

ORDINANCE NO. 387

AN ORDINANCE of the City Council of the City of Lakewood, Washington, regarding Lakewood Municipal Code Chapter 8.60, amending Sections 8.60.020, 8.60.060, 8.60.070, 8.60.080, 8.60.100, 8.60.110, 8.60.120, 8.60.140, 8.60.150, 8.60.170, 8.60.180, 8.60.210, 8.60.230, 8.60.240, 8.60.260, 8.60.270, 8.60.320, 8.60.340, 8.60.370, 8.60.380, 8.60.390, 8.60.420, 8.60.430, 8.60.460 and 8.60.600 of Chapter 8.60, and adding a bail schedule, regarding boating and water safety.

WHEREAS, The City Council of the City of Lakewood, Washington has adopted by reference State and Federal Statues and formulated local regulations that address boating and water safety in the interest of protecting the public safety; and,

WHEREAS, it is in the best interest of the community to uniformly apply City Ordinances, State Statutes and Federal Regulations that address boating and water safety to include a corresponding bail schedules for penalties and to allow for the automatic update of the bail schedules so that enforcement of boating and water safety regulations is current and uniformly applied; and,

WHEREAS, in order to provide for the efficient handling of charges for violations of watercraft regulations, where the forfeiture of a bail amount would adequately address the offenses, amending the ordinance to include a bail schedule would entitle a citizen to post and forfeit bail in the amount indicated without the further need to appear in court on that charge; and,

WHEREAS, to further promote the health, safety and welfare of the citizens of the City of Lakewood, it is necessary to amend many of the boating and water safety ordinances;

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

Section 1. That Chapter 8.60 of the Lakewood Municipal Code be and the same is hereby amended as follows:

08.60.010 - Authorization - Article I. General Regulations

The City of Lakewood, in the exercise of its police powers, assumes control and jurisdiction over all lakes, rivers and all other waters within its corporate boundaries. (Ord. 86 § 1 (part), 1996.)

08.60.020 – Applicability

A. Except as noted, the provisions of this Chapter shall be applicable to all vessels which are operated within the geographical jurisdiction of the City.

B. Titles 33 and 46 CFR, [Chapter 79A.60 RCW](#), [Chapter 88.02 RCW](#) and ~~Chapter 88.12 RCW~~, Chapter 352-60 WAC and Chapter 352-67 WAC, and any subsequent amendments are hereby adopted by reference as if set forth in full herein as Section 8.60.020 B of the [Lakewood Municipal Code](#).

(Ord.380-Substitute § 1, 2005; Ord 86 §1 (part), 1996.)

08.60.030 - Responsibility

A. Nothing in this Chapter shall exonerate the owner, master or crew of any vessel from the consequences of any failure to comply with these rules or of the failure of any precaution which may be required by the ordinary practice of watercraft users, or by the special circumstances of the case.

B. In construing and complying with this Chapter due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these rules necessary to avoid immediate danger. (Ord 86 §1 (part), 1996)

08.60.040 - Definitions

As used in this Chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

A. "Aquatic event" means any organized water event of limited duration.

B. "Authorized emergency vessel" means any designated and/or marked patrol vessel.

C. "Department" means the Police Department or the law enforcement agency of the City.

D. "Divers flag" means a red flag, not less than ten inches on the hoist by twelve inches on the fly, with a white stripe of one inch crossing the red diagonally and a stiffener to make it stand out from the pole or mast, or a rigid replica of the International Code flag "A" (Alpha pennant) not less than one meter in height.

E. "Obstruction" means any vessel or any matter which may in any way impede navigation or endanger any vessel.

F. "Person" means an individual, firm, partnership, corporation, company, association or other legal entity.

G. "Pier, dock or gangway" means any permanent wharf, dock, float, gridiron or other structure to promote the convenient loading or unloading of a vessel.

H. "Restricted or designated areas" means an area that has been marked to be used for, or closed to, certain designated purposes.

I. "Restricted visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or any other similar causes.

J. "Scuba diver" means any free B swimming person who uses an artificial or mechanical means to replace air.

K. "Skin diver" means any free B swimming person who does not use an artificial or mechanical means to replace air.

L. "Sunrise" means the time when the sun appears above the sensible horizon as a result of the earth's rotation which may be shown by a sunrise chart for the general Tacoma area of Pierce County, Washington.

M. "Sunset" means the time when the sun disappears below the sensible horizon as a result of the earth's rotation which may be shown by a sunrise chart for the general Tacoma area of Pierce County, Washington.

N. "Towboat" means any vessel engaged in towing or pushing another vessel or anything other than a vessel.

O. "Vessel" includes every description of floating craft, including motorized and non-motorized watercraft,

and includes nondisplacement craft used or capable of being used as a means of transportation on water.
P. "Waters of Lakewood" means all water within the corporate boundaries of the City of Lakewood.
Q. "SAE" means Society of Automotive Engineers as referenced in WAC 352-67.
(Ord. 380-Substitute § 2, 2005; Ord. 86 § 1 (part), 1996.)

