ORDINANCE NO. 3280

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter, 4.06, of the Kent City Code entitled "Boating Regulations" relating to boating activities within the City of Kent.

WHEREAS, the City Council recently adopted Chapter 4.06 of the Kent City Code establishing regulations for boating activities within the City; and

WHEREAS, the City Council finds it appropriate to make certain provisions to Chapter 4.06 relating to water skiing and other changes; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 4.06 of the Kent City Code entitled "Boating Regulations" is hereby amended to read as follows:
CHAPTER 4.06. BOATING REGULATIONS.

Sec. 4.06.010. Application of regulations.

The provisions of this chapter shall be applicable to all watercraft and related uses in and upon all lakes within the geographical boundaries of the City of Kent. The provisions of this chapter shall be construed to supplement United States laws and state laws and regulations when not expressly inconsistent therewith.

Sec. 4.06.020. Definitions.

For the purpose of this chapter, the following terms shall have the meaning ascribed in this section:

A. "Authorized emergency watercraft" means any authorized watercraft of the City's police or fire departments, the United States government, and State of Washington authorized patrol boats or watercraft.

B. "City" means the City of Kent.

C. "Obstruction" means any matter which may in any way blockade, interfere with or endanger any watercraft or impede navigation including but not limited to rafts, log booms, trees, lumber, and other similar material or objects.

D. "Oil" means any oil or liquid, whether of animal, vegetable or mineral origin, or a mixture, compound or distillation thereof.
E. "Operator" means a person who is in control or in charge of a vessel or watercraft while it is in use.

F. "Owner" means the person who has lawful possession of a watercraft or obstruction by virtue of legal title or equitable interest therein which entitles him or her to such possession.

G. "Person," when necessary, means and includes natural persons, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number, when necessary, means the plural, and the masculine pronoun includes the feminine.

H. "Pier" means any pier, wharf, dock, float, gridiron or other structure to promote the convenient loading or unloading or other discharge of watercraft, or the moorage of watercraft.

I. "Police" or "Police Department" means the Police Department of the City of Kent.

J. "Restricted area" means an area that has been marked in accordance with and as authorized by the law or regulations of the City, to be used for certain designated purposes such as swimming and aquatic events or otherwise closed to use by watercraft, the method of marking and designation of which shall have been made by the City in accordance with the provisions of this chapter.

K. "Skin diving" means any free swimming person and/or any person who uses an artificial or mechanical means to replace his or her air, including self-contained underwater breathing
apparatus (SCUBA diving), snorkel tube equipment and free diving gear.

L. "Watercraft" means every description of boat, vessel, personal watercraft or similar craft:

1) twelve feet or greater with a beam of four feet or more or

2) equipped with motor power meaning motor propulsion machinery or an internal combustion engine regardless of length or beam, used or capable of being used as a means of transportation on water, or required to be registered by the Boat Safety Act of 1971. PROVIDED THAT this definition shall not include authorized emergency watercraft or other authorized watercraft or craft used for public safety or emergency and rescue purposes.

M. "Water ski" or "water skiing" means all forms, manners or means of person or persons being towed behind a motor powered watercraft boat, including, but not limited to, skis, tubes or surfboards or similar contrivance.

Sec. 4.06.030. Motor powered watercraft prohibited - Exception

Except on lakes otherwise specifically provided for in this chapter, no motor powered watercraft shall be operated on any lake within the City.
Sec. 4.06.040. Negligent operation.

No person shall negligently operate any watercraft in a manner so as to endanger or be likely to endanger any person or property or at any rate of speed greater than will permit him or her in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead. A violation of this section shall constitute a misdemeanor as defined in this chapter.

Sec. 4.06.050. Reckless operation.

No person shall operate any watercraft in a reckless manner so as to endanger the life or limb, or damage the property of any person. A violation of this section shall constitute a gross misdemeanor as defined in this chapter.

Sec. 4.06.060. Required distance from power craft to swimmers and row boats.

It is unlawful for any motor powered watercraft to be operated while the propeller is engaged within fifty feet of any swimmer or any row boat, canoe or other water conveyances.

Sec. 4.06.070. Dumping trash in lakes prohibited.

The dumping, depositing, placing or leaving of any garbage, ashes, debris, brush or other material into any lake, is prohibited.
Sec. 4.06.080. Floating objects adrift.

All watercraft, or any other article of value found adrift in any lake in the City, may be taken into possession and removed by the police or other authorized City official or agent and shall be subject to reclamation by the owner thereof, on payment by him or her 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.

Sec. 4.06.090. Sunken watercraft.

