Ordinance No. 3693
(Amending or Repealing Ordinances)

CFN=0122 – Police/Fire Departments
Passed 6/1/04
Recreational Vessel Regulations RCW Amendments

Amends Ord. 3342

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
AN ORDINANCE of the City Council of the City of Kent, Washington, declaring an emergency to revise chapter 4.06 of the Kent City Code relating to recreational vessel regulations to ensure consistency with chapters 88.02 and 79A.60 RCW.

RECITALS

A. The City of Kent currently adopts by reference a number of provisions of the Revised Code of Washington ("RCW") relating to the operation of boats and other water-going vessels.

B. Many of the section numbers of the RCWs that are adopted have been changed. Therefore, it is necessary to update the City codes that reference the RCW sections so that the City codes remain enforceable and consistent with the RCWs.

C. The changes to the RCWs have already been made. Therefore, an emergency exists which requires that this ordinance be effective and enforceable immediately upon passage by the City Council.

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

1 Recreational Vessel Regulations
   RCW Amendments
SECTION 1. – Amendment. Chapter 4.06 of the Kent City Code, entitled Recreational Vessel Regulations is amended to read as follows:

Sec. 4.06.020. Revised Code of Washington provisions adopted by reference.

A. The following provisions of Chapter 88.02 RCW entitled “Vessel Registration” as currently enacted and as hereinafter or later amended, are hereby adopted by reference and incorporated herein:

RCW 88.02.020 Registration and display of registration number and decal prerequisite to ownership or operation of vessel – Exemptions.
RCW 88.02.025 Registration of vessels numbered under the Federal Boat Safety Act.
RCW 88.02.030 Exceptions from vessel registration – Use of excess document identification fee for boating safety programs - Rules.
RCW 88.02.090 Inspection of registration – Violation of chapter.
RCW 88.02.110 Penalties – Disposition of moneys collected – Enforcement authority.

B. The following provisions of Chapter 88.12 79A.60 RCW entitled “Regulation of Recreational Vessels” as currently enacted and as hereinafter or later amended, are hereby adopted by reference and incorporated herein:

RCW 88.12.01079A.60.010 Definitions.
RCW 88.12.01579A.60.020 Violations of chapter punishable as misdemeanor – Circumstances – Violations designated as civil infractions.
RCW 88.12.02079A.60.030 Operation of vessel in a negligent manner – Penalty.
RCW 88.12.02579A.60.040 Operation of vessel in a reckless manner – Operation of a vessel under the influence of intoxicating liquor – Penalty.
RCW 88.12.03079A.60.080 Failure to stop for law enforcement officer.
RCW 88.12.05579A.60.100    Enforcement – Chapter to supplement federal law.
RCW 88.12.07579A.60.120    Tampering with vessel lights or signals – Exhibiting false lights or signals – Penalty.
RCW 88.12.08579A.60.130    Muffler or underwater exhaust system required – Exemptions – Enforcement – Penalty.
RCW 88.12.10579A.60.150    Failure of vessel to contain required equipment – Liability of operator or owner – Penalty.
RCW 88.12.11579A.60.160    Personal flotation devices required – Penalty.
RCW 88.12.12579A.60.170    Water skiing safety – Requirements.
RCW 88.12.13579A.60.180    Loading or powering vessel beyond safe operating ability – Penalties.
RCW 88.12.14579A.60.190    Operation of personal watercraft – Prohibited activities – Penalties.

SECTION 2. – Amendment. Section 4.06.030 of the Kent City Code is amended to read as follows:

Sec. 4.06.030. Washington Administrative Code provisions adopted by reference. The provisions of Chapter 352-60 WAC, as currently enacted and as hereinafter or later amended, are hereby adopted by reference and incorporated herein.

SECTION 3. – Amendment. Section 4.06.040 of the Kent City Code is amended to read as follows:

Sec. 4.06.040. Definitions. For the purpose of this chapter, in addition to the definitions set forth in RCW 88.12.01079A.60.010 adopted above, the following terms shall have the meaning ascribed in this section:
**Authorized emergency vessel** means any authorized vessel of the city’s police or fire departments, the United States government, and state of Washington authorized patrol boats or vessels.

**City** means the city of Kent.

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

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

**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.

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

**Police or police department** means the police department of the city of Kent.

**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 vessels, the method of marking and designation of which shall have been made by the city in accordance with the provisions of this chapter.

**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.

Recreational Vessel Regulations
RCW Amendments
Vessel includes, but is not limited to, rowboat, sailboat, sailboard, canoe, kayak, powerboat, ski boat, personal watercraft and other similar watercraft.

**SECTION 4. – Amendment.** Section 4.06.200 of the Kent City Code is amended to read as follows:

Sec. 4.06.200 Lake Meridian – Motor-powered vessel restrictions – Water skiing and personal watercraft operation.

A. Generally. The following rules and regulations are adopted for the use of motor-powered vessels on Lake Meridian:

1. It is unlawful to use or operate any vessel powered by motor power on Lake Meridian, except that vessels with the following engines will be permitted:

   a. 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 water-cooled direct drive inboard engines equipped with a muffler or silencer of sufficient size and capacity, to effectively muffle and reduce noise similar to that of outboards and inboard/outboards. This includes both propeller and jet propulsion watercraft.

   b. Air-cooled outboard or inboard engines of stock manufacture rated by the manufacturer at ten (10) horsepower or less.

   c. Electric fishing trolling motors.

2. No vessel shall operate in excess of eight (8) miles per hour after 6:00 p.m. until the hour of 9:00 a.m. and not in excess of thirty-five (35) miles per hour from 9:00 a.m. to 6:00 p.m.
3. Vessels exceeding speeds of eight (8) miles per hour shall remain at least two hundred (200) feet from the shoreline and one hundred (100) feet from other vessels and swimmers and shall proceed around the lake in a counterclockwise direction.

4. All vessels operating on Lake Meridian shall carry United States Coast Guard approved personal flotation devices in good condition for each person in the vessel.

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

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

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

8. 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.

B. Water skiing. The following regulations apply to all water skiing activities as defined in RCW 88.12.010(22)79A.60.010 including, but not limited to, being towed behind a vessel on skis, an aquaplane, kneeboard, tube or similar device:

1. Water skiing on the lake at speeds up to and including eight (8) miles per hour is permitted any time between dawn and dusk.

2. Water skiing on the lake at speeds over eight (8) miles per hour shall be limited to the hours of 9:00 a.m. to 6:00 p.m.

3. It is unlawful to water ski within three hundred (300) 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 two hundred (200) feet or greater from shore but are prohibited from starting or stopping within two hundred (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 temporary exceed the speed limit to eight (8) miles per hour.

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

5. All operators of vessels having in tow or otherwise assisting a person on water skis, tubes, surfboards or similar contrivance shall comply with KCC 4.06.060.

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

C. Personal watercraft. In addition to RCW 88.12.14579A.60.190 adopted in KCC 4.06.020, the following regulations shall apply to personal watercraft.

1. Personal watercraft may be operated on the lake at speeds up to and including eight (8) miles per hour any day except during hours of darkness.

2. Personal watercraft may be operated on the lake at speeds in excess of eight (8) miles per hour only as follows:

   a. Between the hours of 12:00 noon and 6:00 p.m.;
b. On even-numbered days of the calendar; and

c. From and including May 16 through and including September 15 of any year.

**SECTION 5. - Amendment.** Section 4.06.280 of the Kent City Code is amended to read as follows:

**Sec. 4.06.280 Penalties.** The following penalties shall apply for violations of this chapter:

A. *Infractwn.* Except as provided in subsections (B) and (C) below, a violation of any of the provisions of this chapter shall constitute an infraction for which a monetary penalty may be assessed in the amount of one hundred dollars ($100). Pursuant to Chapter 7.84 RCW, any violation of the provisions of Chapter 88.1279A.60 RCW adopted herein which constitutes an infraction shall be assessed a monetary penalty as established in the penalty schedule currently set forth and as hereinafter amended in Court Rule IRLJ 6.2 adopted herein by reference. 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 constitutes a misdemeanor shall be punishable by a fine not to exceed one thousand dollars ($1,000) or by imprisonment not to exceed ninety (90) days, 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) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment. Each separate day or portion thereof during which
SECTION 6. — Savings. The existing chapter 4.06 of the Kent City Code, which is amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 7. — Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 8. — Emergency. The City Council, declares that an emergency exists and, in order to preserve public health, safety, and welfare, the changes set forth in this ordinance shall take effect immediately upon passage.

SECTION 9. — Effective Date. This ordinance shall take effect immediately upon its passage.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY


PUBLISHED: 5 day of June, 2004

I hereby certify that this is a true copy of Ordinance No. 3693 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