

ORDINANCE NO. 1937

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, REVISING TITLE 14 OF THE REDMOND MUNICIPAL CODE ENTITLED "WATER SAFETY CODE", REPEALING REDMOND MUNICIPAL CODE CHAPTERS 14.12, 14.20, 14.40 AND 14.48, REPEALING REDMOND MUNICIPAL CODE SECTIONS 14.08.090, 14.08.105, 14.08.140, 14.08.150, 14.08.160, 14.08.170, 14.16.010, 14.16.020, 14.16.040, 14.16.050, 14.16.070, 14.16.100, 14.16.110, 14.44.010, 14.44.020, 14.44.030, 14.44.040, ADOPTING RCW 7.84.100, RCW 9.92.030 AND SELECTED STATUTES CONTAINED IN RCW CHAPTER 88.12, REGULATION OF RECREATIONAL VESSELS, CONTAINING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

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, the King County Marine Police Unit has requested that all jurisdictions within King County revise local water safety ordinances to conform with state law to provide uniformity of regulation and enforcement on all waters, and

WHEREAS, many of the provisions of Title 14 of the Redmond Municipal Code entitled "Water Safety Code" were enacted in 1965 and need to be updated, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. Repeal. The following chapters of the Redmond Municipal Code are hereby repealed:

- Chapter 14.12 Enforcement.
- Chapter 14.20 Equipment.
- Chapter 14.40 Restricted Areas.

Chapter 14.48 Penalty and Arrest Provisions.

Section 2. Repeal. The following sections of the Redmond Municipal Code, Chapter 14.08, Definitions, are hereby repealed:

- 14.08.090 Owner.
- 14.08.105 Personal watercraft.
- 14.08.140 Towboat.
- 14.08.150 Vessel.
- 14.08.160 Watercraft.
- 14.08.170 Water ski.

Section 3. Repeal. The following sections of the Redmond Municipal Code, Chapter 14.16, Operation of Vessels and Watercraft, are hereby repealed:

- 14.16.010 Negligent operation.
- 14.16.020 Reckless operation.
- 14.16.040 Interference with navigation.
- 14.16.050 Intoxication.
- 14.16.070 Overloading.
- 14.16.100 Failure to stop for law enforcement officer.
- 14.16.110 Overpowering.

Section 4. Repeal. The following sections of the Redmond Municipal Code, Chapter 14.44, Accidents, are hereby repealed:

- 14.44.010 Operator's duties.
- 14.44.020 Reports.
- 14.44.030 Filing false information- Concealing pertinent facts.
- 14.44.040 Reports confidential.

Section 5. Amend. Redmond Municipal Code section 14.04.030 is hereby amended to read as follows:

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.

Section 6. New section added. A new section, RMC 14.04.040, is hereby added to Chapter 14.04 of the Redmond Municipal Code, General Provisions. Section 14.04.040 shall read as follows:

14.04.040 Enforcement. Title to supplement federal law.

(1) The Chief of Police and every law enforcement officer of this state and its political subdivisions has the authority to enforce this title. Law enforcement officers may enforce recreational boating rules adopted by the commission. Such law enforcement officers include, but are not limited to, county sheriffs, officers of other local 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.

(2) This title shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

Section 7. New section added. A new section, RMC 14.04.050, is hereby added to Chapter 14.04 of the Redmond Municipal Code, General Provisions.

Section 14.04.050 shall read as follows:

14.04.050 Amendments to state statutes.

The amendment, addition to, or repeal of any state statute adopted by reference in 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.

Section 8. New section added. A new section, RMC 14.04.060, is hereby added to Chapter 14.04 of the Redmond Municipal Code, General Provisions.

Section 14.04.060 shall read as follows:

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 88.12.015 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 fifty 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 offense under this title shall be punished as provided in RMC 9.01.050(A).

(5) Unless otherwise provided, a person convicted of a gross misdemeanor offense under this title shall be punished as provided in RMC 9.01.050(B).

