

ORDINANCE NO. 377

AN ORDINANCE, providing for a Water Safety Code; relating to and regulating the use of and travel upon lakes, rivers and other waters within the City of Redmond; defining offenses; providing penalties; and declaring certain things to be a nuisance and authorizing the abatement thereof.

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

Section 1. Authorization. The City of Redmond, 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.

Sec. 2. Application and Jurisdiction. The provisions of this ordinance shall be applicable to all persons and vessels and watercraft within the City of Redmond. The provisions of this ordinance shall be construed to supplement United States laws and State laws and regulations when not expressly inconsistent therewith.

Sec. 3. Short Title. This ordinance and amendments thereto shall constitute the "Water Safety Code" of the City of Redmond and may be cited as such.

Sec. 4. Definitions. For the purpose of this ordinance, the following terms shall have the meaning therein defined.

"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 pre-arranged schedule and in which general public interest is manifested.

"Authorized emergency vessel" means any authorized vessel or watercraft of the Redmond Police Department, Fire Department, King County Sheriff's Department, the United States Government, and State of Washington, authorized patrol vessels or watercraft.

"City" shall mean the City of Redmond.

"Diver's flag" shall mean a red flag 5 units of measurement on the hoist by 6 units of measurement on the fly with a white stripe of 1 unit crossing the red diagonally, (the 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 2 inches.

"Master" shall mean the captain, skipper, pilot or any person having charge of any vessel or watercraft.

"Obstruction" shall mean any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft 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." (C.F. 236479).

"Oil" shall mean any oil or liquid, whether of animal or vegetable or mineral origin, or a mixture, compound or distillation thereof.

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

"Person" shall, when necessary, be held and construed to mean and include natural persons, associations, co-partnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall, when necessary, be held to mean and include the plural, and the masculine pronoun to include the feminine.

"Pier" shall mean any pier, wharf, dock, float, gridiron or other structure to promote the convenient loading or unloading or other discharge of vessels or watercraft or the repair thereof.

"Restricted area" shall mean 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.

"Skin diving" shall mean 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.

"Towboat" shall mean any vessel or watercraft engaged in towing or pushing another vessel or watercraft or anything other than a vessel or watercraft.

"Vessel" means any contrivance 110 feet or more in length overall, used or capable of being used as a means of transportation on water.

"Watercraft" means any contrivance less than 110 feet in length overall, used or capable of being used as a means of transportation on water. Aircraft, cribs or piles, shinglebolts, booms of logs, rafts of logs, and rafts of lumber shall not be included within the terms "Watercraft" or "Vessel" but shall be included within the term "obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

"Water ski" shall mean all forms, manners, means or contrivances of person or persons being towed behind a motor boat.

"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.

Sec. 5. Negligent Operation. It shall be unlawful for any person to operate any watercraft in a negligent manner upon or through the waters of the City of Redmond. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean 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 in the exercise of reasonable care to bring the watercraft to a safe stop within the assured clear distance ahead.

The offense of negligent operation shall be considered to be a lesser offense than, but included in, the offense of reckless operation, and any person charged with reckless operation may be convicted of the lesser offense of negligent operation.

Sec. 6. Reckless Operation. It shall be unlawful for any person to operate any watercraft in a reckless manner upon, over or through the waters of the City of Redmond. For the purposes of this section, to "operate in a reckless manner" shall be construed to mean the operation of a watercraft upon the waters of the City in such manner as to indicate either a willful or wanton disregard for the safety of persons or property.

Sec. 7. Speed Regulations. It shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of:

(a) Eight (8) statute miles per hour within 200 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) Eight (8) statute miles per hour upon the Sammamish River.

Sec. 8. Interference with Navigation. 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 travelled channels shall constitute such interference if unreasonable under the prevailing circumstances.

Sec. 9. Floating Objects. All vessels, watercraft, logs, piling, building material, scows, 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.

Sec. 10. Intoxication.

(a) It shall be 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 vessel or watercraft.

