supplemental. The provisions of this title shall be applicable to all vessels and watercraft operating in the waters of the City. The provisions of this

title shall be construed to supplement United States laws and state laws and regulations when not expressly inconsistent therewith in the waters where such United States and state laws and regulations are applicable.

10.04.040 Definitions. For the purpose of this title:

"Anchorage" means a designated position where vessels or watercraft may anchor or moor.

"Aquatic event" means any organized water event of limited duration which is duly sanctioned at least seven (7) days in advance by duly constituted authority and which is conducted according to a prearranged schedule and in which general public interest is manifested.

"Authorized emergency vessel" means any authorized vessel or watercraft of the Lake Stevens Police Department, Snohomish County Sheriff's Department, Snohomish County Fire Protection District No. 8, the United States government, and state and authorized patrol vessels, fire rescue boats or watercraft.

"Commission" means the State Parks and Recreation Commission.

"Cove" means that area of Lake Stevens set forth in the attached Exhibit A.

"Darkness" means that period between sunset and sunrise.

"Diver's flag" means a red flag, five (5) units of measurement on the hoist by five (5) units of measurement on the fly with a white stripe of one (1) unit crossing the red diagonally, the flag to have a stiffener to make it stand out from a pole or mast. This flag shall only pertain to skin diving and SCUBA (Self-contained underwater breathing apparatus) diving and shall supplement any nationally recognized diver's flag

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or marking. A unit of measurement shall not be less than two (2) inches.

**"Idling Speed"** means that speed of any motorboat while underway when its propulsion machinery is set at the machine's lowest possible speed.

**"Motor driven boats and vessels"** means all boats and vessels which are self propelled.

**"Muffler"** or **"muffler system"** means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

**"Observer"** means the individual riding in a vessel who is responsible for observing a water skier at all times.

**"Obstruction"** means any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation.

**"Oil"** means any oil or liquid, whether of animal, vegetable, mineral or chemical origin, or a mixture, compound or distillation thereof.

**"Operate"** means to steer, direct, or otherwise have physical control of a vessel that is underway.

**"Operator"** means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

**"Owner"** means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

**"Personal flotation device"** means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the commission.

**"Personal watercraft"** means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

**"Pier"** means any pier, wharf, dock, flat, grid-iron or other structure which promotes the convenient loading or unloading or other discharge from vessels or watercraft, or the repair thereof.

**"Reckless"** or **"recklessly"** means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.

**"Restricted area"** means an area that is closed to all water traffic or where water traffic is regulated for the health, safety and welfare of the public.

**"Towboat"** means any vessel or watercraft engaged in towing or pushing another vessel or watercraft.

**"Underway"** means that a vessel is not at anchor, or made fast to the shore, or aground.

**"Vessel"** includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers. (Ord. 453, 1994)

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"Wake" means more than a six (6) inch swell in the water created by the movement of any watercraft. (Ord. 543, 1997)

"Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

10.04.050 Public employees - Compliance required. The provisions of this title shall apply to the operator of any vessel or watercraft owned by or used in the service of the United States government or of this state, or of any political subdivision thereof.

10.04.060 Application of Water Safety and Watercraft Code - Exemptions. The provisions of this title shall be applicable to the operation of any and all vessels or watercraft in the waters of the City, except that they shall not apply to any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law; provided, that the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons using the waters of the City.

10.04.070 Public health. All watercraft and vessels entering the waters of the City shall comply with the applicable public health laws and regulations of the United States, the state, and its political subdivisions.

10.04.080 Liability for damages. Nothing in this title shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure from any liability for damages. The safeguards to life and property required in this title shall not be construed as relieving any person from installing and maintaining any other safeguards which may be required by law.

10.04.090 Adoption of Statutes by Reference. The City of Lake Stevens hereby adopts and incorporates by references the following sections of the Revised Code of Washington as presently enacted and as may be subsequently amended:

- RCW 88.08.023 Vessel seal display
- RCW 88.08.030 Exemption from vessel registration
- RCW 88.12.015 Violations of chapter punishable as misdemeanor -- Circumstances -- Violations designated as civil infractions
- RCW 88.12.020 Operation of vessel in a negligent manner -- Penalty
- RCW 88.12.025 Operation of vessel in a reckless manner -- Penalty
- RCW 88.12.035 Failure to stop for law enforcement officer
- RCW 88.12.055 Enforcement -- Chapter to supplement federal law
- RCW 88.12.065 Equipment standards -- Rules -- Penalty
- RCW 88.12.075 Tampering with vessel lights or signals -- Exhibiting false lights or signal -- Penalty
- RCW 88.12.085 Muffler or underwater exhaust system required -- Exemptions -- Enforcement -- Penalty
- RCW 88.12.095 Personal flotation devices -- Inspection and approval -- Rules
- RCW 88.12.105 Failure of vessel to contain required equipment -- Liability of operation or owner -- Penalty
- RCW 88.12.115 Personal flotation devices required -- Penalty
- RCW 88.12.125 Water skiing safety -- Requirements
- RCW 88.12.135 Loading or powering vessel beyond safe operating ability -- Penalties