Section 9. New section added. A new section, RMC 14.04.070, is hereby added to Chapter 14.04 of the Redmond Municipal Code, General Provisions. Section 14.04.070 shall read as follows:

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.

Section 10. New section added. A new section, RMC 14.04.080, is hereby added to Chapter 14.04 of the Redmond Municipal Code, General Provisions. Section 14.04.080 shall read as follows:

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.

Section 11. New section added. A new section, RMC 14.08.015, is hereby added to Chapter 14.08 of the Redmond Municipal Code, Definitions. Section 14.08.015 shall read as follows:

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

- RCW 88.12.010(3) "Carrying passengers for hire".
- RCW 88.12.010(4) "Commission".
- RCW 88.12.010(5) "Darkness".
- RCW 88.12.010(9) "Muffler" or "muffler system".
- RCW 88.12.010(10) "Operate".
- RCW 88.12.010(11) "Operator".
- RCW 88.12.010(12) "Observer".
- RCW 88.12.010(13) "Owner".
- RCW 88.12.010(14) "Personal flotation device".
- RCW 88.12.010(15) "Personal watercraft".
- RCW 88.12.010(18) "Reckless" or "recklessly".
- RCW 88.12.010(20) "Underway".
- RCW 88.12.010(21) "Vessel".
- RCW 88.12.010(22) "Water skiing".
- RCW 88.12.010(23) "Waters of the state".

Section 12. Amend. Redmond Municipal Code section 14.08.030 is hereby amended to read as follows:

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

Section 13. Amend. Redmond Municipal Code section 14.08.050 is hereby amended to read as follows:

14.08.050 Diver's flag. "Diver'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.

Section 14. Amend. Redmond Municipal Code section 14.08.060 is hereby amended to read as follows:

14.08.060 Master. "Master" means the captain, skipper, pilot or any person having charge of any vessel.

Section 15. Amend. Redmond Municipal Code section 14.08.070 is hereby amended to read as follows:

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."

Section 16. Amend. Redmond Municipal Code section 14.08.110 is hereby amended to read as follows:

14.08.110 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.

Section 17. Amend. The title of Redmond Municipal Code, Chapter 14.16 is hereby amended to read as follows:

14.16 Operation of Vessels & Personal Watercraft.

Section 18. New section added. A new section, RMC section 14.16.005, is hereby added to Chapter 14.16 of the Redmond Municipal Code. Section 14.16.005 shall read as follows:

14.16.005 Operation of vessels. The following statutes of the State of Washington are adopted by reference:

RCW 88.12.020	Operation of vessel in a negligent manner-- Penalty.
RCW 88.12.025	Operation of vessel in a reckless manner--Operation of a vessel under the influence of intoxicating liquor--Penalty.
RCW 88.12.035	Failure to stop.
RCW 88.12.065	Equipment standards-Rules-Penalty.
RCW 88.12.085	Muffler or underwater exhaust system required-exemptions-Enforcement-Penalty.
RCW 88.12.095	Personal floatation devices-Inspections and approval-Rules.
RCW 88.12.105	Failure of vessel to contain required equipment-Liability of operator or owner-Penalty.
RCW 88.12.115	Personal Floatation devices required-Penalty.
RCW 88.12.135	Loading or powering vessel beyond safe operating ability-Penalties.

RCW 88.12.145 Operation of personal watercraft-Prohibited activities-Penalties.

Section 19. Amend. Redmond Municipal Code section 14.16.030 is hereby amended to read as follows:

14.16.030 Speed regulations:

(1) It is unlawful for any person to operate any vessel at a speed in excess of: (a) 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; or (b) Five miles per hour upon the Sammamish River.

(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.

Section 20. Amend. Redmond Municipal Code section 14.16.060 is hereby amended to read as follows:

14.16.060 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.

