

ORDINANCE NO. 238

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Sections 8.60.090 and 8.60.220 of the Lakewood Municipal Code, regarding Noise Prevention – Watercraft Regulations

WHEREAS, because of the various lakes located within the City of Lakewood and the interest in watercraft usage, as well as because of the differences in how watercrafts operate and how they are utilized, issues of concern have surfaced since before cityhood regarding the regulation of watercrafts on the City's lakes; and,

WHEREAS, after several public hearings, the City Council of the City of Lakewood adopted its Ordinance No. 86, establishing Chapter 8.60 of the Lakewood Municipal Code, providing for watercraft regulations; and,

WHEREAS, among the regulations contained in Chapter 8.60 of the Lakewood Municipal Code were regulations designed to address noise prevention from motor-powered vessels; and,

WHEREAS, since the time of the adoption of Ordinance 86 and the enforcement of the regulations contained therein, suggestions had surfaced from law enforcement personnel involved in enforcement of the regulations, as well as from persons wishing to utilize the lakes and to control interference with adjacent property by excessive noise; and,

WHEREAS, after meetings between such individuals, a proposal has been developed for amendment to the watercraft regulations of the City to temper noise concerns; and,

WHEREAS, it is beneficial to the City of Lakewood and to its citizens to amend the

watercraft regulations of the City to better provide for noise prevention methods in connection with motor-powered watercraft vessels.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That Section 8.60.090 of the Lakewood Municipal Code be, and the same hereby is, amended to read as follows:

8.60.090 - Exemptions for Racing Motor-Powered Vessels.

The provision of this Chapter shall not apply to motor-powered vessels while competing in any race previously arranged, approved by the City Manager or designee, and announced by posting in conspicuous places adjacent to the lake in which the race is to be located, or while practicing for any race where the practice was previously arranged, approved by the City Manager or designee, and announced by posting in conspicuous places adjacent to the lake in which the practice is to be located, or if such boats are designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the such an approved race or practice.

Section 1. That Section 8.60.220 of the Lakewood Municipal Code be, and the same hereby is, amended to read as follows:

8.60.220 – Prevention of Noise.

- A. Every motor-powered vessel shall at all times be equipped with a functioning underwater exhaust ~~or a properly installed and adequately maintained muffler or other similar device~~ to reduce the sound of engine exhaust, and no person shall use a cut-out, bypass or similar device upon any motor-powered vessel used upon any lakes, rivers and all other waters within the corporate boundaries of the City. Nor shall a person use a muffler or pipes with pinched outlets, holes or rusted-through areas, or similar condition or defect where the result of the condition or defect does or could increase the level of noise of the motor-powered vessel over the level that would reasonably result if the motor-powered vessel were equipped with standard and/or properly maintained equipment.
- B. It is unlawful for any person to operate upon any lakes, rivers and all other waters within the corporate boundaries of the City, under any condition of speed, load, acceleration, or deceleration in such manner as to exceed noise level of 80 decibels (dB), except that it is unlawful for any person to operate upon any lakes, rivers and all other waters within the corporate boundaries of the City any motor-powered vessel between sunset and sunrise where the noise level exceeds 60 dB. The noise level measurements shall be taken by a sound level meter at a distance of not less than fifty feet from the motor-powered vessel being operated.

- C. The following types of sounds shall be exempt from this section:
1. sounds created by safety and protective devices where noise suppression could defeat the intent of the device;
  2. sounds created by a warning device not operating continuously for more than five minutes;
  3. sounds created by emergency equipment for emergency work necessary in the interest of law enforcement for the health, safety, and welfare of the community;
  4. sounds created by the normal docking, undocking and water-skier pick-up and drop-off operations.
- D. Except as provided for in LMC 8.60.090, high performance inboard motor powered vessel with over the transom exhaust systems shall not be operated on the waters of Lakewood.
- E. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

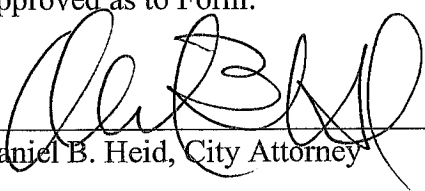
CITY OF LAKEWOOD

\_\_\_\_\_  
Bill Harrison, Mayor

Attest:

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Alice M. Bush, CMC/AAE, City Clerk

Approved as to Form:

  
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Daniel B. Heid, City Attorney

TABLED 7-17-00