

**ORDINANCE NO. 2457**

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, ESTABLISHING A NEW TITLE 14 IN THE ISSAQUAH MUNICIPAL CODE ENTITLED “WATER SAFETY CODE” ADOPTING REGULATIONS GOVERNING THE USE OF WATERWAYS WITHIN THE CITY OF ISSAQUAH, AND PROVIDING FOR PENALTIES FOR FAILURE TO OBEY SUCH REGULATIONS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, as a result of recent annexations, the City now has jurisdiction over certain waterways; and

WHEREAS, the City Council has determined that it is in the City’s best interest to adopt a water safety code governing use of such waterways; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Title 14 entitled “Water Safety Code” is hereby adopted to read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference as if set forth in full.

Section 2. 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. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Issaquah, the 5<sup>th</sup> day of June, 2006.

Approved by the Mayor of the City of Issaquah the 5<sup>th</sup> day of June, 2006.

APPROVED:

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AVA FRISINGER, MAYOR

ATTEST/AUTHENTICATED:

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CHRISTINE EGGERS, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY: 

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WAYNE D. TANAKA

FILED WITH THE CITY CLERK: 5-26-2006  
PASSED BY THE CITY COUNCIL: 6-5-2006  
PUBLISHED: 6-14-2006  
EFFECTIVE DATE: 6-19-2006  
ORDINANCE NO: 2457  
AGENDA BILL NO: 5494

## Title 14

### WATER SAFETY CODE

#### Chapters:

- 14.04 General Provisions**
- 14.08 Definitions**
- 14.16 Operation of Vessels and Personal Watercraft**
- 14.18 Boat Tax**
- 14.24 Emergency vessels**
- 14.28 Boat Rentals**
- 14.32 People and Objects in Waterways**
- 14.36 Water Skiing**
- 14.44 Accidents**

#### Chapter 14.04

### GENERAL PROVISIONS

#### Sections:

- 14.04.010 Short title.
- 14.04.020 Authorization.
- 14.04.030 Application - Jurisdiction.
- 14.04.040 Enforcement - Title to supplement federal law.
- 14.04.050 Amendments to state statutes.
- 14.04.060 Penalty provisions.
- 14.04.070 Liability for damages.
- 14.04.080 Emergency powers.

#### **14.04.010 Short title.**

This title and amendments thereto shall constitute the "Water Safety Code" of the City and may be cited as such.

#### **14.04.020 Authorization.**

The City, in the exercise of its police power, hereby assumes control and jurisdiction over the use and travel upon all lakes, rivers, and other waters and waterways within its limits.

#### **14.04.030 Application - Jurisdiction.**

The provisions of this title shall be applicable to all persons and vessels within 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.

#### **14.04.040 Enforcement.**

The Chief of Police and every law enforcement officer of this state and its political subdivisions has the authority to enforce this title. Such law enforcement officers include, but are not limited to, county sheriffs, officers of other law enforcement entities, wildlife agents and fisheries patrol officers of the department of fish and wildlife, through the director, the state patrol, through its chief, and state park rangers. In the exercise of this responsibility, all such officers may stop and board any vessel and direct it to a suitable pier or anchorage to enforce this title.

**14.04.050 Amendments to state statutes.**

The amendment, addition to, or repeal of any state statute adopted by reference to this title shall be deemed to amend, add to, or repeal the corresponding section of this title and it shall not be necessary for the City Council to take any action with respect to such amendment, addition, or repeal.

**14.04.060 Penalty provisions.**

(1) The following statutes of the state of Washington are hereby adopted by reference:

RCW 7.84.100 Monetary penalties.

RCW 9.92.030 Punishment of misdemeanor when not fixed by statute.

RCW 79A.60.020 Violations of chapter punishable as misdemeanor - Circumstances - Violations designated as civil infractions.

(2) Except where the violation is classified as a misdemeanor or gross misdemeanor, a violation of any provision of this title shall be classified as a civil infraction. Unless otherwise provided, a person found to have committed an infraction under this title shall be assessed a monetary penalty which may not exceed five hundred dollars. Said penalty shall be in an amount provided by an applicable court bail schedule, or, if none is in effect, in the amount of one hundred dollars.