08.60.050 - Rules of the Road

Except as otherwise specified in this Chapter, the provisions of Chapter 352-60 WAC shall apply on all waters of Lakewood, as such rules are now or may hereafter from time to time be amended or adopted; and it is further provided that sailing vessels or other vessels, 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. Additionally, except as herein otherwise specified or unless the context clearly indicates otherwise, water recreational equipment such as jet skis, water bikes and other machinery shall be considered vessels for the purposes hereof, and all rules and requirements for vessels set forth in this Chapter shall apply to such equipment.

A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.060 - Lights and Shapes

WAC 352-60-060 and any future amendments thereto are adopted by reference as Section 8.60.060 of the City Code, "Lights and Shapes."

A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.070 - Prohibiting Sound and Light Signals

It is unlawful for the master, owner or any person in charge of any vessel, while lying at any pier or while navigating in the waters of Lakewood, unnecessarily to cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel under way for any purpose other than those authorized by law.

A violation of this section constitutes a Misdemeanor crime, punishable by a fine of up to \$1000.00 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 86 § 1 (part), 1996.)

08.60.080 - Distinctive Blue Light Authorized for Use by Law Enforcement Vessels

A. The use of a distinctive blue light is authorized for law enforcement vessels only, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light, when used, would be in addition to prescribed lights and all signals required by law or regulations in this part.

B. The distinctive blue light may only be displayed by law enforcement vessels of the City's law enforcement agency, the County Sheriff's Department or other authorized enforcement emergency vessels.

| [A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code.](#) (Ord. 86 § 1 (part), 1996.)

08.60.090 - Exemptions for Racing Motor-Powered Vessels

The provision of this sections 8.60.150 and 8.60.220 shall not apply to motor-powered vessels while competing in any race previously arranged, approved and announced, or while practicing for any race where the practice was previously arranged, approved and announced, or if such boats are designed and intended solely for racing, while engaged in such navigation as was previously arranged, approved and announced and as is incidental to the tuning up of the boats and engines for the race. Arrangements approval and announcement of any race shall be conducted as stated in 8.60.390.

(Ord. 380-Substitute § 3, 2005; Ord. 86 § 1 (part), 1996.)

08.60.100 - Fire Extinguishers

Fire extinguishing equipment shall be required as provided in 46 CFR Subchapter C, Subpart 25.30 and WAC 352-60-080.

| [A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code.](#) (Ord. 86 § 1 (part), 1996.)

08.60.110 - Personal Floatation Devices

A. Every child 12 years of age or younger shall wear a personal floatation device while on board any vessel, except while in a cabin.

B. Every person on board a recreational vessel less than 16 feet in length of open construction shall wear a personal floatation device while the vessel is underway.

C. 33 CFR Part 175, Subpart B, 46 CFR Subchapter C, Subpart 25.25 and WAC 352-60-030 and any future amendments thereto are adopted by reference as Subsection C of Section 8.60.110 of the City Code, "Personal Floatation Devices."

| [A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code.](#) (Ord. 86 § 1 (part), 1996.)

08.60.120 - Equipment and Numbering

All vessels shall carry the equipment and be numbered or designated in accordance with Chapter 88.02 RCW, Chapter 308-93 WAC and applicable laws of the United States and any future amendments thereto.

| [A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code.](#) (Ord. 86 § 1 (part), 1996.)

08.60.130 - Applicability - Article II. Operation Regulations

The provisions of this Article shall be applicable to all vessels operated on lakes, rivers and all other water within the corporate boundaries of the City of Lakewood.

(Ord. 86 § 1 (part), 1996.)

08.60.140 - Manner of Operation

A. A person shall not operate a vessel in a negligent manner. For the purposes of this section, to "operate in a negligent manner" means operating a vessel in disregard of careful and prudent operation, or in disregard of careful and prudent rates of speed that are no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, size of the lake or body of water, freedom from obstruction to view ahead, effects of vessel wake, and so as not to unduly or unreasonably endanger life, limb, property or other rights of any person entitled to the use of such waters.

B. Negligent operation a vessel includes, but is not limited to:

1. Not paying attention to the operation of the vessel;
2. Failing to keep a proper lookout;
3. Failing to follow navigation rules;
4. Causing danger from the effects of the vessel's wake;
5. Bow, seat back, gunwale or transom riding, when operating in excess of five miles per hour unless seating is specifically designed for that location.

C. The operator of any vessel shall be responsible for any damage or injuries caused by the wake from the vessel.

D. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.150 - Speed Limits

A. It shall be unlawful to operate a vessel at a rate of speed greater than will permit the operator in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead; provided, however, it shall be unlawful to operate vessels in excess of five miles per hour, or at a speed which produces a damaging wake, within two hundred feet of any shore, dock, bridge or public swimming area, or within one hundred feet of swimmers or of any vessel, provided further, that it shall be unlawful to operate vessels in excess of eight (8) miles per hour after legal sunset in waters not regulated by the five (5) miles per hour law. (Speeds of over eight (8) miles per hour display a wake behind the vessel.)

B. It shall be unlawful to operate a motor powered vessel or boat at a speed in excess of 60 MPH except during periods of lake congestion. These periods were assessed to be Saturdays, Sundays and holidays during the summer (Memorial Day to Labor Day). During periods of potential congestion, it shall be unlawful to operate any motor powered vessel or boat at a speed in excess of 45 MPH speed limit on the Lake from sunrise to sunset. This section only applies to American Lake.

C. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 380-Substitute § 4, 2005; Ord. 86 § 1 (part), 1996.)

08.60.160 - For Vessels Engaged in Taking Off and Landing - With or Without Water Skiers

A. Taking off shall be done perpendicular or as near to perpendicular to shore, dock or other launching facilities, whichever shall permit the vessel and skier, if any, safe passage to open water; provided, that at no time shall the taking off angle be less than a forty-five degree angle to shore, dock, or other launching facility.

B. Landing of vessels and skiers shall be done not less than at a forty-five degree angle to the shore, dock, or other landing facilities.

C. At no time shall taking off or landing of water-skier give the towing vessel special privileges over any other vessels, under the rules of the road, and at no time shall such acts of skiing cause undue risk to persons or property.

D. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.170 - Reckless Operation

A. It shall be unlawful to operate any vessel in a reckless manner upon any waters within the City. For the purpose of this Chapter, to operate in a reckless manner means the operation of a vessel upon the waters within the City in such a manner as to endanger or be likely to endanger any persons or property. Actions that constitute prima facie evidence of reckless operation are:

1. Operating within one hundred feet of shore unless taking off or landing as provided in Section 8.60.160, or in a designated swimming area;
2. Overloading;
3. Operating while under the influence of alcohol or drugs and recognizable by erratic operation;
4. Excessive Speed in violation of Sections 8.60.140 or 8.60.150;
5. Operating in clearly dangerous areas;
6. Operating without proper lights at night;
7. Weaving in and out of other vessels, docks or buoys;
8. Playing "chicken" with another vessel;
9. Bow, seat back, gunwale or transom riding, when operating in excess of five miles per hour unless seating is specifically designed for that location;
9. Continued use or refusal to terminate use of boat after being ordered to correct an especially hazardous condition by law enforcement officer.

B. A violation of this section constitutes a Misdemeanor crime, punishable by a fine of up to \$1000.00 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 86 § 1 (part), 1996.)

08.60.180 - Hazardous Conditions

If a law enforcement officer observes any unsafe condition and determines that an "especially hazardous conditions" exists, he may direct the operator to take immediate steps to correct the condition, including returning and mooring. Unsafe conditions or hazardous conditions shall include, but not be limited to, the following:

- A. Insufficient personal floatation devices (PFD);
- B. Insufficient firefighting devices;
- C. Overload conditions;
- D. Improper navigation light display;
- E. Fuel leakage;
- F. Fuel in bilges;
- G. Improper ventilation;
- H. Improper backfire flame control.

A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.190 - Designated Areas

It shall be unlawful to operate any vessel within one hundred feet of a public or private bathing or swimming area, which is marked by buoys or some other distinguishing device.

A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.200 - Direction of Travel

Except as provided for in Section 8.60.160 all vessels shall keep the closest shore on the operator's starboard or right-hand side at all times. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code.

(Ord. 86 § 1 (part), 1996.)

08.60.210 - Water Skiers

A. ~~RCW 88.12.125~~ RCW 79A.60.170 and any amendments thereto are adopted and incorporated herein as Section 8.60.210 A of the City Code.

B. The following regulations are intended to supplement the provisions contained in ~~RCW 88.12.125~~ RCW 79A.60.170 as adopted by Section 8.60.210 A of the City Code: It shall be unlawful to operate a vessel towing a person on water skis, aquaplane, or surfboard, inner tube, or other similar device unless the following conditions are strictly follows:

1. The vessel shall be manned by an an operator who must be attentive to the duties of operating a vessel.

2. No vessel operator may tow or attempt to tow a water skier on any waters of Washington State unless such craft shall be occupied by at least an operator and an observer. The observer and the operator shall not be the same person. The observer shall continuously observe the person or person's being towed and shall display a flag immediately after the towed person or persons fall into the water and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches square, mounted on a pole not less than twenty-four inches long and displayed to be visible from every direction.

3. No person shall engage or attempt to engage in water skiing without wearing a personal flotation device.

4. No vessel shall follow behind a vessel, towing a person on water skis closer than three hundred feet, or cross the bow of a towing boat closer than two hundred feet, or pass alongside a towing boat closer than one hundred feet. A vessel towing a skier is not a privileged boat, and must conform to the rules of the road.

5. It shall be unlawful to water ski from sunset to sunrise.

6. It shall be unlawful to water-ski within two hundred feet of any public boat launching area, or within two hundred feet of any dock used for fueling any vessel, or within two hundred feet of any dock or designated swimming area at a public park, or a private designated swimming area. This provision shall apply to the taking off and landing of a water-skier in any of the described areas.

C. A violation of subsections B, 1, 2, 3, 5 and 6 of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. A violation of subsection B, 4 of this section constitutes a misdemeanor crime, punishable by a fine of up to \$1000.00 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 86 § 1 (part), 1996.)

08.60.220 - 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 or install such equipment for use on a 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 75 decibels (dB), as measured from any point on the shoreline of the body of water on using the SAE shoreline testing procedure on which the vessel is being operated and 70 dB as measured from the water or when moored. The 70 dB noise level measurement shall be done using the SAE stationary test procedure. In addition, it shall be 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 as measured using the SAE shoreline test. All sound measurement will be performed to standards provided in WAC 352-67 Vessel Sound Measurement Procedures.