(b) It shall be unlawful for the owner of any vessel or 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, narcotic or habit-forming 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 or vessel in violation of subdivision (a) of this section, said officer may take reasonable measures to prevent any such person from so doing.

Sec. 11. Incapacity of Operator. It shall be unlawful for the owner of any vessel or 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 by reason of physical or mental disability is incapable of operating such vessel or watercraft under the prevailing circumstances.

Sec. 12. Accidents. The operator of any 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 name, address, the name and/or number of his watercraft, and the name and address of the owner, to the person struck or the operator or occupants of the vessel or watercraft collided with or property damaged, and shall render to any person injured in such an accident reasonable assistance.

Sec. 13. Accident Reports. The master, owner or operator of any watercraft shall file a report within 48 hours with the Police Department of any accident involving death or personal injury or property damage in excess of \$200.00 in which such watercraft shall have been involved.

Sec. 14. Filing of False Information and Concealment of Pertinent Facts. It shall be a violation of this ordinance for any master, owner, operator or other occupants of any vessel or watercraft involved in a reportable accident under the provisions of this ordinance or involved in any violation of this ordinance to willfully and knowingly file false

information and/or conceal pertinent facts to the accident or violation with the persons duly authorized to investigate the said accident or violation. This section shall constitute a separate violation and shall not preclude prosecution for the original violation or accident.

Sec. 15. Reports Confidential, Inadmissibility as Evidence. All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the Redmond Police Department, City Attorney, or other peace and enforcement officer as provided herein, except that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish upon demand of any person, who has, or claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Redmond Police Department, solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.

Sec. 16. 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 that any person is operating a watercraft or vessel loaded beyond its safe capacity, said officer may take reasonable measures to prevent any such person from so operating the craft.

Sec. 17. Restricted Areas. In the interests of safe navigation, life, safety and the protection of property, the Chief of Police may designate restricted areas and the purpose for which same shall be used. No person shall operate a vessel or watercraft within a restricted area; Provided, that this section shall not apply to vessels or 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. 18. 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 unless the swimmer is accompanied by a watercraft.

Sec. 19. Skin Diving. Skin diving shall be prohibited:

(a) Within 300 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

(b) In any other area unless the diver shall be accompanied by a watercraft or the area in which he is diving shall be marked by an adequately displayed diver's flag.

Sec. 20. Water Skiing.

(a) No watercraft which shall have 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; and, be equipped with a rear-view mirror, mounted to provide an unobstructed view of the person and/or persons and/or objects being towed; Provided, that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions,

or trials therefor.

(b) Water skiing on City waters shall be regulated as follows:

(1) It shall be unlawful to ski parallel within 200 yards of shore installations. Water skiers may start at a shore installation but must head away from shore to a point at least 200 yards, before skiing parallel with the shore. The return to shore must be at an angle of not less than 45 degrees to the shoreline.

(2) No watercraft shall have in tow or shall otherwise be assisting a person on water skis, aquaplane, surf-board or similar contrivance from sunset to sunrise.

(3) All persons being towed by watercraft shall wear an adequate flotation device.

(4) All watercraft having in tow or otherwise assisting a person on water skis, aquaplane, surf-board or similar contrivance shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any persons.

(c) Regulations stated in this section shall not apply to watercraft used in duly authorized water ski tournaments, competitions, exhibitions, or trials therefor, which have been duly authorized by the Chief of Police or other appropriate governmental agency.

Sec. 21. Mufflers. It shall be unlawful to use or operate any engine in the waters of the City unless said engine is operated with and connected to a muffler or silencer of sufficient size and capacity effectually to muffle and prevent excessive or unusual noise from the exhaust of said engine.

Sec. 22. Equipment and Numbering. All watercraft or vessels 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. 23. Racing and Water Shows. Nothing in the provisions of this ordinance shall be construed to mean that the operator of a watercraft or participant competing in a race, regatta, or water show, or trials therefor, 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 sections 7, 20, 21 and 22. Applications for such permit shall be made in writing at least 10 days before the event.