(3) Unless otherwise provided, it is a misdemeanor for any person to commit a violation designated as an infraction under this title, if during a period of three hundred sixty-five days the person has previously committed two infractions for violating the same provision under this title and if the violation is also committed during such period and is of the same provision as the previous violations.

(4) Unless otherwise provided, a person convicted of a misdemeanor or gross misdemeanor offense under this title shall be punished as provided in IMC 1.06.010.

**14.04.070 Liability for damages.**

Nothing in this title shall be construed so as to release any person owning or controlling any vessel, 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 all other safeguards that may be required by law.

**14.04.080 Emergency powers.**

The Chief of Police and his duly authorized officers are hereby authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in conformance with the provisions of this title; provided, that where necessary to expedite waterborne traffic, or to prevent or eliminate congestion or to safeguard persons or property, or in the event of a fire or other emergency, such officers and other authorized officers of appropriate governmental agencies, may direct waterborne traffic as conditions may require, notwithstanding the provisions of this title.

**Chapter 14.08**

**DEFINITIONS**

Sections:

14.08.010 Generally.

14.08.015 Definitions.

- 14.08.020 Aquatic event.
- 14.08.030 Authorized emergency vessel.
- 14.08.040 City.
- 14.08.050 Diver's flag.
- 14.08.060 Master.
- 14.08.070 Obstruction.
- 14.08.080 Oil.
- 14.08.090 Person.
- 14.08.100 Pier.
- 14.08.110 Restricted area.
- 14.08.120 Skin diving.
- 14.08.130 Water.

**14.08.010 Generally.**

For the purpose of this title, the following terms shall have the meaning therein defined.

**14.08.015 Definitions.**

The following statutes of the State of Washington are adopted by reference.

- RCW 79A.60.010(6) "Carrying passengers for hire."
- RCW 79A.60.010(8) "Commission."
- RCW 79A.60.010(9) "Darkness."
- RCW 79A.60.010(15) "Muffler" or "muffler system."
- RCW 79A.60.010(16) "Operate."
- RCW 79A.60.010(17) "Operator."
- RCW 79A.60.010(18) "Observer."
- RCW 79A.60.010(19) "Owner."
- RCW 79A.60.010(21) "Personal flotation device."
- RCW 79A.60.010(22) "Personal watercraft."
- RCW 79A.60.010(25) "Reckless" or "recklessly."
- RCW 79A.60.010(28) "Underway."
- RCW 79A.60.010(29) "Vessel."
- RCW 79A.60.010(30) "Water skiing."
- RCW 79A.60.010(31) "Waters of the state."

**14.08.020 Aquatic event.**

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

**14.08.030 Authorized emergency vessel.**

"Authorized emergency vessel" means any authorized vessel of the Issaquah Police Department, Fire Department, King County sheriff's department, the United States government, and the State of Washington.

**14.08.040 City.**

"City" means the City of Issaquah.

**14.08.050 Driver's flag.**

“Driver’s flag” means a red flag five units of measurement on the hoist by six units of measurement on the fly with a white stripe of one unit crossing the red diagonally, said flag to have a stiffener to make it stand out from the pole or mast. This flag shall only pertain to skin and Scuba (self contained underwater breathing apparatus) diving and shall supplement any nationally recognized diver’s flag or marking. Unit of measurement shall not be less than two inches.

**14.08.060 Master.**

“Master” means the captain, skipper, pilot or any person having charge of any vessel.

**14.08.070 Obstruction.**

“Obstruction” means any vessel or any matter which may in any way blockade, interfere with or endanger any vessel or impede navigation, or which cannot comply with the “Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico.”

**14.08.080 Oil.**

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

**14.08.090 Person.**

“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 and includes the plural, and the masculine pronoun to include the feminine.

**14.08.100 Pier.**

“Pier” means any pier, wharf, dock, float, gridiron or other structure to promote the convenient loading or unloading or other discharge of vessels or the repair thereof.