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 public safety 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. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 380-Substitute § 5, 2005; Ord. 86 § 1 (part), 1996.)

08.60.230 - Testing

A. When testing, as authorized in this Chapter, the provisions of ~~RCW 88.12.085~~ [RCW 79A.60.130](#) shall apply to vessels designed for racing that are properly registered with the American Power Boat Association or an affiliate group, and when their registration numbers are plainly visible on the vessel. A helmet and American Power Boat Association approved jacket must be worn by the driver and mechanic if the craft is designed to carry a mechanic. Testing must be approved by and scheduled in advance with the City Manager or his designee. Testing shall be done on specific waters at specific times only. (See Section 8.60.490 of this Chapter for areas open and times allowed.)

B. Vessels testing under the provisions specified in this Chapter shall maintain a distance of four hundred feet from the shore or another vessel while speed is in excess of five miles per hour. A vessel testing for a race must follow the rules of the road and the general rules herein. Vessel testing shall be exempt from the speed and noise limitations of Lakewood Municipal Codes 08.60.150 and 08.60.220.

C. No unauthorized person shall operate a vessel or swim, or skin dive, within a testing course during permitted testing operations while an authorized vessel is in the testing course.

D. While testing, there must be an accompanying safety vessel in the water, with rescue personnel on board, to warn unauthorized vessels of the test. The safety vessel shall have on board fire fighting and rescue equipment.

A violation of this section constitutes a Misdemeanor crime, punishable by a fine of up to \$1000.00 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 380-Substitute § 6, 2005; Ord. 86 § 1 (part), 1996.)

08.60.240 - Legal Age of Operation

It shall be unlawful for any person under the age of sixteen to operate any vessel powered by a motor or motors generating a total horsepower in excess of ten horsepower; except, it shall be lawful for a person under the age of sixteen to operate a vessel powered by a motor or motors generating a total horsepower of more than ten horsepower as long as he/she is under the direct supervision of a parent or legal guardian in the vessel, or under the direct supervision of a coach or instructor involved in an approved race or other aquatic event, or approved tests and/or trials in preparation therefor.

A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.250 - Obstructions

When any sunken or drifting, and unattended vessel(s) or object(s) obstruct, or create a hazard to the operation of vessels on the waters of Lakewood, the City's chief law enforcement officer or designee shall order the owner or person in charge thereof to remove or restrain the said vessel or object. Upon failure of such person to do so, or inability of the chief law enforcement officer or designee to determine the ownership of the vessel or object, the chief law enforcement officer or designee may take custody of the vessel or object and may take such reasonable steps as are needed to clear the waters of the obstruction or hazard. Expenses reasonably incurred by the chief law enforcement officer or designee in removing and relocating a vessel or other object shall be recovered from the owner thereof, as a condition precedent to restoring the vessel or object to the owner. (Ord. 86 § 1 (part), 1996.)

08.60.260 - Prohibited Operations

A. It shall be unlawful for any person who is under the influence, or affected by intoxicating liquor, narcotic or other drugs, to operate or be in actual physical control of any vessel. A violation of this section constitutes a Misdemeanor crime, punishable by a fine of up to \$1000.00 or by a jail sentence of up to 90 days, or by both such fine and jail time.

B. It shall be 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 is under the influence or affected by intoxicating liquor, narcotic or other drugs. A violation of this section constitutes a Misdemeanor crime, punishable by a fine of up to \$1000.00 or by a jail sentence of up to 90 days, or by both such fine and jail time.

C. It shall be 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. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code.

D. It shall be 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 is under the legal age of operation, as specified in Section 8.60.240. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code.

E. It shall be unlawful for the owner of any vessel, or any person having such, in charge or in control, to load the vessel beyond its safe loading capacity. The safe loading capacity shall be determined by the

manufacturer's recommended safe load capacity as set forth in the United States Coast Guard capacity information label on the hull of the vessel, and in the absence of such label, the capacity shall be determined as follows:

The length of the vessel in feet and in tenths of feet shall be multiplied by the width of the vessel in feet and in tenths of feet, with the product thereof being divided by fifteen. The result reduced to the next smaller whole number shall be the maximum capacity of the vessel. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.270 - Boating Accident Reports

A. The operator of any vessel involved in an accident resulting in injury or death to any person, or in damage to any property, shall immediately stop such vessel at the scene of such accident and shall give his name, address, and the name and/or number of his vessel, the name and address of the owner, to the person struck or the operator or occupants of the vessel collided with or property damaged and shall render to any person injured in such an accident, reasonable assistance. A violation of this section constitutes a Misdemeanor -crime, punishable by a fine of up to \$1000.00 or by a jail sentence of up to 90 days, or by both such fine and jail time.

B. The master, owner, or operator of any vessel involved in an accident within the City, and where death or personal injury requiring medical treatment or property damage in excess of five hundred dollars occurs, shall file a written accident report (within forty-eight hours of said accident) with the law enforcement agency of the City. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.310 - Skin/Scuba Diving

A. Skin/scuba diving shall be prohibited within three hundred feet of an active public boat ramp, public fishing pier or that area generally used and recognized as the entry or exit to any regularly established marina, yacht club, boathouse or high speed vessel lanes; provided, that in the event skin or scuba divers are engaged in an aquatic event, then the restriction shall not apply for the duration of the aquatic event. Skin-diving shall be prohibited unless the diver shall be accompanied by a vessel displaying the appropriate diver's flag, or the diving area is marked by an adequately displayed diver's flag.