Section 21. Amend. Redmond Municipal Code section 14.16.120 is hereby amended to read as follows:

14.16.120 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;

(3) No person shall water ski or operate a personal watercraft from the shore, dock, or any portion of Idylwood Park.

Section 22. Amend. Redmond Municipal Code section 14.24.010 is hereby amended to read as follows:

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.

Section 23. Amend. Redmond Municipal Code section 14.24.020 is hereby amended to read as follows:

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 the operation of any authorized emergency vessel for any purpose other than for which the same has been authorized.

Section 24. Amend. Redmond Municipal Code section 14.28.010 is hereby amended to read as follows:

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 and the time 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 14.16.

Section 25. New section added. A new section, RMC section 14.32.005, is hereby added to Chapter 14.32 of the Redmond Municipal Code, People and Objects in Waterway. Section 14.32.005 shall read as follows:

14.32.005 Vessels adrift. The following statutes of the State of Washington are adopted by reference:

RCW 88.12.185 Vessels adrift--Owner to be notified.
RCW 88.12.195 Notice--Contents--Service.
RCW 88.12.205 Posting of Notice.
RCW 88.12.215 Compensation--Liability on failure to give notice.
RCW 88.12.218 Disputed claims--Trial--Bond.
RCW 88.12.222 Liability for excessive or negligent use.
RCW 88.12.225 Unclaimed vessel--Procedure.

Section 26. Amend. Redmond Municipal Code section 14.32.010 is hereby amended to read as follows:

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.

Section 27. Amend. Redmond Municipal Code section 14.32.020 is hereby amended to read as follows:

14.32.020 Swimmers. Swimming in the waters of the city shall be confined to: (1) Restricted swimming areas; or (2) To within a distance of fifty feet from the shore, or a pier, unless the swimmer is accompanied by a vessel.

Section 28. Amend. Redmond Municipal Code section 14.32.030 is hereby amended to read as follows:

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 therefor 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.

Section 29. Amend. Redmond Municipal Code section 14.32.040 is hereby amended to read as follows:

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.

Section 30. Amend. Redmond Municipal Code section 14.32.050 is hereby amended to read as follows:

14.32.050 Debris - Nuisances.

(1) It is unlawful for any person to throw, cast, place in, or cause or permit to be thrown or placed any 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 may be abated in the manner provided by law. The abatement of such public nuisances shall not excuse the person responsible therefor from prosecution hereunder. A violation of this section is a civil infraction punishable by a fine of not more than \$250.00.

Section 31. Amend. Redmond Municipal Code section 14.32.060 is hereby amended to read as follows:

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 therefor,

shall not be deemed to exempt such person from prosecution for causing such oil spillage.

Section 32. New section added. A new section, RMC section 14.36.005, is hereby added to Chapter 14.36 of the Redmond Municipal Code, Water Skiing. Section 14.36.005 shall read as follows:

14.36.005 Water skiing safety--Requirements. The following statute of the State of Washington is adopted by reference:

RCW 88.12.125 Water skiing safety--Requirements.

Section 33. Amend. Redmond Municipal Code section 14.36.030 is hereby amended to read as follows:

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.

Section 34. New section added. A new section, RMC section 14.44.005, is hereby added to Chapter 14.44 of the Redmond Municipal Code, Accidents. Section 14.44.005 shall read as follows:

14.44.005 Accidents-Operator's Duty. The following statutes of the State of Washington are adopted by reference:

RCW 88.12.155 Duty of operator involved in collision, accident, or other casualty--Immunity from liability of persons rendering assistance--Penalties.

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.

Section 35. 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 36. 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

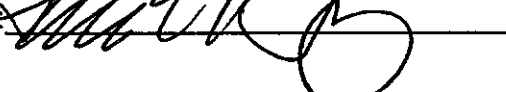

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:



CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

Filed with the City Clerk: May 14, 1997
Passed by the City Council: May 20, 1997
Signed by the Major: May 20, 1997
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