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- RCW 88.12.145 Operation of personal watercraft -- Prohibited activities -- Penalties
- RCW 88.12.155 Duty of operator involved in collision, accident, or other casualty -- Immunity from liability of persons rendering assistance -- Penalty
- RCW 88.12.165 Casualty and accident reports -- Confidentiality -- Use as evidence
- RCW 88.12.175 Boating accident reports by local government agencies -- Investigation -- Report of coroner
- RCW 88.12.185 Vessels adrift -- Owner to be notified
- RCW 88.12.285 Uniform waterway marking system

Chapter 10.08

ACCIDENTS AND ENFORCEMENT

Sections:

- 10.08.010 Accident - Reports
- 10.08.020 Reports confidential - Inadmissible as evidence
- 10.08.030 Filing false information and concealment of pertinent facts
- 10.08.040 Duties of Lake Stevens police department
- 10.08.050 Aiding and abetting violation
- 10.08.060 Violation - Penalty

10.08.010 Accident - Reports.

- A. In the event of any accident in City waters which results in the death, disappearance, or injury to any person which requires medical treatment, the master, owner or operator of any involved vessel shall immediately report the same to the Lake Stevens police department.
- B. In addition to subsection A of this section, above, the master, owner or operator of any vessel shall file a written State Boating Accident Report within forty-eight (48) hours of any accident involving death, personal injury requiring medical attention, disappearance of a person, or property damage in excess of two hundred dollars (\$200.00)

10.08.020 Reports confidential - Inadmissible as evidence. All required accident reports, supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the Lake Stevens Police Department, City Attorney or other peace and enforcement officer as provided in this title, except that any such officer may disclose the identity of a person reported as involved in an accident

when such identity is not otherwise known or when such person denies his presence at such accident. No State Boating Accident Report form or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above-named ~~receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Lake Stevens police department, solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.~~

10.08.030 Filing false information and concealment of pertinent facts. It is a violation of this title for any master, owner, operator or other occupants of any vessel or watercraft involved in a reportable accident under the provisions of this title or involved in any violation of this title to willfully and knowingly file false information with and/or conceal pertinent facts to the accident or violation from the persons duly authorized to investigate the accident or violation. This section shall constitute a separate violation and shall not preclude prosecution for the original violation or accident.

10.08.040 Duties of Lake Stevens Police Department. The duties of the Lake Stevens police department and such agencies or persons the City may contract with to enforce the provisions of this title shall be as follows:

- A. To enforce the ordinances and regulations of the City upon the waters adjacent thereto;
- B. To maintain patrols in the waters of the City for the protection of life and property including but not limited to the removal and disposition of drifting debris and nuisances from the waters of the City;

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- C. To investigate and report upon accidents in City waters;
- D. To perform all necessary functions in connection with search and rescue in City waters;
- E. To cooperate with the authorities of the United States, the state and its political subdivisions in the enforcement of the laws and regulations of the United States, the state and its political subdivisions;
- F. To designate, indicate the location of, and to patrol anchorage locations for vessels within areas set forth by the ordinances of the City.

10.08.050 Aiding and abetting violation. It is unlawful to counsel, aid or abet the violation of, or failure to comply with, any of the provisions of this title.

10.08.060 Violation - Penalty. Any person who violates or fails to comply with any provisions of this title shall be guilty of a misdemeanor unless otherwise stated herein.

Chapter 10.12

RESTRICTED AREAS AND  
OBSTRUCTIONS

Sections:

- 10.12.010 Restricted areas and markings
- 10.12.020 Obstructions - Moving of same

10.12.010 Restricted areas and markings.

- A. In the interests of safe navigation, life safety and the protection of property, the Chief of the Lake Stevens Police Department shall designate vessel restricted areas up to one hundred (100) feet away from any public swimming area. Provided, that this section shall not apply to patrol or rescue craft or in the case of an emergency.
- B. The Chief of Police shall be authorized to install buoys, designed in compliance with the State Uniform Waterway Marking System, in such locations on the waters of the City as the City Council may designate from time to time. Such buoys shall establish the boundaries of speed control area, swimmers only, or swimmer restricted areas; vessel-type restricted area; or other water and restriction zones within the waters of the City. Such boundaries shall become effective when the buoys, as designated, are installed.

10.12.020 Obstructions - Moving of same.

- A. No master or person having charge of any vessel, watercraft or obstruction shall anchor the same fast to any buoy, pier or other structure owned by or under the authority and control of the City without first obtaining permission therefor from the Police Chief.

- B. The Chief of Police or any duly authorized officer of the department shall have the power to cause the removal of any:

- (1) Vessel, watercraft or obstruction made fast to any buoy, pier or other structure owned by or under the authority and control of the City;
- (2) Vessel, watercraft or obstruction lying at any pier in City waters, which is obstructing any slip or other vessel or watercraft.

- C. No person shall fail to remove or refuse to remove any vessel, watercraft or obstruction after being requested to do so by any police officer.



Chapter 10.16

SWIMMING, DIVING AND  
WATERSKIING

Sections:

- 10.16.010 Water skier speed and operation regulations
- 10.16.020 Boat direction
- 10.16.030 Restrictions on hours of operation of vessels
- 10.16.040 Water users - Swimmers
- 10.16.050 Water users - Divers
- 10.16.060 Swimming and diving prohibited areas
- 10.16.070 Private buoys or marker
- 10.16.080 Penalties

10.16.010 Water skier speed and operation regulations. Due to the speed required for efficient planing action and the large area of the Lake Stevens cove area required for maneuvering of vessels and person being towed and the substantial interference with other water users, or danger of impact and wake damage presented to other water users and health hazards, the operation of vessels for towing water skiers and water-skiing is allowed only during daylight hours. The City Council may enact additional restrictions which may restrict days of week, hours and manner of operation in which such activity is permitted.