**14.08.110 Restricted area.**

“Restricted area” means an area that is closed to all traffic therein when properly marked and designated for certain purposes such as swimming, skin diving, aquatic and other special events. The method of markings and designations shall have been specified by the Chief of Police.

**14.08.120 Skin diving.**

“Skin diving” means any free swimming person and/or any person who uses an artificial or mechanical means to replace his air, including self contained underwater breathing apparatus, snorkel tube equipment and free diving gear, but shall not mean swimmers using patrolled public beaches designated as swimming areas.

**14.08.130 Water.**

“Water” means any body of water, whether navigable or not, which is open to public use within the city, including adjoining shorelines, beaches and waters tributary thereto.

**Chapter 14.16**

**OPERATION OF VESSELS AND PERSONAL WATERCRAFT**

Sections:

- 14.16.005 Operation of vessels.
- 14.16.010 Speed Regulation.
- 14.16.020 Incapacity of operator.
- 14.16.030 Racing - water shows.
- 14.16.040 Rules of the road.
- 14.16.050 Restricted areas.

**14.16.005 Operation of vessels.**

The following statutes of the state of Washington, including any future amendments, additions thereto and repeals thereof, are adopted by reference and incorporated herein by this reference as if set forth in full:

- RCW 79A.60.010 Definitions
- RCW 79A.60.020 Violations of chapter punishable as misdemeanor - Circumstances - Violations designated as civil infractions
- RCW 79A.60.030 Operation of a vessel in a negligent manner - penalty
- RCW 79A.60.040 Operation of a vessel in a reckless manner - operation of a vessel under the influence of intoxicating liquor - penalty
- RCW 79A.60.080 Failure to stop for law enforcement officer
- RCW 79A.60.110 Equipment standards - rules - penalty
- RCW 79A.60.120 Tampering with vessel lights or signals - exhibiting false lights or signals - penalty
- RCW 79A.60.130 Muffler or underwater exhaust system required - exemptions - enforcement - penalty
- RCW 79A.60.140 Personal flotation devices - inspection and approval - rules
- RCW 79A.60.150 Failure of vessel to contain required equipment - liability of operator or owner - penalty
- RCW 79A.60.160 Personal flotation devices required - penalty
- RCW 79A.60.170 Water skiing safety - requirements
- RCW 79A.60.180 Loading or powering vessel beyond safe operating ability penalties
- RCW 79A.60.190 Operation of personal watercraft - prohibited activities - penalties
- RCW 79A.60.200 Duty of operator involved in collision, accident, or other casualty - immunity from liability of persons rendering assistance penalties

**14.16.010 Speed regulations.**

(1) It is unlawful for any person to operate any watercraft or vessel at a speed in excess of eight miles per hour within one hundred yards of any shoreline, pier, dock, restricted area or shore installation upon the waters of Lake Sammamish, except when heading away or returning to a shore installation in making water ski starts or returns.

(2) Subsection (1) of this section shall not apply to a performer engaged in a professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

**14.16.020 Incapacity of operator.**

It is unlawful for the owner of any vessel or any person having such in charge or in control 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 vessel under the prevailing circumstances.

**14.16.030 Racing - water shows.**

Nothing in the provisions of this title means that the operator of a watercraft or participant competing in a race, regatta, or water show, or trials therefore, which has been duly authorized by a permit obtained from the Chief of Police or by an appropriate governmental agency or authority, shall be prohibited from attempting to attain high speeds on duly designated and indicated courses, nor while so engaged, shall such watercraft, or participant be required to comply with Section 14.16.010 and Chapter 14.36. Applications for such permit shall be made in writing at least ten days before the event.

**14.16.040 Rules of the road.**

Except as herein otherwise specified, vessels or watercraft shall be subject to the “Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico,” (C.F. 236479), promulgated by the United States Coast Guard, pursuant to act of Congress, as such rules are now or may hereafter from time to time be adopted. It is further provided 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.

**14.16.050 Restricted areas.**

(1) In the interests of safe navigation, life, safety and the protection of property, the Chief of Police shall designate restricted areas and the purpose for which same shall be used. No person shall land, launch, dock or operate any vessel or personal watercraft within a restricted area; provided, that this section shall not apply to vessels 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.

(2) No person shall operate any vessel while the propulsion system is engaged within fifty feet of any swimmer, row boat, canoe, or other water conveyance upon the waters of the City.

**Chapter 14.18**

**BOAT TAX**

Sections:

14.18.010 Tax levied.

14.18.020 Penalty.

**14.18.010 Tax levied.**

It is unlawful for any person to moor, store, or operate a vessel in the city which is subject to the tax imposed by King County Code Chapter 12.45, and all amendments thereto, without displaying evidence of compliance with that ordinance.

**14.18.020 Penalty.**

Any person liable for the tax imposed by King County Code Chapter 12.45 and all amendments thereto, who fails or refuses to pay the tax and display proper evidence of compliance with the provisions of that ordinance is guilty of a misdemeanor. A person, other than an owner, who operates a vessel, the use of which is subject to taxation under King County Code Chapter 12.45, and all amendments thereto, who does not display proper evidence of compliance with the provisions of that ordinance is guilty of a misdemeanor. Any fines shall be in addition to the tax required.

## **Chapter 14.24**

### **EMERGENCY VESSELS**

Sections:

- 14.24.010 Yielding right-of-way.
- 14.24.020 Exemptions from regulations.

**14.24.010 Yielding right-of-way.**

It shall be the duty of the master, owner or operator of a vessel to reduce speed and if necessary stop his vessel and at the same time yielding right-of-way as herein otherwise specified upon the approach of an authorized emergency vessel displaying a red light and sounding a siren and while actually responding to an emergency or in immediate pursuit of any actual or suspected violator of the law, within the purpose for which such emergency vessel has been authorized.

**14.24.020 Exemptions from regulations.**

The provisions of this title shall be applicable to the operation of any and all vessels in the waters of the city except that they shall not apply in the following cases: To any authorized emergency vessel actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vessel has been authorized; provided, that the provisions of this section shall not relieve the operator of an authorized emergency vessel of the duty to operate with due regard for the safety of all persons, nor shall it protect the operator of any such emergency vessel from the consequences of a reckless disregard for the safety of others; provided further, that the provisions of this section shall in no event extend any special privilege or immunity in operation of any authorized emergency vessel for any purpose other than for which the same has been authorized.

## **Chapter 14.28**

### **BOAT RENTALS**

Sections:

- 14.28.010 Records.

**14.28.010 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 vessel, the identification number of such vessel, the departure date, and the time and the date of the return of such vessel. The records shall be preserved for not less than six months after the departure date of such vessel and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of the boat rental or charter operation any such vessel shall carry the equipment required by Chapter 79A.60 RCW.

## **Chapter 14.32**

### **PEOPLE AND OBJECTS IN WATERWAYS**

Sections:

- 14.32.005 Vessels adrift.
- 14.32.010 Floating objects.
- 14.32.020 Swimmers.
- 14.32.030 Skin diving.
- 14.32.040 Aircraft on the water.
- 14.32.050 Litter and debris - Nuisances.
- 14.32.060 Oil.

**14.32.005 Vessels adrift.**

The following statutes of the State of Washington are adopted by reference:

- RCW 79A.60.230 Vessels adrift - owner to be notified.
- RCW 79A.60.240 Notice - contents - service.
- RCW 79A.60.250 Posting of notice.
- RCW 79A.60.260 Compensation - liability on failure to give notice.
- RCW 79A.60.270 Disputed claims - trial - bond.
- RCW 79A.60.280 Liability for excessive or negligent use.
- RCW 79A.60.290 Unclaimed vessel - procedure.

**14.32.010 Floating objects.**

All logs, piling, building material, or any other article of value found adrift may be taken in charge by the Police Department and shall be subject to reclamation by the owner thereof, on payment by him 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.

**14.32.020 Swimmers.**

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

- (1) Restricted swimming areas; or
- (2) Within a distance of fifty feet from the shore, or a pier, unless the swimmer is accompanied by a vessel.

