

ORIGINAL

ORDINANCE NO. 1851

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, REVISING TITLE 14 OF THE REDMOND MUNICIPAL CODE ENTITLED "WATER SAFETY CODE", REPEALING REDMOND MUNICIPAL CODE SECTIONS 9.32.107, 9.32.108, 9.32.165 AND 9.32.185, CONTAINING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City of Redmond has contracted with the King County Marine Police Unit to patrol the waters of the City of Redmond, and

WHEREAS, under the 1995 Marine Patrol Contract, the Redmond Municipal Code needs to be amended to bring it into conformity with applicable County boating ordinances to the extent feasible to provide uniformity of regulation and enforcement on all waters;

WHEREAS, the Redmond Municipal Code needs to be updated to reflect changes in State law; NOW, THEREFORE,

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

Section 1. New section Added. A new section, RMC 14.08.105, is hereby added to Chapter 14.08 of the Redmond Municipal Code, Definitions. Section 14.08.105 shall read as follows:

**14.08.105 Personal Watercraft.**

Personal watercraft means a watercraft 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 watercraft.

Section 2. Repeal. The following sections of the Redmond Municipal Code are hereby repealed:

- 9.32.107 Landing, launching, docking, and use of watercraft - Prohibited
- 9.32.108 Water Skiing Prohibited
- 9.32.165 Speed limits - Distance limitations
- 9.32.185 Swimming is designated areas only

Section 3. Negligent Operation. Redmond Municipal Code section

14.16.010 is hereby amended to read as follows:

It is unlawful for any person to operate any watercraft in a negligent manner upon or through the waters of the City. For the purpose of this section, to "operate in a negligent manner" means the operation of a watercraft upon the waters of the City in such a manner as to endanger or be likely to endanger any person or property or at a rate of speed greater than will permit him or her in the exercise of reasonable care to bring the watercraft to a safe stop within the assured clear distance ahead.

Section 4. Reckless Operation. Redmond Municipal Code section

14.16.020 is hereby amended to read as follows:

It is unlawful for any person to operate any watercraft in a reckless manner upon or through the waters of the City. For the purposes of this section, to "operate in a reckless manner" means the operation of a watercraft upon or through the waters of the City in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property. Nor shall any such person operate any watercraft at a rate of speed which causes waves to damage docks, wharves, seawalls, or boats moored to docks or wharves along the waters of the City. A violation of this section shall be classified as a misdemeanor. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Section 5. Interference with navigation. Redmond Municipal Code section

14.16.040 is hereby amended to read as follows:

- (1) 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 of the waterways of the City. Anchoring or mooring under bridges or in heavily traveled channels shall constitute such interference if unreasonable under the prevailing circumstances.
- (2) No person shall operate any watercraft in a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other watercraft, or throw up a dangerous wake when approaching another watercraft.

Section 6. Intoxication. Redmond Municipal Code section 14.16.050 is hereby amended to read as follows:

- (1) It is unlawful for any person to operate or be in actual physical control of a watercraft while under the influence of intoxicating liquor or any drug. A person is considered to be under the influence of intoxicating liquor or any drug if:
  - (a) The person has, within two hours of operating or being in physical control of the watercraft, an alcohol concentration of 0.08 grams or higher, as shown by analysis of the person's breath made under RMC 10.14.030; or
  - (b) The person is under the influence of or affected by intoxicating liquor or any drug; or
  - (c) The person is under the combined influence of or affected by intoxicating liquor and any drug.
- (2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety test when circumstances permit.
- (3) It is unlawful for the owner of any 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.
- (4) 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 any drug is about to operate a watercraft in violation of subsection (1) of this section, said officer may take reasonable measures to prevent any such person from so doing.
- (5) Any violation of this section shall be classified as a misdemeanor. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Section 7. Failure to stop vessel. Redmond Municipal Code section 14.16.100 is hereby amended to read as follows:

**14.16.100 Failure to stop for law enforcement officer.**

An operator of any vessel or watercraft who willfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer is guilty of a gross misdemeanor and upon conviction thereof, shall be punished as provided in Redmond Municipal code section 1.01.110.

Section 8. New Section Added. A new section, RMC 14.16.110, is hereby added to Chapter 14.16 of the Redmond Municipal Code, Operation of Vessels and Watercraft. Section 14.16.110 shall read as follows:

**14.16.110 Overpowering.**

A person shall not operate or permit to be operated a watercraft equipped with a motor or other propulsion machinery of a power beyond the watercraft's ability to operate safely, taking into consideration the watercraft's type, use, and construction, the weather conditions, and other existing operating conditions.

Section 9. New Section Added. A new section, RMC 14.16.120, is hereby added to Chapter 14.16 of the Redmond Municipal Code, Operation of Vessels and Watercraft. Section 14.16.120 shall read as follows:

**14.16.120 Operation of Watercraft.**

- (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 watercraft or personal 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.
- (2) No person shall operate any watercraft while the propeller is engaged within fifty feet of any swimmer, any row boat, canoe, or other water conveyance upon the waters of the City.
- (3) No person shall water ski or operate a personal watercraft from the shore, dock, or any portion of Idylwood Park.

Section 10. New Section Added. A new section, RMC 14.20.030, is hereby added to Chapter 14.20 of the Redmond Municipal Code, Equipment. Section 14.20.030 shall read as follows:

**14.20.030 Personal Floatation Devices.**

A person shall not operate or permit the operation of a watercraft on the waters of the City without a United States Coast Guard approved personal flotation device on board for each person on the watercraft as specified in WAC 352-60-030.

Section 11. Towing vessel requirements. Redmond Municipal Code section 14.36.010 is hereby amended to read as follows:

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.

Section 12. Regulations for skiing. Redmond Municipal Code Section 14.36.020(3) is hereby amended to read as follows:

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

Section 13. Penalty. Redmond Municipal Code section 14.48.040 is hereby amended to read as follows:

- (1) Except where the violation is classified as a misdemeanor, a violation of any provision of this title shall be classified as a civil infraction.
- (2) 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 chapter and if the violation is also committed during such period and is of the same provision as the previous violations.
- (3) Unless otherwise provided, a person convicted of a misdemeanor offense under this title shall be punished as provided in Redmond Municipal Code Section 9.01.050(A).

Section 14. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall be in full force and effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

Section 15. 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.

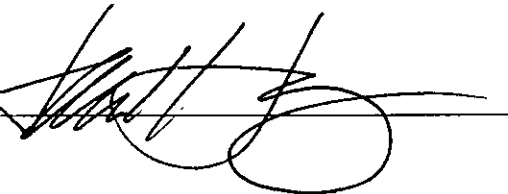
CITY OF REDMOND

  
MAYOR, ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By 

FILED WITH THE CITY CLERK: August 2, 1995  
PASSED BY THE CITY COUNCIL: August 15, 1995  
SIGNED BY THE MAYOR: September 1, 1995  
PUBLISHED: August 23, 1995  
EFFECTIVE DATE: August 28, 1995  
ORDINANCE NO: 1851