Unless conditions of the water, traffic congestion, weather, size and configuration of the Lake cove area, freedom from obstruction or view, or other circumstances demand greater distance, it shall be unlawful for any persons to water-ski:

- A. Within one hundred feet of any swimmer, bather, skin and/or scuba diver's flag or artificially illuminated marker buoy, other vessel except the vessel towing said water skier, floating objects except water-ski

jumps and water-ski slalom marker buoys, or other water skiers except those water skiers being towed by the same vessel;

- B. In the water area of the Lake cove area between the shoreline and a safety buoy and/or safety buoy line except that for the purpose of launching and returning and only for such purpose any water skier may approach within one hundred feet of any shoreline, float or wharf or in the water area of the Lake cove area between the shoreline and a safety buoy and/or safety buoy line, provided:

1. While moving outward from any shoreline, float or wharf, said water skier shall leave the shoreline at an angle of not less than forty-five (45) degrees nor more than sixty (60) degrees with the shoreline on the right-hand side of the water skier,
2. While moving inward toward the shoreline, said water skier shall approach the shoreline at an angle of not less than forty-five (45) degrees nor more than sixty (60) degrees with the shoreline on the right-hand side of the water skier,
3. That no launching skiers or returning skiers shall be allowed from a dock or shoreline without the owner's permission,
4. That no launching skiers or returning skiers shall be allowed within 100 feet of a designated swimming area or swimmer or wader.

10.16.020 Boat direction. It shall be unlawful to operate any motor driven vessel or personal watercraft on the Lake cove area except in a counter clockwise direction. (Ord. 453, 1994)

10.16.030 Restrictions on hours of operation of vessels.

- (a) Except as allowed in subsection (b), it shall be unlawful to operate any motor driven vessel or personal watercraft in excess of eight (8) miles per hour, or such speed as to create a wake, whichever is less, within the cove area of Lake Stevens after one o'clock p.m. local time. (Ord. 543, 1997)
- (b) The following shall be exempt from the prohibitions of Subsection (a):
  - (1) Vessels used in conjunction with a special event for which a special event permit has been issued and which specifically allows faster speeds.
  - (2) Emergency response vessels. (Ord. 529, 1996; Ord. 453, 1994)

**10.16.040 Water users - Swimmers.** No person shall swim or float in a swimming prohibited area, provided that any water skier who falls or otherwise ceases to be towed shall be accompanied by the towing vessel as soon as is reasonably possible after the fall or cessation of towing.

Where water skiing is permitted, the swimming-restricted area is any area more than one hundred (100) feet out into the Lake from any shoreline when the operation of such water-skiing is authorized.

**10.16.050 Water users - Divers.** All persons engaging in diving shall mark the water areas where such operations are being conducted. Where such operations are being conducted during daylight hours, the water areas shall be marked with one or more diver's flags. Where such operations are conducted during the hours of darkness, the water area shall be marked with one or more artificially illuminated marker buoys of sufficient size and illumination to be visible at a distance of not less than one hundred (100) yards. No person shall display such markers except during the time and in the water areas where diving operations are actually being conducted.

**10.16.060 Swimming and diving prohibited areas.** No person shall swim or dive in any area marked as an entrance to a water-ski area; provided, this prohibition shall not apply to a water skier unable to ski who is seeking safety.

**10.16.070 Private buoys or markers.** It shall be unlawful for any person or non-governmental agency to place, maintain or allow any buoy or marker in the Lake cove area which does not meet the requirement of the Uniform State Waterway marking System unless said buoy or marker is approved both under a current and valid Aquatic Lands Use Permit issued by the Department of Natural Resources and an annual permit issued by the City of Lake Stevens.

Water skiing activities which require the placement of buoys, jumps or floats will only be allowed when such fixtures are placed and maintained in accordance both with a valid and current Aquatic Lands Use Permit or lease where such permits or leases are required by the Washington State Department of Natural Resources and a permit issued by the City of Lake Stevens. The City of Lake Stevens shall have no responsibility to establish or maintain such buoys, jumps or floats for water skiing activities.

The Chief of Police is hereby authorized to issue permits for private buoys or markers. The annual fees for such buoys or markers shall be set by the City Council by resolution. In deciding whether or not to issue such a permit the Chief of Police shall consider the purpose and the location of the proposed buoys or markers, the proximity of the proposed buoys or markers to the shoreline, adjacent property, other buoys and markers, traffic congestion in the cove, hazards to navigation and any other issue bearing on public safety and health. A denial of a permit application shall be done in writing setting forth the factors which the Chief of Police considered and the reasons for the denial.

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In the event that the Chief of Police denies an application or refuses to renew a prior application, the proponent can appeal the decision to the City Council by filing a Notice of Appeal with the City Clerk within fifteen (15) days of the written decision denying the permit. In considering the appeal the City Council shall consider whether the Chief of Police abused his or her discretion in denying the permit application.