B. Subsection A shall not apply to skin/scuba diving that directly involves the repair, maintenance, survey, or other authorized activity related to an active public boat ramp, public fishing pier, or that area generally used and recognized as the entry or exit to any regularly established marina, yacht club, or boathouse.

C. It shall be illegal for vessels to approach closer than three hundred feet of any diver's flag raised from a vessels or float without reducing their speed to five miles per hour.

D. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.320 - Posting of Regulations

A. The City Manager or designee shall cause to be posted at all public boat accesses within City parks, the specific rules for each body of water as set forth in this Chapter.

B. Owners and proprietors of private boat access to waters in the City shall cause to be posted within twenty-five feet of the ramp, a copy of the specific rules as given above.

A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.330 - Swimming and Flotation Devices

A. Swimming shall be confined to:

1. Restricted swimming areas; or
2. Within a distance of one hundred feet from shore, unless the swimmer is accompanied by a vessel.

B. All bathers and swimmers shall confine air mattresses, inner tubes and other similar devices to within one hundred feet of shore unless they are accompanied by a vessel.

C. All vessels accompanying swimmers beyond one hundred feet from shore shall have a personal flotation device on board for each swimmer in addition to one for each person on board.

D. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.340 - Unlawful Dumping

It shall be unlawful for any person while on any vessel on the waters of Lakewood, to throw or discard into the waters any waste, debris, refuse, oil, garbage or other fluid or solid material which may pollute the water, or which may create or aggravate any conditions deleterious to the public health.

A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.350 - Unsafe Piers - Fresh Water Only

Any pedestrian pier, gangway, dock or portion thereof leading to or on fresh water which, by reason of inadequate maintenance, dilapidation, obsolescence or damage, poses a risk of injury to person or damage to property is for the purpose of this Section deemed unsafe. All such unsafe piers, gangways and docks are declared to be public nuisances and shall be abated by repair, demolition or removed or barricaded with proper fencing until such time as all repairing thereto shall be made. Upon notification of this condition the Building Official shall take corrective action under the provisions of Uniform Building Code. (Ord. 86 § 1 (part), 1996.)

08.60.360 - Applicability - Article III. Vessel Regulations

The provisions of this Article shall be applicable on all lakes, rivers and all other waters within the corporate boundaries of the City of Lakewood. (Ord. 86 § 1 (part), 1996.)

08.60.370 - Safety Devices

Every owner, agent or lessee having charge of any commercial or public pier shall furnish and keep for use on such pier, at least one serviceable thirty-inch ring life buoy for every three hundred lineal feet of mooring/docking space. Attached to said life buoy shall be at least two hundred feet of suitable line. Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for the use of the public in

case of accident. The box shall be labeled and be at all times kept clear of obstructions. It shall be unlawful to take away, damage, disturb or destroy said buoy or box, except for use in saving life and property.

A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.380 - Vessel Rental Period

A. The owner or proprietor of a vessel rental or charter operation shall cause to be kept a record of the names and addresses of person or persons hiring any vessel, the identification number of such vessel, the departure date and the time, and the date and time of the return of such vessel. Such record 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.

B. It shall be unlawful for the owner or proprietor of a vessel rental or charter operation to allow any vessel under his charge to depart from the premises without all the equipment required by this Article.

C. The owner or proprietor of a vessel rental or charter operation shall make known to all persons hiring a vessel the rules and regulations of this Article pertaining to the operation of a vessel on the waters of Lakewood.

D. The owner or proprietor of a vessel rental or charter operation shall obtain a business license from the City and shall comply with all requirements and conditions for such business license.

E. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.390 - Regattas, Races or Aquatic Events

A. "Regatta" or "race" or "aquatic event" means an organized water event of limited duration, which is conducted according to a prearranged schedule.

B. An individual or organization planning to hold a regatta, race or aquatic event which, by its nature, circumstances or location may introduce extra or unusual hazards to the safety of life on the waters of Lakewood, shall submit an application to the City Manager or designee, which shall be reviewed by the City's chief law enforcement officer, and the directors of other affected departments as determined by the City Manager or designee for approval of application, which shall be sent to the City Manager or designee for final approval.

C. Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the City Manager or designee may, subject to conditions set from time to time by the City Manager or designee, grant a permit for such series of events for a fixed period of time, not to exceed one year.

D. The application shall be submitted no less than ninety days prior to the start of the event.

E. The application shall include the following details:

1. The name and address of sponsoring organization;
2. The name and address and telephone number of persons or persons in charge of the event;
3. Nature and purpose of event;
4. Information as to general interest;
5. Estimated number and types of vessels participating;
6. Estimated number of spectator vessels;
7. Estimated number of persons, participants and all others;
8. Minimum number of vessels and persons furnished by sponsoring organization to patrol event;

9. A time schedule and description of events;
10. A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials and spectators.

F. Upon receiving an application to hold a regatta, race or aquatic event, the City's law enforcement agency and such other departments as the City Manager or designee may designate shall take the following actions or make the following determinations:

1. That the proposed regatta, race or aquatic event may be held at the proposed location with safety to life;
2. That the interest of safety of life and property requires changes in the application before it can be approved;
3. That the event requires no regulation or patrol at the proposed location;
4. That the application be recommended for approval or rejection by the City Manager or designee for stated reasons;
5. The application shall be sent with recommendations to the City Manager or designee not less than thirty days prior to event.

G. The City Manager or designee shall require that the sponsoring group post notice in the local paper and/or at the proposed site of the event, prior to taking action on the application. The City Manager or designee may also, before taking action on the application, require the sponsoring organization to petition or poll the property owners on the lake which would be affected by the event.

H. The City Manager or designee may close for general use, any part or whole of a lake for the purpose of the event; provided, the approval of the application is on the condition that all terms specified in the application be met by the sponsoring group.

I. If the chief law enforcement officer of the City or designee deems safety requires, one or more vessels available to the City's law enforcement agency may be assigned to the event for the purpose of enforcing not only the event regulations, but also for assistance work and the enforcement of laws generally. Additionally, where law enforcement services are utilized in connection with a regatta, race or aquatic event, the approval of the application may include reimbursement of the costs of such law enforcement services.

J. Nothing in the provisions of this Article shall be construed to mean that the operator or a vessel competing in a race or regatta or trials therefore which has been duly authorized by the City Manager or designee, or an operator engaged in industrial development and testing of experimental and product vessels, shall be prohibited from attempting to obtain high speed on racing and testing courses duly designated by the City Manager or designee nor while so engaged, shall such vessels or operators be required to comply with ~~RCW 88.12.085~~ [RCW 79A.60.130](#).

K. The person sponsoring the race or event or testing vessel shall, prior to obtaining authorization from the City Manager or designee, provide a certificate of insurance showing that the person has obtained public liability and property damage insurance in amounts not less than the minimum set by the City Manager or designee. The City of Lakewood shall be named as an additional insured and shall be notified by the insurer at least twenty days prior to any cancellation of this insurance.

L. The City Manager or designee may charge a fee for services provided under Subsection I of this Section. Such fee shall be from a fee schedule approved by the City Council. (Ord 380-Substitute § 7, 2005; Ord. 86 § 1 (part), 1996.)

08.60.400 - Emergency Vessels

The provisions of this Article shall be applicable to the operation of any and all vessels in the waters of Lakewood, 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. The provision 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. The

provisions of this Section shall in no event extend any special privilege or immunity in the operation of an authorized emergency vessel for any purpose other than that authorized. (Ord. 86 § 1 (part), 1996.)

08.60.410 - Directing Traffic Emergency Powers

The chief law enforcement officer of the City is authorized to direct all waterborne traffic, either in person or by means of visible or audible signal. Where necessary to expedite waterborne traffic, to present or eliminate congestion or to safeguard persons or property, authorized officers of appropriate governmental agencies may direct waterborne traffic as conditions may require. (Ord. 86 § 1 (part), 1996.)

08.60.420 - Restricted Areas

In the interests of life, safety and the protection of property, the chief law enforcement officer of the City shall designate restricted areas. No person shall operate a vessel within a restricted area except the patrol of rescue craft or authorized emergency vessel, or when engaged in the activity to which the area is restricted or in the case of an emergency.

A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.430 - Marker and Regulatory Buoys

A. Marker buoys, approved by the City Manager or designee, may be placed as authorized indicating the area of waters of Lakewood within which it shall be unlawful to operate a vessel in excess of the speed limit. The chief law enforcement officer of the City or designee may place, move, remove or replace marker buoys when deemed necessary by the chief law enforcement officer of the City.

B. It shall be unlawful for any unauthorized person to deliberately damage, place, move or remove any marker or regulatory buoy or distinguishing device.

C. It shall be unlawful to moor any vessel or tie any object up to any marker or regulatory buoy.

D. A violation of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.440 - 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 Chapter. (Ord. 86 § 1 (part), 1996.)

08.60.450 - Class "A" Lakes - Article IV. Specific Rules for Lakes and Other Areas

American Lake is designated as a Class "A" Lake, in that it covers 500 acres or more.

A. Specific Regulations for American Lake include the following:

It shall be unlawful to operate a vessel in excess of five miles per hour in the area known as Little American Lake which starts at the narrowest point of the channel leading into Little American Lake and encompasses the entire area of Little American Lake. This provision also prohibits water-skiing on Little American Lake.

B. A violation of any provision of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.460 - Class "B" Lakes

Lake Steilacoom and Gravelly Lake are designated as Class "B" Lakes, in that they cover 100 acres or more, but less than 500 acres.

A. Specific Regulations for Lake Steilacoom and Gravelly Lake include the following:

1. It shall be unlawful to operate any vessel in excess of five miles per hour from sunset to sunrise on Lake Steilacoom and Gravelly Lake.
2. It shall be unlawful to operate any vessel in excess of 40 miles per hour on Lake Steilacoom and Gravelly Lake.

B. Additional Specific Regulations for Steilacoom Lake.

1. It shall be unlawful to operate a vessel in excess of eight miles per hour within seventy-five feet of the Interlaaken Drive Bridge provided that a vessel pulling a water-skier or any other watercraft which desires to pass under the bridge in excess of eight miles per hour may pass under the bridge as specified in this section. If the water area is clear of other boats for a distance of one hundred feet from both sides of the bridge, the vessel shall then approach the bridge at a right angle for at least a distance of one hundred feet and pass under the bridge.
2. It shall be lawful to operate a vessel pulling a skier in excess of eight miles per hour through the entrance to Evergreen Terrace Lagoon for the purpose of taking off or landing of a water-skier from specific property within the lagoon, provided that said boat operator may enter the lagoon if he approaches the entrance to the Evergreen Terrace Lagoon from either side, and the water area is clear of all water traffic.
3. It shall be unlawful to operate on Steilacoom Lake a motor-powered vessel that is more than twenty feet, six inches in length as registered in the State of Washington and as measured by U.S. Coast Guard Standards, except for law enforcement motor-powered vessels.
4. It shall be lawful to operate a vessel pulling a skier in excess of eight miles per hour through the entrance of the area known as Skate Rink Cove for the purpose of taking off or landing of a water-skier from specific property within the cove, provided that said boat operator may enter said cove if he approaches the entrance at a right angle for a distance of 200 feet from the entrance to the cove from either side, and the water area is clear of all water traffic.

C. A violation of any provision of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.470 - Class "C" Lakes

Lake Louise is designated as a Class "C" Lake, in that it covers 25 acres or more, but less than 100 acres.

A. Specific Restrictions for Lake Louise include the following:

1. It shall be unlawful to operate any vessel in excess of five miles per hour between one half hour before sunset and 10:30 a.m. on Lake Louise.
2. It shall be unlawful to operate any vessel in excess of 35 miles per hour on Lake Louise.

B. A violation of any provision of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.480 - Class "D" Lakes

All lakes which are smaller than 25 acres are designated as Class "D" lakes.

A. Special Restrictions for Class "D" Lakes.

It shall be unlawful to operate any vessel in excess of five miles per hour on any Class "D" lake.

B. A violation of any provision of this section constitutes a Class 2 Civil Infraction under Chapter 1.48 of the City Code. (Ord. 86 § 1 (part), 1996.)

08.60.490 - Testing Areas and Times - Article V. Penalties

Testing areas and allowed times for registered race boats as mentioned in Section 8.60.230 or other approved aquatic events are as follows:

A. American Lake. Tuesdays and Thursdays from three p.m. to six p.m. The testing course shall be located at the location approved by the City Manager or designee for applicant organizations on a time and space available basis.

B. Closures. American Lake is closed for testing from December 1st to the last day in February. (Ord 380-Substitute § 8, 2005;Ord. 86 § 1 (part), 1996.)

08.60.600 - Penalties Designated

Article V. Penalties.

A. _____ It shall be unlawful for any person to violate any provision of this Chapter, and unless specifically designated as a civil infraction, any violation shall constitute a misdemeanor, except where the state statute or regulation adopted by reference has been classified as a felony, gross misdemeanor or an infraction in which case the state classification shall control. Each separate day, or portion thereof, during which any violation occurs, shall constitute a separate violation.

B. Attached hereto, marked as exhibit "A" and incorporated herein by this reference, is the Schedule of Bail for Watercraft Offenses, whereby a defendant charged with watercraft offenses designated as infractions may be entitled to post and forfeit bail in the amount indicated on that charge. The City Council may by resolution amend Exhibit "A" to LMC 08.60.600 as it may be deemed necessary to ensure uniform application of the penalties contained herein.

(Ord. 86 § 1 (part), 1996.)

Section 2. 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 3. 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 1st day of August, 2005.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

EXHIBIT "A"

REVISED SCHEDULE OF BAIL FOR WATERCRAFT OFFENSES

| LMC # & DESCRIPTION | NEW BAIL | INF 1 OR 2 OR MISD |
|--|--|---------------------------|
| 8.60.020 VIO BOATING ORD | 76.00 | II=UP TO 500.00 |
| 8.60.050 RULES OF THE ROAD | 76.00 | II= UP TO 500.00 |
| 8.60.060 LIGHTS & SOUND | 76.00 | II=UP TO 500.00 |
| 8.60.070 VIO WATERCRAFT/LIGHTS & SOUND | 250.00 | MISDEMEANOR |
| 8.60.080.B BLUE LIGHT FOR LAW ENFORCEMENT | 101.00 | II=UP TO 500.00 |
| 8.60.100 FIRE EXTINGUISHER REQUIRED | 101.00 | II=UP TO 500.00 |
| 8.60.110 PERSONAL FLOTATION DEVICES | 76.00 | II=UP TO 500.00 |
| 8.60.120 EQUIPMENT & NUMBERING | 1ST VIO/EACH YR -76.00 2ND VIO/EACH YR 200.00 3RD+VIO/EACH YR-400.00 | II=UP TO 500.00 |
| 8.60.140 MANOR OF OPERATION | 250.00 | II=UP TO 500.00 |
| | 1-5 OVER LIMIT - 71.00 6-10 OVER LIMIT - 91.00 11-15 OVER LIMIT- 122.00 16-20 OVER LIMIT- 153.00 21-25 OVER LIMIT- 183.00 26-30 OVER LIMIT- 224.00 31-35 OVER LIMIT- 276.00 36-40 OVER LIMIT-327.00 | |
| 8.60.150 VIO SPEED OF WATERCRAFT | EXCESS 40 - 388.00 | II=UP TO 500.00 |
| 8.60.160.A TAKE-OFF PERPEND TO SHORE | 76.00 | II=UP TO 500.00 |