Sec. 24. Aircraft on the Water. All vessels or watercraft 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 watercraft and avoid impeding their navigation.

Sec. 25. Litter and Debris - Nuisances. It shall be 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, or upon the shores thereof or in such position that the same may or can be washed into said waters, either by high water, storms, floods or otherwise.

All such articles and substances are hereby declared to be public nuisances and 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 and 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.

Sec. 26. Oil. It shall be unlawful for any owner, master, or other person in charge of any vessel or watercraft 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 same and upon his failure so to do, the same 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.

Sec. 27. 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 and be it 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.

Sec. 28. Boat Rental 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 watercraft, the identification number of such watercraft, the departure date and the time and the date and the time of the return of such vessel or watercraft. Such records shall be preserved for not less than six months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat rental or charter operation any such watercraft shall carry the equipment required by this ordinance.

Sec. 29. Liability for Damage. Nothing in this ordinance shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure, from any liability for damages and the safeguards to life and property required in this ordinance shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required by law.

Sec. 30. Enforcement. The Chief of Police and his authorized officers or authorized personnel of the governments of the United States, State of Washington, or its political subdivisions by virtue of their election or appointment, shall have authority to enter upon and inspect any vessel or watercraft and are hereby charged with the enforcement of the provisions of this ordinance except as the enforcement thereof is herein otherwise specified. It shall be the duty of the Police Department to make complaints for any violation of the same, or any part hereof in the name of the City; Provided, that this provision shall not operate to preclude the making of such complaint by any other person legally authorized to do so. It shall be unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of any officer charged with the enforcement of this ordinance.

Sec. 31. Release from Arrest on Notice to Appear. Whenever any person is arrested for any violation of this ordinance the arresting officer

may serve upon him a citation and notice to appear in court. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court, as required by the citation and notice by signing in the appropriate place, the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into the custody of such arresting officer and so remain or be placed in confinement.

Sec. 32. 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 ordinance; 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 ordinance.

Sec. 33. Yielding Right of Way to Authorized Emergency Vessels and Watercraft. It shall be the duty of the master, owner or operator of a vessel or watercraft to reduce speed and if necessary stop his vessel or watercraft and at the same time yielding right of way as herein otherwise specified upon the approach of an authorized emergency vessel or watercraft 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 or watercraft has been authorized.

Sec. 34. Exemption to Authorized Emergency Vessels and Watercraft. The provisions of this ordinance shall be applicable to the operation of any and all vessels or watercraft in the waters of the City except that they shall not apply in the following cases:

(1) To any authorized emergency vessel or watercraft 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 or watercraft has been authorized; Provided, that the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft 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 or watercraft 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 or watercraft for any purpose other than for which the same has been authorized.

Sec. 35. Aiding and Abetting Violation. It is unlawful to counsel, aid, or abet the violation of, or failure to comply with any of the provisions of this ordinance.

Sec. 36. Penalty. Any person who shall violate or fail to comply with any provision of this ordinance, or any lawful order or direction of the Chief of Police or any person or officer charged with the enforcement hereof, shall, on conviction thereof, be punished by a fine of not more than \$300.00 or by imprisonment for not more than 90 days in jail or by both such fine and imprisonment.

Sec. 37. Preservation of Actions. This ordinance shall not affect pending actions or proceedings, civil or criminal, or defenses thereto, but the same may be prosecuted or defended with the same effect as though this ordinance had not been passed.

Sec. 38. Saving Clause. In the event that any section or provision of this ordinance shall be held invalid or of no effect, such decision shall not effect the validity of any other section or provision hereof.

Sec. 39. Effective Date. The effective date of this ordinance shall be June 1, 1965.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof, and APPROVED by the Mayor this 11th day of May, 1965.

CITY OF REDMOND


G. C. GRAEP
MAYOR

ATTEST:


R. K. RETTIG
CITY CLERK

APPROVED AS TO FORM:


JOHN D. LAWSON
CITY ATTORNEY

Published in the Sammamish Valley News on MAY 27 1965

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WATER SAFETY CODE - CITY OF REDMOND

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