10.16.080 Penalties. A violation of any section of this Chapter shall be an infraction punishable by a fine of up to \$250.00 per violation. Provided, however, that any person who commits two infractions of this Chapter within a one-year period shall upon the commission of the third identical offense within the one-year period be guilty of a misdemeanor and shall be prosecuted for such.



Chapter 10.20

OPERATION

Sections:

- 10.20.010 Boat launching prohibited at public beach
- 10.20.020 Vessel operators -- Age restrictions
- 10.20.030 Vessel operators -- Minimum crew -- Waterskiing
- 10.20.040 Rules of the road
- 10.20.050 Speed -- General regulations
- 10.20.060 Speed -- Hours of darkness
- 10.20.070 Speed -- Skiing-use waters
- 10.20.080 Speed regulations -- Special circumstances
- 10.20.090 Motorboats -- Right-of-way
- 10.20.100 Vessel operation -- Overloading
- 10.20.110 Yielding right-of-way to authorized emergency vessels
- 10.20.120 Aircraft
- 10.20.130 Inattention
- 10.20.140 Interference with navigation or disturbing other boats
- 10.20.150 Intoxication -- Impounding
- 10.20.160 Incapacity of operator
- 10.20.170 License required
- 10.20.180 Penalties

10.20.010 Boat launching prohibited at public beach. It shall be unlawful for any motor driven vessel to be launched, operated or retrieved from the water at a public beach.

10.20.020 Vessel operators - Age restrictions.

- A. No person under the age of fourteen (14) years shall operate any motor boat powered by an engine of ten horsepower or more unless such person is accompanied by a person who is over the age of sixteen (16) years.
- B. No person owning or in charge of any motor boat powered by an engine of ten

horsepower or more shall permit any person under the age of fourteen (14) years to operate such a motor boat unless the underage child is accompanied by a person who is over the age of sixteen (16) years.

10.20.030 Vessel operators -- Minimum crew -- Waterskiing.

- A. Every vessel towing water skiers or other floating objects shall carry an observer in addition to the operator. Such observer shall be a minimum of ten (10) years of age, and shall have the duty of keeping a lookout for hazards to, or created by, the tow and of reporting same to the operator.
- B. All persons in motorboats traveling in excess of eight (8) miles per hour shall remain seated, unless such vessel is specifically designed for persons to not be seated while underway.

10.20.040 Rules of the road. Except as otherwise specified in this title, vessels shall be subject to the "Navigation Rules, International -- Inland, CG 169, May 1, 1977" promulgated by the United States Coast Guard pursuant to Act of Congress, as such rules are now or hereafter be amended or updated; and provided further that sailing vessels or other watercraft, while engaged in a sanctioned or authorized race, predicted log race, regatta or similar event, shall be subject to the applicable rules for such event including, but not limited to, differing right-of-way rules.

10.20.050 Speed -- General regulations.

- A. No person shall operate any vessel in other than a careful and prudent manner or at a rate of speed greater than is reasonable and proper under the conditions existing at the time and point of operation, taking into account the condi-

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tion of the water, amount and character of traffic and congestion, weather, size and configuration of the Lake, freedom from obstruction to view around or other circumstances so as not to unduly or unreasonably endanger the life, limb, property, or other rights of any person.

- B. Operating a watercraft in excess of the posted speed limit shall be *prima facie* evidence of reckless operation of a watercraft.

10.20.060 Speed -- Hours of darkness. It shall be unlawful for any person to operate any vessel at a speed greater than eight (8) miles per hour during hours of darkness.

10.20.070 Speed -- Skiing-use waters. It shall be unlawful for any person to operate a motorboat at a speed greater than thirty-five (35) miles per hour.

10.20.080 Speed regulations -- Special circumstances.

- A. Unless conditions of the water, traffic and congestion, weather, size and configuration of the Lake cover area, freedom from obstruction to view, or other circumstances demand greater distance and/or slower speed, no person shall operate any vessel:

1. At a speed greater than idling speed or eight (8) miles per hour, whichever is the lesser, within one hundred (100) feet of any swimmer, skin and/or scuba diver's flag or artificially illuminated marker buoy, other vessel, floating objects, except water-ski jumps and water-ski-slalom marker buoys or water skier, except any water skier being towed by said vessel;

2. In any water area designated as a "swimming only" area, or as a "vessel prohibited" area, except this provision does not apply to vessels actually used in their rescue of persons in distress;
3. At a speed greater than idling speed or eight (8) miles per hour, whichever is the lesser, within one hundred (100) feet of any shoreline, flat, or wharf, or in the water area of the Lake cove between the shoreline and the safety buoy and/or safety buoy line except as provided in subsection B of this section.

- B. For the purpose of launching and returning any water skier and only for such purpose, any vessel towing said water skier may be operated within one hundred (100) feet of any shoreline, float, or wharf, or in the water area of the Lake cover area between the shoreline and a safety buoy and/or safety buoy line; provided, that:

1. While launching or returning any water skier said vessel moves at a speed not greater than thirty-five (35) miles per hour,
2. While moving outward away from the shoreline, float or wharf, said vessel shall leave the shoreline at an angle of not less than forty-five (45) degrees nor more than sixty (60) degrees with the shoreline on the starboard side of said vessel,
3. While moving inward toward the shoreline, float or wharf, said vessel shall approach the shoreline at an angle of not less than forty-five (45) degrees nor more than sixty

- (60) degrees with the shoreline on the starboard side of said vessel,
4. That after any returning water skier releases the tow rope of said vessel, said vessel shall move at a speed not greater than idling speed or eight (8) miles per hour, whichever is the less,
  5. That no launching skiers or returning skiers shall be allowed from a dock or shoreline without the owner's prior permission,
  6. That no launching skiers or returning skier shall be allowed within one hundred (100) feet of a designated swimming area or swimmer, wader or scuba diver; and

Provided, further that if water ski launch floats or jumps be provided for the launching or use of water skiers, the City Council may regulate use operations to and from such floats or jumps.

Provided, further, that nothing herein shall require the City of Lake Stevens to install, mark or maintain such flats or jumps.

10.20.090 Motorboats - Right-of-way. Every motorboat shall at all times yield right-of-way to sailboats, rowboats, water skiers, swimmers and divers. Every motorboat shall yield to other motorboats in accordance with the "Inland Steering and Sailing Rules" promulgated by the United States Coast Guard.

10.20.100 Vessel operation -- Overloading. No person shall operate, or being owner or in charge shall authorize any person to operate, any vessel loaded with passengers or cargo which exceeds the particular vessel's maximum safe loading capacity. In addition to penalties which are provided for the unlawful operation of such vessels, the officer may require that any such overloaded vessel immediately put to shore to lighten its load.

The maximum safe loading capacity of any vessel shall be determined by the officer, taking into consideration the size, configuration, construction, type and condition of the particular vessel; provided, that where the manufacturer of any vessel has specified the maximum safe loading capacity for the particular vessel, such specified maximum shall be considered the maximum safe loading capacity of the particular vessel for the purposes of this title.

Provided, further, that in the absence of capacity plates, the following formula may be considered:

- A. First, a check of the number of persons.

$$\frac{L \times B}{15} = \text{number of persons}$$

L = Overall length  
 B = Maximum width (both dimensions in feet and tenths of a foot). The result taken to the nearest whole number gives the number of persons that can be put aboard without crowding in good weather conditions.

- B. Second, the weight-carrying capacity shall be ascertained by determining the allowable weight in pounds from the expression:

$$7.5 \times L \times B \times D_e = \text{pounds for persons, engine, fuel and equipment}$$

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L = Overall length  
B = Maximum width  
De = Minimum effective depth of the boat

Measure "De" at the lowest point that water can enter. This takes account of low transom cut-outs or credits an acceptable engine well. All dimensions are in feet and tenths of a foot.

The weather and water conditions shall also be taken into account. If the water is rough, the number of persons carried shall be reduced.

10.20.110 Yielding right-of-way to authorized emergency vessels. It shall be the duty of the master, owner or operator of a vessel or watercraft to reduce speed and if necessary stop his vessel or watercraft, at the same time yielding right-of-way as otherwise specified in this title, upon the approach of an authorized emergency vessel or watercraft displaying an emergency light and/or sounding a siren and while actually responding to an emergency or in immediate pursuit of any violator of the law.

10.20.120 Aircraft.

- A. All vessels or watercraft shall keep clear of seaplanes landing within any area now or hereafter set aside by law for such purpose.
- B. All aircraft must comply with the Civil Air Regulations (14 CFR 91.69) as now enacted or hereafter amended which govern seaplanes upon the navigable water of the United States and conform with the Inland Rules of CG-169 applicable to vessels.

10.20.130 Inattention. It is unlawful for any operator of a watercraft, vessel or personal watercraft to operate such craft in an inattentive manner. For the purpose of this section

"inattentive" means operation of the watercraft or vessel in a lax or slack manner.

10.20.140 Interference with navigation --Disturbing other boats.

- A. No person shall operate any watercraft or vessel in a manner which shall unreasonably or unnecessarily interfere with other watercraft or vessels or with the free and proper navigation in the waters of the City.
- B. No person shall operate any watercraft in such a manner as to unjustifiably or unnecessarily annoy, frighten or endanger the occupants of any other watercraft, or throw up a dangerous wake when approaching another watercraft or other property.

10.20.150 Intoxication -- Impounding.

- A. Operating a motorcraft while under the influence. See 10.04.090.
- B. Permitting operation. It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor or any drug as defined in RCW 88.12.025.
- C. Whenever it appears reasonably necessary to protect property, an arresting officer may impound a watercraft or vessel when it cannot be otherwise secured or released. The arresting officer, in lieu of impound may release the watercraft to a person who, in the officer's opinion, can safely operate the watercraft or vessel or secure said watercraft or vessel to a moorage facility when same has been approved for such purpose. The owner or operator of the watercraft or vessel must sign a waiver of impound to allow the arresting officer

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an option other than impounding the watercraft or vessel.

**10.20.160 Incapacity of Operator.** No owner or person in charge of a watercraft or vessel shall authorize or knowingly permit the same to be operated by any person who is physically or mentally incapable of operating the vessel or watercraft in a safe manner under the prevailing circumstances.