When any 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 police may order the same immediately removed and if the owner, or other person in charge thereof, after being so ordered, does not proceed immediately with such removal, the police or other authorized city official or agent may take immediate possession thereof and remove the same, using such methods as in his or her judgment will prevent unnecessary damage to such watercraft or obstruction, and the expense incurred by the City in such removal shall be paid by the owner or other person in charge of such watercraft or obstruction; and in case of failure to pay the same, the City may maintain an action for the recovery thereof.
Sec. 4.06.100. Intoxication.

A. It is unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit forming drugs to operate or be in actual physical control of any watercraft.

B. It is unlawful for the owner of any watercraft or any person having charge or control of such to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic of habit forming or drugs.

C. Whenever it appears reasonably certain to any police officer that any person under the influence of, or affected by the use of, intoxicating liquor or of any narcotic drug is about to operate a watercraft in violation of subsection A above, said officer may take reasonable measures to prevent any such person from so doing.

D. A violation of this section shall constitute a gross misdemeanor as defined in this chapter.

Sec. 4.06.110. Incapacity of operator.

It is unlawful for the owner of any watercraft or any person having charge or control of such to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such watercraft under the prevailing circumstances.
Sec. 4.06.120. Accidents.

The operator of watercraft involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such watercraft at the scene of such accident and shall give his or her name, address, and the name and/or number of his or her watercraft, and the name and address of the owner, to the person struck or the operator or occupants of the watercraft collided with or property damaged, and shall render to any person injured in such accident reasonable assistance.

Sec. 4.06.130. Accident reports.

The owner or operator of any watercraft shall file a written report within forty-eight hours with the police department of any accident involving death or personal injury requiring medical treatment or property damage in excess of two hundred dollars in which such watercraft shall have been involved on any lake of the City.

Sec. 4.06.140. Overloading.

A. No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity nor carry passengers in an unsafe manner taking into consideration weather and other existing operating conditions.

B. Whenever it appears reasonably certain to any police officer than any person is operating a watercraft loaded
beyond its safe capacity, said officer may take reasonable measures to prevent any such person from so operating the craft.

*Sec. 4.06.150. Watercraft operation within or bordering park property.*

No person shall have, keep or operate any boat, float, raft, or watercraft in or upon any lake, within the limits of any park property, or launch the same at any point upon the shores thereof bordering upon any park property, except at places set apart for such purposes by the parks and recreation department and so designated by signs.

*Sec. 4.06.160. Restricted areas.*

In the interests of safe navigation, life safety and the protection of property, the city may designate restricted areas and the purpose for which same shall be used on any lake authorized for watercraft use. No person shall operate a watercraft within a restricted area; provided, that this section shall not apply to watercraft engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in the case of an emergency.

*Sec. 4.06.170. Swimming.*

Swimming in the waters of the City shall be confined to:

A. Restricted swimming areas, or
B. To within a distance of fifty feet from the shore, or a pier except when the swimmer is accompanied by a watercraft relative to water skiing or related watercraft activities.

Sec. 4.06.180. Skin diving.

Skin diving shall be prohibited in all lakes in the City except as necessary for public employees and their agents or other authorized personnel to perform their duties or in the case of an emergency.

Sec. 4.06.190. Water skiing.

Water skiing is prohibited on all City lakes within in the City except for Lake Meridian which shall be regulated as set forth in Section 4.06.210 as follows:

A. No watercraft which has in tow a person on water skis, tube, surfboard or similar contrivance shall be operated or propelled in the waters of the City unless such watercraft is occupied by at least two competent persons.

B. It is unlawful to water ski within one hundred yards of shore. Water skiers may start at and return to shore by means of the most expeditious route. For purposes of starting at and returning to shore, water skiers may temporarily exceed the speed limit of eight miles per hour.

C. No operator of a watercraft shall have in tow a person on water skis, tube, surfboard or similar contrivance from sunset to sunrise.
D. All persons being towed by watercraft shall wear an adequate flotation device.

E. All watercraft having in tow or otherwise assisting a person on water skis, tubes, surfboards or similar contrivance shall comply with Sections 4.06.040, 4.06.050 and 4.06.060.

F. Regulations stated in subsections A and D of this section shall not apply to watercraft used in water ski tournaments, competitions, expositions, or trials therefore, which have been duly authorized by the City.

Sec. 4.06.200. Lake Fenwick - Motor-powered watercraft prohibited - Exception.

It is unlawful to use or operate any watercraft with motor power on Lake Fenwick, except electric fishing trolling motors, and except as necessary for public employees and their agents or construction company employees to perform their authorized duties or in case of an emergency.

Sec. 4.06.210. Lake Meridian - Motor powered watercraft restrictions - water skiing.