**14.32.030 Skin diving.**

Skin diving shall be prohibited:

- (1) Within three hundred feet of any public boat ramp, patrolled public beaches designated as swimming areas, except pursuant to permit therefore issued by the Chief of Police; or
- (2) In any other area unless the diver shall be accompanied by a vessel or the area in which he is diving shall be marked by an adequately displayed diver's flag.

**14.32.040 Aircraft on the water.**

All vessels shall keep clear of aircraft landing within any area now or hereafter set aside by law for such purpose. Aircraft on the water shall keep clear of all vessels and avoid impeding their navigation.

**14.32.050 Litter and debris - nuisances.**

- (1) It is unlawful for any person to throw, cast, place in, or cause or permit to be thrown or placed any litter, debris, refuse of any kind, structures or pieces of structures, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers or any article or substances of any kind floating uncontrolled on the water, in

any of the waters of the city, upon the shores thereof or in such position that the same may or can be washed into the waters, either by high water, storms, floods or otherwise.

(2) All such articles and substances are hereby declared to be public nuisances. Any person causing or permitting such nuisances to be placed as aforesaid shall remove the same and, upon his failure so to do, the same may be removed by the Police Department or Public Works Department. The expense thereof shall be paid by and recoverable from the person creating the nuisance. In all cases such nuisances shall not excuse the person responsible therefore from prosecution hereunder. A violation of this section is a civil infraction punishable by a fine of not more than two hundred fifty dollars.

#### **14.32.060 Oil.**

It is unlawful for any owner, master or other person in charge of any vessel or any person upon the waters or upon or along the shore of the waters of the city to 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 oil and, upon his failure so to do, the oil may be removed by the Police Department or Public Works Department and the expense thereof shall be paid by and recoverable from the person causing such 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.

### **Chapter 14.36**

#### **WATER SKIING**

Sections:

- 14.36.005 Water skiing safety - requirements.
- 14.36.010 Towing vessel requirements.
- 14.36.020 Regulations for skiing.
- 14.36.030 Exceptions.

#### **14.36.005 Water skiing safety - requirements.**

The following statute of the State of Washington is adopted by reference.  
RCW 79A.60.170 Water skiing safety - requirements.

#### **14.36.010 Towing vessel requirements.**

No watercraft which has in tow or shall be otherwise assisting a person on water skis, aquaplane, surfboard or similar contrivances shall be operated or propelled in the waters of the City unless such watercraft shall be occupied by at least two competent persons, an operator and an observer; provided that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions, or trial therefor.

#### **14.36.020 Regulations for skiing.**

Water skiing on city waters shall be regulated as follows:

- (1) It is unlawful to ski parallel within one hundred yards of shore installations. Water skiers may start at a shore installation but must head away from shore to a point at least one hundred yards, before skiing parallel with the shore. The return to shore must be at an angle of not less than forty-five degrees to the shoreline.
- (2) No watercraft shall have in tow or otherwise assist a person on water skis, aquaplane, surfboard or similar contrivance from sunset to sunrise.

(3) All persons being towed by watercraft or personal watercraft shall wear a United States Coast Guard approved personal flotation device as defined under WAC 352-60-030.

(4) All watercraft having in tow or otherwise assisting a person on water skis, aquaplane, surfboard or similar contrivance shall comply with RCW 79A.60.030 (Operation of a vessel in a negligent manner - penalty) and RCW 79A.60.030 (Operation of a vessel in a reckless manner - operation of a vessel under the influence of intoxicating liquor - penalty).

**14.36.030 Exceptions.**

Regulations stated in this chapter shall not apply to vessels used in duly authorized water ski tournaments, competitions, expositions, or trials therefor, which have been duly authorized by the Chief of Police or other appropriate governmental agency.

**Chapter 14.44**

**ACCIDENTS**

Sections:

14.44.005 Accidents - Operator's duty.

**14.44.005 Accidents - Operator's duty.**

The following statutes of the State of Washington are adopted by reference:

- RCW 79A.60.200 Duty of Operator involved in collision, accident, or other casualty - immunity from liability of persons rendering assistance - penalties.
- RCW 79A.60.210 Casualty and accident reports - confidentiality - use as evidence.
- RCW 79A.60.220 Boating accident reports by local government agencies - investigation - report of coroner.