**10.20.170 License Required.**

- A. All vessels and watercraft operated or moored on the waters of the City or in the cove must be properly licensed and/or registered in accordance with applicable federal, state, county and local law or regulations. Vessels and watercraft required to be licensed and/or registered shall display appropriate decals and numbers showing such licensing and/or registration in accordance with WAC 308-93-140 and WAC 308-93-145.
- B. All vessels and watercraft required to be licensed and/or registered shall carry such certificate of license or registration in the vessel or watercraft and shall present same to any federal, state, county or local law enforcement officer upon request.

**10.20.180 Penalties.** A violation of any section of this Chapter with the exception of 10.20.150 shall be an infraction punishable by a fine of up to \$250.00 per violation. Provided, however, that any person who commits two infractions of this Chapter within a one-year period shall upon the commission of the third identical offense within the one-year period be guilty of a misdemeanor and shall be prosecuted for such.



Chapter 10.24

EQUIPMENT REQUIREMENTS

Sections:

- 10.24.010 Whistles and lights
- 10.24.020 Equipment
- 10.24.030 Penalties

10.24.010 Whistles and lights.

- A. No master, owner or any other person in charge of the watercraft or vessel, while lying at any pier, or while navigating in City waters, shall cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel or watercraft underway for any purpose other than those authorized by law.
- B. The rules concerning navigation lights shall be complied with in all weather sunset to sunrise, and during such time no other lights which may be mistaken for the proscribed lights shall be exhibited. Both the Navigation Rules (CG-169) adopted by Section 10.20.040 and the Federal Requirements for Recreational Boats (CG-290), shall be complied with regarding proper lighting.

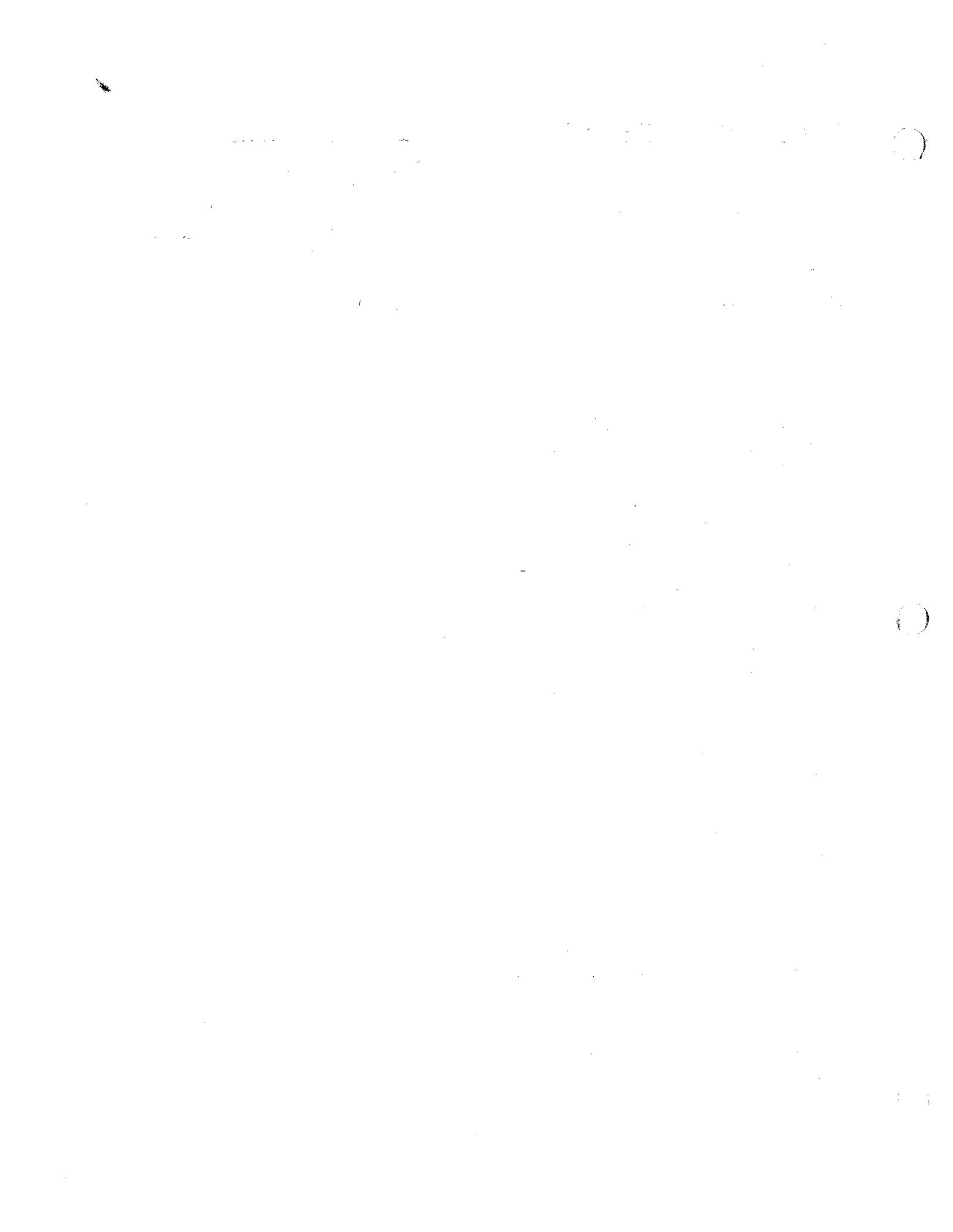
10.24.020 Equipment.

- A. In addition to the requirements imposed by the Navigation Rules adopted by Section 10.20.040, recreational boats shall be subject to safety requirements imposed by Federal Requirements for Recreational Boats, CG-290, 1978, promulgated by the United States Coast Guard, pursuant to Act of Congress, as

such rules are now or may hereafter be amended or adopted.

- B. All watercraft or vessels shall carry the equipment required by any applicable United States laws as now or hereafter amended.

10.24.030 Penalties. A violation of any section of this Chapter shall be an infraction and punishable by a fine of up to \$250.00 per violation. Provided, however, that any person who commits two infractions of this Chapter within a one-year period shall upon the commission of the third identical offense within the one-year period be guilty of a misdemeanor and shall be prosecuted for such.



Chapter 10.28

PIERS AND MARINAS

Sections:

- 10.28.010 Unsafe piers
- 10.28.020 Mooring at private docks without permission
- 10.28.030 Boat rental records
- 10.28.040 Penalties

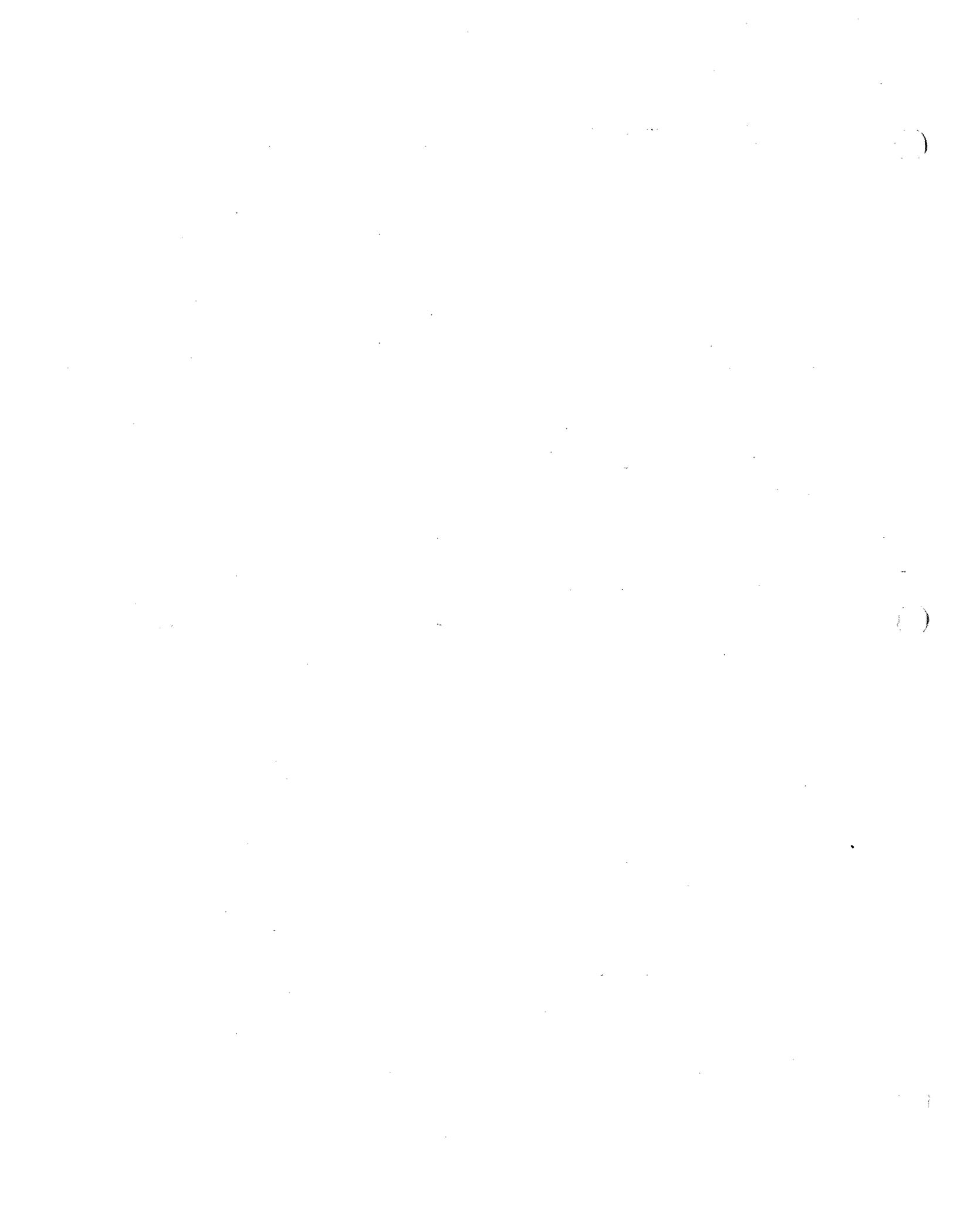
10.28.010 Unsafe piers. Whenever any pier or gangway devoted to public use appears to be dangerous for such use, the Chief of Police shall report the matter to the City Building Official who shall inspect the same and shall order any unsafe portion barricaded with proper fencing until such time as necessary repairs shall be made. If the owner, agent or lessee of such pier fails to comply with the orders of the building official immediately, the building official shall prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade, and the expense shall be paid by and recoverable from the owner, agent, or lessee of such pier to the City. It is unlawful for any person to allow any such pier or gangway to be used or open to use.

10.28.020 Mooring at private docks with permission. No person shall moor a watercraft or vessel to a private seawall or dock or beach it upon private property within the City without the permission of the owner thereof, except in emergency situations.

10.28.030 Boat rental records. The owner or proprietor of a boat rental or charter operation shall cause to be kept a record of the name and address of the person or persons hiring any watercraft, the identification number of such watercraft, the departure date and time and the date and time of the return of such watercraft.

Such record shall be preserved for not less than six (6) months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat rental or charter operation, any such watercraft shall carry the equipment required by this title.

10.28.040 Penalties. A violation of any section of this chapter shall be a misdemeanor.



Chapter 10.32

NUISANCES AND DEBRIS

Sections:

- 10.32.010 Floating objects
- 10.32.020 Drifting debris
- 10.32.030 Nuisances
- 10.32.040 Oil spillage prohibited
- 10.32.050 Sunken vessels
- 10.32.060 Penalties

10.32.010 Floating objects. All vessels, watercraft logs, piling, building material, scows, or any other article of value found adrift in City waters may be taken in charge by the police department and shall be subject to reclamation by the owner thereof, on payment by the owner to the City of any expenses incurred by the City, and in case of failure to reclaim may be sold or disposed of according to law.

10.32.020 Drifting debris. It is unlawful for the owner, agent or lessee in charge of any pier to allow the whole or any part thereof to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and, upon failure to do so, the same may be removed by the Chief of Police and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.

10.32.030 Nuisances. Sunken or swamped vessels or watercraft, refuse of all kinds, structure or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber logs, piles, boom sticks, lumber, boxes, empty containers, grass clippings and garden refuse, and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar

nature, are declared to be public nuisances. It is unlawful for any person to throw or place in, or cause or permit to be thrown or placed any of the above-named articles or substances in water of the City, or upon the shores thereof, or in such position that the same may or can be washed into said waters, either by high waters, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure to do so, the same may be removed by the police department and the expense thereof shall be paid by and recoverable from the person creating said nuisance. In all case such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder.

10.32.040 Oil spillage prohibited. No owner, master, or other person aboard or in charge of any vessel or watercraft, and no owner, lessee, agent, employee, or other person in charge of or employed in or about any pier or other structure, and no person along or upon the shore of the harbor, shall spill, throw, pump or otherwise cause oil of any description to be in or float upon the waters of the City. Any person causing oil to be in or upon the same and, upon his or her failure to do so, the same may be removed by the police department and the expense thereof shall be paid by and recoverable from the person causing the oil to be in or upon the water. The payment of such sum, or the maintenance of an action therefor, shall not be deemed to exempt such person from prosecution for causing such oil spillage.

10.32.050 Sunken vessels. When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, the Chief of Police may order the same immediately removed and if the owner or other person in charge thereof, after

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being so ordered, does not proceed immediately with such removal, the Chief of Police may take immediate possession thereof and remove the same, using such methods as in his judgment will prevent unnecessary damage to such vessel or watercraft, or obstruction. The expense incurred by such removal shall be paid by such vessel or watercraft or obstruction or the owner or other person in charge thereof, and, in case of failure to pay the same, the City may maintain an action for the recovery thereof.

10.32.060 Penalties. A violation of any section of this chapter shall be a misdemeanor.

Chapter 10.36

MISCELLANEOUS

Sections:

- 10.36.010 Special regulations establishment
- 10.36.020 Police Chief duties
- 10.36.030 Vessels and watercraft -- Habitation prohibited
- 10.36.040 Local excise tax -- payment required
- 10.36.050 Severability

10.36.010 Special regulations establishment. Special regulations for permitting a specific water use activity, establishment of course or limitation of hours of operation may be enacted by presentation to the City Council of a plan for implementation of such regulations including establishment and maintenance of floats, buoys, safety patrols, and other measure to permit the activity without undue restriction on other permitted water uses and without undue demand on the comfort, repose and safety of other water and shoreline users.

10.36.020 Police Chief duties. The Police Chief is hereby authorized and directed to prepare, post and maintain at convenient public places adjacent to the Lake cove area in this City public notices which shall specify the current specified restrictions as set out in this title. Such notices shall be conspicuously posted on or adjacent to every public launching ramp and/or wharf and at such other locations as will reasonably inform the public of these restrictions.

10.36.030 Vessels and watercraft -- Habitation prohibited. No boat, vessel, watercraft or houseboat, moored in the cove or off the shoreline of the City, shall be used as a place of habitation.

10.30.040 Local excise tax -- payment required. No person shall moor, store, or operate a vessel within the Cities jurisdiction without displaying evidence of compliance with the applicable Snohomish County ordinance or resolution which imposes a local excise tax pursuant RCW 82.49.070.

Any and all fines collected for violation of this section shall be in addition to the tax required to be paid under the applicable Snohomish County ordinance or resolution.

10.36.050 Severability. If any court shall find any provision of this title or its application to any person or circumstance to be unconstitutional or otherwise invalid, such finding shall not affect the validity of all remaining portions of this title or the applicability of this title to other persons or circumstances. (Ord. 453, 1994; Ord. 334, 1989; Ord. 314, 1988; Ord. 150, 1976; Ord. 23, 1963)