The following rules and regulations are adopted for the use of motor-powered watercraft on Lake Meridian:

A. It is unlawful to use or operate any watercraft powered by motor power on Lake Meridian, except that watercraft with the following engines will be permitted:
1. Water-cooled outboard engines of stock manufacture or stock manufactured inboard engines with outboard drive units (inboard - outboards) which vent all exhaust gases through the lower drive unit in conjunction with cooling water and/or vent at a point on the drive unit which is under water at all times; or watercooled direct drive inboard engines equipped with a muffler or silencer of sufficient size and capacity, to effectively muffle and reduce noise. This includes both propeller and jet propulsion watercraft.

2. Air-cooled outboard or inboard engines of stock manufacture rated by the manufacturer at ten horsepower or less.

3. Electric fishing trolling motors.

B. It is unlawful to operate any watercraft powered by engines which are worn, damaged or modified in such a manner as to permit the noise level of exhaust gases or air intake devices to be increased above seventy-four decibels on the dBA scale is prohibited.

C. Water skiers are prohibited from starting or stopping within 200 feet of the City owned shoreline of Lake Meridian Park which includes the swimming beach and boat launching areas of the park.

D. Water skiing will be limited to the hours of 9:00 a.m. to 6:00 p.m.

EC. No watercraft shall operate in excess of eight miles per hour after 6:00 p.m. until the hour of 9:00 a.m. and
not in excess of thirty-five miles per hour from 9:00 a.m. to 6:00 p.m.

F2. Watercraft exceeding speeds of eight miles per hour shall remain at least two hundred feet from the shoreline and one hundred feet from other watercraft and swimmers and shall proceed around the lake in a counterclockwise direction.

G. Craft towing persons on water skis, tubes, surfboards, or similar contrivance shall carry a competent observer in addition to the driver or operator.

H. All persons on water skis, tubes, surfboards or similar contrivance will wear a United States Coast Guard approved personal flotation device.

I. All boats operating on Lake Meridian shall carry a United States Coast Guard approved personal flotation devices, life preserver or throwable cushion in good condition for each person in the watercraft.

J. All persons in watercraft towing persons on water skis, tubes, surfboards, or similar contrivance will remain seated at all times.

K. Motor-powered watercraft operating after sundown shall be equipped with and have lit proper running lights.

L. Reckless operation as specified in Section 4.06.050, as amended. All watercraft shall be operated in a proper manner and there shall be no stunting, burning doughnuts or squirreliling allowed in order that the lives and property of others be protected.
M. Negligent operation as specified in Section 4.06.040 as amended.

NG. The anchorage or moorage of unoccupied watercraft is prohibited except when tied to a pier or dock with the permission of the owner of the pier or dock.

OH. No remote controlled watercraft powered by internal combustion engines shall operate before 9:00 a.m. or after 6:00 p.m.

P. Any violation of this section constitutes a misdemeanor as defined in this chapter.

Q. Skin diving is prohibited except as necessary for public employees and their agents or other authorized personnel to perform their duties or in the case of an emergency.

J. The following regulations apply to all water skiing:

1. Water skiing will be limited to the hours of 9:00 a.m. to 6:00 p.m.

2. It is unlawful to water ski within three hundred feet of shore except as follows: a) from privately owned shoreline, water skiers may start at and return to shore by means of the most expeditious route; b) from City owned shoreline, water skiers may start or return (deep water start) from a distance of 200 feet or greater from shore but are prohibited from starting or stopping within 200 feet of shore. For purposes of this provision, City owned shoreline includes the swimming beach and boat launching areas of the park. For purposes of
starting at and returning to shore as authorized herein, water skiers may temporarily exceed the speed limit of eight miles per hour.

3. Watercraft towing persons on water skis, tubes, surfboards, or similar contrivance shall carry a competent observer in addition to the driver or operator.

4. All persons on water skis, tubes, surfboards or similar contrivance shall wear a United States Coast Guard approved personal flotation device.

5. All persons in watercraft towing persons on water skis, tubes, surfboards, or similar contrivance shall remain seated at all times.

6. All operators of watercraft having in tow or otherwise assisting a person on water skis, tubes, surfboards or similar contrivance shall comply with Sections 4.06.040, 4.06.050 and 4.06.060.

7. Regulations stated in this subsection shall not apply to watercraft used in water ski tournaments, competitions, expositions, or trials therefore, which have been duly authorized by the City.

Sec. 4.06.220. Equipment and numbering.

All watercraft shall carry the equipment required by any applicable United States laws as now or hereafter amended, and shall be numbered or designated in accordance with any applicable United States laws as now or hereafter amended.
Sec. 4.06.230. Life preservers and running lights.