| | | |
|---|---------|-----------------|
| 8.60.160.B LAND <45° | 76.00 | II=UP TO 500.00 |
| 8.60.160.C SKIERS/RISK TO PERSONS/PROP | 76.00 | II=UP TO 500.00 |
| 8.60.170 RECKLESS OPERATION WATERCRAFT | 1000.00 | MISDEMEANOR |
| 8.60.180.A INSUFF PFS'S/HAZARD CONDITIONS | 76.00 | II=UP TO 500.00 |
| 8.60.180.B INSUFF FIRE EQUIP/HAZARD CONDITIONS | 76.00 | II=UP TO 500.00 |
| 8.60.180.C OVERLOAD CONDITIONS | 76.00 | II=UP TO 500.00 |
| 8.60.180.D IMPROPER NAVIGATION LIGHT DISPLAY | 76.00 | II=UP TO 500.00 |
| 8.60.180.E FUEL LEAKAGE | 76.00 | II=UP TO 500.00 |
| 8.60.180.F FUEL IN BILGES | 76.00 | II=UP TO 500.00 |
| 8.60.180.G IMPROPER VENTILATION | 76.00 | II=UP TO 500.00 |
| 8.60.180.H IMPROPER BACKFIRE FLAME CONTROL | 76.00 | II=UP TO 500.00 |
| 8.60.190 DESIGNATED AREAS | 76.00 | II=UP TO 500.00 |
| 8.60.200 VIO DIRECTION OF TRAVEL | 76.00 | II=UP TO 500.00 |
| 8.60.210.B.1 WTRSKRS-ATTENTIVE OPERATOR | 150.00 | II=UP TO 500.00 |
| 8.60.210.B.2 WTRSKRS-REQUIRED OBSERVER | 150.00 | II=UP TO 500.00 |
| 8.60.210.B.3 WTRSKRS-PFD REQUIRED | 150.00 | II=UP TO 500.00 |
| 8.60.210.B.4 WTRSKRS-REQUIRED DISTANCE | 150.00 | MISDEMEANOR |
| 8.60.210.B.5 WTRSKRS-SUNSET TO SUNRISE | 150.00 | II=UP TO 500.00 |
| 8.60.210.B.6 WTRSKRS-W/I 200 FT | 150.00 | II=UP TO 500.00 |
| 8.60.220.A NOISE/UNDERWTR EXHAUST | 76.00 | II=UP TO 500.00 |
| 8.60.220.B NOISE/>75 DECBLs | 76.00 | II=UP TO 500.00 |
| 8.60.230 TESTING | 150.00 | MISDEMEANOR |
| 8.60.240 VIO LEGAL AGE OF OPERATOR | 76.00 | II=UP TO 500.00 |
| 8.60.260.A PROHIB OPER/PHYSICAL CONTROL | 1000.00 | MISDEMEANOR |
| 8.60.260.B WTRCRFT/ALLOW INTOXICATED OP | 1000.00 | MISDEMEANOR |
| 8.60.260.C ALLOWING INCAPABLE OPERATION | 101.00 | II=UP TO 500.00 |
| 8.60.260.D PROHIB OPER-ALLOW UNDERAGE DRIVER | 101.00 | II=UP TO 500.00 |
| 8.60.260.E PROHIB OPER/OVERLOADING | 101.00 | II=UP TO 500.00 |
| 8.60.270.A BOAT ACC/FAIL STOP/INFO/ASSIST | 5000.00 | MISDEMEANOR |
| 8.60.270.B BOAT ACC/WRTN RPT W/I 48 HOURS | 250.00 | II=UP TO 500.00 |
| 8.60.310.A VIO OF SCUBA DIVING REG | 76.00 | II=UP TO 500.00 |
| 8.60.320 POSTING OF REGULATIONS | 76.00 | II=UP TO 500.00 |
| 8.60.330 VIO OF SWIMMING REGULATION | 76.00 | II=UP TO 500.00 |
| 8.60.340 UNLAWFUL DUMPING | 76.00 | II=UP TO 500.00 |
| 8.60.370 SAFETY DEVICES | 76.00 | II=UP TO 500.00 |
| 8.60.420 OPERATE IN RESTRICTED AREA | 76.00 | II=UP TO 500.00 |
| 8.60.430 DAMAGE/PLACE/MOVE/REMOVE BUOY | 150.00 | II=UP TO 500.00 |
| 8.60.450 CLASS A LAKE ORD VIO | 76.00 | II=UP TO 500.00 |
| 8.60.460 CLASS B LAKE ORD VIO | 76.00 | II=UP TO 500.00 |
| 8.60.470 CLASS C LAKE ORD VIO | 76.00 | II=UP TO 500.00 |
| 8.60.470.A.1 CLASS C LAKES/5MPH/SUNSET TO 10 | 76.00 | II=UP TO 500.00 |
| 8.60.480 CLASS D LAKE ORD VIO | 76.00 | II=UP TO 500.00 |

REVISED 07/2005