Federal regulations covering equipping of watercraft with life preservers for each passenger, and also use of running lights for night operation, shall be strictly complied with.

Sec. 4.06.240. Oil.

No owner, operator or other person in charge of any watercraft, and no person along or upon the shore of the waters of the City, shall spill, throw, pump or otherwise cause oil of any description to be or float upon the waters of the City. Any person causing oil to be upon the waters of the City as aforesaid shall remove the same and upon his or her failure to do so, the same may be removed by the City or other appropriate agency and the expense thereof shall be paid by and recoverable from the person causing said oil to be upon the water. The payment of such sum or the maintenance of an action therefore, shall not be deemed to exempt such person from prosecution for causing such oil spillage. Any willful violation of this section shall constitute a misdemeanor as defined in this chapter.

Sec. 4.06.250. Nuisances.

Sunken watercraft, refuse of all kinds, structures or pieces of any structure, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be public nuisances.
and 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 any lake in the City, or upon the shores thereof or in such position that same may or can be washed into said lakes of the City, either by storms, floods, or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his or her failure to do so, the same may be removed by the City or other appropriate agency and the expense thereof shall be paid by and recoverable from the person creating said nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefore from prosecution hereunder. A violation of this section shall constitute a civil violation under Kent City Code chapter 1.04 for which a monetary penalty may be assessed and abatement may be required as provided therein. In addition to or as an alternative to enforcement under chapter 1.04, any person who violates this section shall be guilty of a misdemeanor as provided in this chapter.

Sec. 4.06.260. Public health.

All watercraft entering or in any lake in the City shall comply with the applicable public health laws and regulations of the United States, the state of Washington and its political subdivisions.
Sec. 4.06.270. Liability for damages.

Nothing in this chapter shall be construed so as to release any person owning or controlling any watercraft, pier, obstruction or other structure, from any liability for damages, and the safeguards to life and property required in this chapter shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required by law.

Sec. 4.06.280. Authorized emergency and patrol watercraft.

The provisions of this chapter shall be applicable to the operation of any and all watercraft on any lake in the City except that they shall not apply to any emergency and patrol watercraft performing the authorized duties for which such emergency and patrol watercraft were established.

Sec. 4.06.290. Directing traffic, emergency powers.

The police are hereby authorized to direct all watercraft traffic either in person or by means of visible or audible signal in conformance with the provisions of this chapter; provided, that where necessary to expedite watercraft traffic, or to prevent or eliminate congestion or to safeguard persons or property, such officers and other authorized officers of appropriate governmental agencies or authorities, may direct watercraft traffic as conditions may require, notwithstanding the provisions of this chapter.
Sec. 4.06.300. Penalties.

A. Civil Penalty. Except as provided in Subsections B and C below or as otherwise provided in this chapter, a violation of any of the provisions of this chapter shall constitute a civil violation for which a monetary penalty may be assessed in the amount of two hundred fifty one hundred dollars ($250.00 $100.00). Each separate day, or portion thereof, during which any violation occurs shall constitute a separate violation.

B. Misdemeanor. Any violation of any provision established in this chapter which as a misdemeanor shall constitute a misdemeanor shall be punishable by a fine not to exceed one five thousand dollars ($5,000.00 $1,000.00) or by imprisonment not to exceed ninety (90) days one year, or by both such fine and imprisonment. Each separate day or portion thereof during which such violation occurs shall constitute a separate violation.

C. Gross Misdemeanor. Any violation of any provision established in this chapter which constitutes a gross misdemeanor shall be punishable by a fine not to exceed five thousand dollars ($5,000.00) or by imprisonment not to exceed one year, or by both such fine and imprisonment. Each separate day or portion thereof during which such violation occurs shall constitute a separate violation.
Sec. 4.06.310. Authority of officers to board watercraft

Commissioned officers of the City are hereby given the authority to board any watercraft found underway on any lake of the City for the purpose of inspection and enforcement of this chapter.

Sec. 4.06.320. Interlocal cooperation.

Nothing in this chapter shall preclude the City from entering into interlocal agreements with cities and towns for the administration and enforcement of this chapter.

Sec. 4.06.330. Enforcement.

It shall be the duty of the police department or other city department or official as authorized by the mayor to enforce all sections of this chapter.

SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.
SECTION 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED _____ 5____ day of _____March____, 1996.

APPROVED _____ 6____ day of _____March____, 1996.

PUBLISHED _____ 8____ day of _____March____, 1996.
I hereby certify that this is a true copy of Ordinance No. 3280, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK