

HARBOR

Title 9

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Chapter 9.04 HARBOR CODE

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9.04.010 Authorization. The city of Seattle in the exercise of its police powers hereby assumes control and jurisdiction over all waters within its limits, and such waters shall, for the purpose of this chapter, be known as "The Harbor." (Ord. 87983 § 1; Feb. 25, 1969).

9.04.020 Definitions. The words and phrases herein used shall have the following meanings, except where the same are clearly contrary to or inconsistent with the context of this chapter or the section in which used:

"Anchorage" means a designated position where vessels or watercraft may anchor or moor;

"Aquatic event" means any organized water event of limited duration which is duly sanctioned at least seven days in advance by duly consti-

tuted authority and which is conducted according to a prearranged schedule and in which general public interest is manifested;

“Authorized emergency vessel” means any authorized vessel or watercraft of the city harbor department, city police department, city fire department, King County sheriff’s department, the United States Government, and state of Washington authorized patrol vessels or watercraft;

“City” means the city of Seattle;

“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, “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;

“Fairway” means all navigable waters within the corporate limits or within the jurisdiction and control of the city, except waters over privately owned or privately controlled property, and includes but is not limited to the navigable portions of the following described waters and all submerged street area and waterways therein:

All of Elliott Bay, lying easterly of a straight line drawn from Alki Point to West Point.

All of the East and West Waterways,

All of the Duwamish River,

All of the Duwamish Waterway Project,

All of Salmon Bay,

All of Portage Bay,

All of the Lake Washington Ship Canal, including that portion which shall be under the supervision and control of the United States government,

All of Lake Union,

All of Lake Washington lying or being within the corporate limits of the city of Seattle or within the jurisdiction and control of the city,

All that portion of Shilshole Bay, lying easterly and southerly of a line from West Point to the intersection of the northerly boundary of the city of Seattle with the outer harbor line,

All that portion of Puget Sound, lying easterly and northerly of a line from Alki Point to the intersection of the southerly boundary of the city of Seattle with the outer harbor line;

“Master” means the captain, skipper, pilot or any person having charge of any vessel or watercraft;

“Obstruction” means 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);

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"Oil" means any oil or liquid, whether of animal, 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", when necessary, means and includes natural persons, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number, when necessary means and includes the plural, and the masculine pronoun includes the feminine;

"Pier" means 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;

"Port warden" means the chief of police and duly authorized deputies and assistants acting in his behalf;

"Privately controlled property" means publicly owned harbor area between the inner and outer harbor lines, privately owned shoreland and publicly owned tidelands and shorelands, which publicly owned harbor area, tidelands and shorelands have been leased to private individuals, associations, corporations or other entities;

"Restricted area" means an area that has been marked in accordance with and as authorized by the laws or regulations of the city to be used for, or closed to, certain designated purposes such as swimming, skin-diving, ferry landings, and aquatic events, the method of marking and designation of which shall have been made by the port warden in accordance with the provisions of this chapter;

"Submerged street area" means any platted street area occupied by navigable water;

"Testing course" means a course or area on waters subject to the jurisdiction of the city of Seattle, designated in accordance with this chapter or pursuant to other applicable laws and regulations, for use in industrial development and testing of experimental and production watercraft and vessels;

"Towboat" means 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 one hundred ten 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 one hundred ten feet in length overall, used or capable of being used as a means of transportation on water. Cribbs or piles, shingleboats, 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 are floating

loose and not under control or when under control and obstructing any navigable channel;

“Waterway” means each and every platted waterway within the corporate limits of the city of Seattle, including those in Lake Union, Portage Bay, Lake Washington and Elliott Bay, but shall not include any commercial waterway created pursuant to RCW 91.04 or any public waterway created pursuant to RCW 91.08 or RCW 79.16.430 through 79.16.520. (Ord. 87983 § 2 as amended by Ord. 90653, Ord. 94587, and Ord. 100171 § 1; August 13, 1971).

9.04.030 Duties of port warden. The duties of the port warden shall be:

(1) To enforce the ordinances and regulations of the city upon the waters of the harbor and adjacent thereto when the harbor is affected;

(2) To maintain regular patrols in the harbor for the protection of life and property including, but not limited to, the removal and disposition of oil pollution, drifting debris and nuisances from the waters of the harbor;

(3) To investigate and report upon marine and maritime accidents in the harbor;

(4) To perform all necessary functions in connection with search and rescue in the harbor;

(5) To cooperate with the authorities of the United States, the state of Washington and its political subdivisions in the enforcement of the laws and regulations of the United States, the state of Washington and its political subdivisions;

(6) To designate, indicate the location of, and to patrol anchorage locations for watercraft or vessels within areas set forth by the ordinances of the city, and to designate, indicate the location of and to patrol takeoff and landing areas for aircraft on the water within areas permitted by the ordinances of the city;

(7) To establish, maintain and regulate the use of moorage buoys in the harbor for the convenience of watercraft and vessels;

(8) To designate restricted areas and testing courses;

(9) To promulgate rules and regulations governing the use of the navigable portions of waterways, and to issue permits for movement of unseaworthy craft and anchoring or moorage of vessels or watercraft in anchorage areas;

(10) To remove, impound or sell any vessel, watercraft or obstruction anchored or moored in violation of this chapter deemed a public nuisance or a hazard to navigation or operated or afloat under conditions deemed unsafe for water transportation. (Ord. 87983 § 3 as amended by Ord. 94587, and Ord. 100171 § 2; August 13, 1971).

9.04.040 Application and construction. The provisions of this chapter shall be applicable to all vessels and watercraft operating in the harbor

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of this city. The provisions of this chapter shall be construed to supplement United States laws and state laws and regulations when not expressly inconsistent therewith in the harbor where such United States and state laws and regulations are applicable. (Ord. 87983 § 4; February 25, 1959).

9.04.050 Negligent operation. Any person who operates any watercraft, vessel or aircraft on the water in a manner so 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 or vessel to a stop within the assured clear distance ahead, is guilty of negligent operation and a violation of this chapter. (Ord. 87983 § 5 as amended by Ord. 100171 § 3; August 13, 1971).

9.04.060 Reckless operation. Any person who operates any watercraft, vessel or aircraft on the water in a reckless manner so as to endanger the life or limb, or damage the property of any person is guilty of the crime of reckless operation and a violation of this chapter. (Ord. 87983 § 6 as amended by Ord. 100171 § 4; August 13, 1971).

9.04.070 Speed regulation. (a) Watercraft and vessels: Within the harbor limits of the city of Seattle it is unlawful for any person to operate any watercraft or vessel at a speed in excess of seven nautical miles per hour within two hundred yards of any shoreline, pier, restricted area or shore installation; provided, it shall be unlawful to operate any watercraft or vessel in Lake Union at a speed in excess of seven nautical miles per hour except in the area described as follows:

An area one hundred yards wide and four hundred yards long marked by buoys and bounded by the following coordinates: Beginning at a point (existing northeast corner buoy) Latitude 47 deg. 38' 26.829" North; Longitude 122 deg. 19' 53.430" West; thence on an azimuth (astronomic north is 0 deg.) of 180 deg. a distance of 100 yards; thence on an azimuth of 270 deg. a distance of 400 yards; thence on an azimuth of 0 deg. a distance of 100 yards; thence on an azimuth of 90 deg. a distance of 400 yards to the point of beginning.

and provided further, that in the waters of Lake Washington easterly of Webster Point light, it is unlawful for any person to operate any watercraft or vessel at a speed in excess of seven nautical miles per hour within one hundred yards of any shoreline, pier, restricted area or shore installation; and provided further that from the western end of the west guide pier of the Hiram M. Chittenden Locks of the Lake Washington Ship Canal to the eastern end of the east guide pier at said Locks, it is unlawful for any person to operate any watercraft or vessel at a speed in excess of four nautical miles per hour.

(b) Aircraft on the water: Except for aircraft in the process of taking off or landing, it is unlawful for any person to operate any aircraft on the water or step-taxiing over the water in excess of seven nautical miles per hour within the jurisdiction of the city of Seattle:

(1) In Lake Union and Portage Bay except for an area one hundred yards marked by buoys and bounded by the following coordinates: Beginning at a point (existing northeast corner buoy) Latitude 47 deg. 38' 26.829" North; Longitude 122 deg. 19' 53.430" West; thence on an azimuth (astromonic north is 0 deg.) of 180 deg. a distance of 100 yards; thence on an azimuth of 270 deg. a distance of 400 yards; thence on an azimuth of 0 deg. a distance of 100 yards; thence on an azimuth of 90 deg. a distance of 400 yards to the point of beginning.

(2) Within one hundred yards of any shoreline, pier, restricted area or shore installation in Lake Washington easterly of Webster Point;

(3) Within two hundred yards of any shoreline, pier, restricted area or shore installation in all other waters of the city; and

(4) Within a designated anchorage or restricted area; provided, such speed limits shall not apply to aircraft during emergency conditions or on rescue operations where time is of the essence. (Ord. 87983 § 7 as amended by Ord. 90653, Ord. 96875, Ord. 100171, Ord. 101866 and Ord. 102301 § 1; July 2, 1973).

9.04.080 Interference with navigation. No person shall operate any watercraft or vessel or aircraft on the water in a manner which unreasonably or unnecessarily interferes with the other watercraft, vessels or aircraft on the water or with the free and proper navigation of the waterways of the city. Anchoring or mooring under bridges or in heavily traveled channels shall constitute such interference if unreasonable under the prevailing circumstances. (Ord. 87983 § 8 as amended by Ord. 100171 § 6; August 13, 1971).

9.04.090 Tows. No tow boat shall tow any raft or boom of logs or piles or other tow within the Lake Washington Ship Canal from Shilshole Bay to Webster Point nor in the Duwamish Waterway including the East and West Waterways in excess of eighty feet in width nor twelve hundred feet in length, and no tow shall, in any event, exceed twelve hundred feet in length. (Ord. 87983 § 9; February 25, 1959).

9.04.100 Obstructions and the moving of same. (a) Other than as provided in Sections 9.04.280 and 9.04.650, no master or person having charge of any vessel, watercraft or obstruction shall anchor the same in any anchorage or fairway nor make the same fast to any buoy, pier or other structure owned by or under the authority and control of the city without first obtaining a permit therefor from the city.

(b) No master, owner or other person in charge of any towboat shall while towing any vessel, watercraft or obstruction obstruct any channel or fairway.

(c) The port warden shall have the power to order:

(1) Any vessel, watercraft or obstruction anchored in any anchorage or fairway or made fast to any buoy, pier or other structure owned by or

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under the authority and control of the city;

(2) Any towboat and/or its tow obstructing navigation in any channel or fairway; and

(3) Any vessel, watercraft or obstruction lying at any pier in the harbor which is obstructing any slip, fairway or other vessel or watercraft to be removed, and it is unlawful to fail, neglect or refuse to do so.

(d) In the event any vessel, watercraft or obstruction identified in subsection (c) above is not removed as directed by a written order of the port warden within seventy-two hours, or such order of the port warden is not fully complied with in other respects, the port warden shall have the power to take immediate possession of and/or impound such vessel, watercraft or obstruction and remove the same, using such methods as in his judgment will prevent unnecessary damage to said vessel, watercraft or obstruction, and/or assign the removal and impounding of said vessel, watercraft or obstruction to a private person or corporation. (Ord. 87983 § 10 as amended by Ord. 100171 § 10; August 13, 1971).

9.04.110 Sunken vessels. When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, the chief of police may order the same immediately removed and if the owner, or other person in charge thereof, after being so ordered, does not proceed immediately with such removal, the chief of police may take immediate possession thereof and remove the same, using such methods as in his judgment will prevent unnecessary damage to such vessel or watercraft or obstruction, and the expense incurred by the chief of police in such removal shall be paid by such vessel or watercraft or obstruction or the owner or other person in charge thereof; and in case of failure to pay the same, the city may maintain an action for the recovery thereof. (Ord. 87983 § 11, February 25, 1959).

9.04.120 Floating objects. All vessels, watercrafts, logs, piling, building material, scows, houseboats or any other article of value found adrift in Seattle Harbor, may be taken in charge by the chief of police 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. (Ord. 87983 § 12; February 25, 1959).

9.04.130 Intoxication. (a) It is 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 is 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 or harbor 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, either by taking from him the keys of such watercraft or vessel and locking the same, or by some other appropriate means. In any such case, said officer shall immediately report the facts to his commanding officer of the police department, and shall, as soon as possible, deposit said keys or other articles, if any, taken from said watercraft or vessel or person with said commanding officer. Such keys or other articles may be returned to any person upon his demand and proper identification of himself when it appears that he is no longer under the influence of intoxicating liquor or narcotic drug. (Ord. 87983 § 13 as amended by Ord. 90653; October 23, 1961).

9.04.140 Incapacity of operator. It is 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. (Ord. 87983 § 14; February 25, 1959).

9.04.150 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 the 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. (Ord. 87983 § 15; February 25, 1959).

9.04.160 Accident reports. The master, owner or operator of any watercraft shall file a report within forty-eight hours with the chief of police of any accident involving death or personal injury requiring medical treatment or property damage in excess of two hundred dollars in which such watercraft shall have been involved in Seattle Harbor. (Ord. 87983 § 16; February 25, 1959).

9.04.170 Reports confidential—Inadmissible 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 chief of police, corporation counsel, 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

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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 who 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 chief of police, solely to prove a compliance or a failure to comply with the requirement that such report be made in the manner required by law. (Ord. 87983 § 17; February 25, 1959).

9.04.180 Overloading. (a) No watercraft shall be loaded with passen-

gers 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 or harbor 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, either by taking from him the keys of such craft and locking the same, or by other appropriate means. In any such case, said officer shall immediately report the facts to his commanding officer of the police department, and shall, as soon as possible, deposit said keys or other articles, if any, taken from said watercraft or vessel or person with said commanding officer. Such keys or other articles may be returned to any person upon his demand and proper identification of himself when it appears that he is the owner of the watercraft and the conditions under which the officer took preventive measures no longer exist. (Ord. 87983 § 18 as amended by Ord. 90653; Oct. 23, 1961).

9.04.190 Testing courses. The chief of police may from time to time establish and designate such portion or portions of waters, within the city, as may be appropriate for special use as a testing course in connection with the operational testing of experimental and production watercraft and vessels. Such areas when established and maintained as a testing course shall not be available for use by the general public except by permit issued by the chief of police and upon the terms and conditions set forth therein. The chief of police shall have power to adopt rules and regulations not inconsistent with the provisions of this chapter for the use and control of such special use areas and for the protection of water users, recreational or otherwise. A copy of such rules and regulations shall be filed and available for public examination in the office of the city comptroller. (Ord. 87983 § 19 as amended by Ord. 90653, and Ord. 94587 § 3; March 3, 1966).

9.04.195 Excessive power. (a) No watercraft shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions.

(b) Whenever it appears reasonably certain to any police officer that any person is operating a watercraft or vessel with a motor or propulsion machinery which is beyond safe power capacity, said officer may take reasonable measures to prevent any such person from so operating the craft, either by taking from him the keys of such craft and locking the same, or by other appropriate means. In any such case, said officer shall immediately report the facts to his command officer in the police department, and shall, as soon as possible, deposit said keys or other ar-

ticles, if any, taken from said watercraft or vessel or person with said commanding officer. Such keys or other articles may be returned to any person upon his demand and proper identification of himself when it appears that he is the owner of the watercraft and the conditions under which the officer took preventive measures no longer exist. (Ord. 87983 § 19-A as added by Ord. 99108 § 1; July 23, 1970).

9.04.200 Restricted areas. 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 the 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. (Ord. 87983 § 20; Feb. 25, 1959).

9.04.210 Swimming. Swimming in the harbor shall be confined (a) to 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. (Ord. 87983 § 21; Feb. 25, 1959).

9.04.220 Skin-diving. Skin-diving shall be prohibited in the harbor:

(a) To the east of a line from the northwest corner of Harbor Island to the westernmost point of the U.S. Naval property located in Smith Cove, in the waters of the Lake Washington Ship Canal from the mid channel buoy in Shilshole Bay to Webster Point light, including the waters of Lake Union and Portage Bay, all of the inner moorage area of the Port of Seattle Commission moorings at Shilshole Bay and within three hundred feet of the perimeter of the United States Naval Air Station at Sand Point; or

(b) Within three hundred feet of any ferry slip, public boat ramp, patrolled public beach designated as a swimming area, except pursuant to permit therefor issued by the chief of police and except for commercial diving; or

(c) 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. (Ord. 87983 § 22 as amended by Ord. 90653; Oct. 23, 1961).

9.04.230 Water skiing. (a) No watercraft which has in tow or is otherwise assisting a person on water skis, aqua-plane, surfboard or similar contrivances shall be operated or propelled in the harbor unless such watercraft shall be occupied by at least two competent persons: Provided, that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions, or trials therefor.

(b) It is unlawful to waterski or to tow or otherwise assist anyone on water skis, aqua-plane, surfboard or similar contrivance upon the following waters:

1. Within two hundred yards of, or on, the waters of the Lake Washington Ship Canal or within two hundred yards of any short line, pier, restricted area or shore installation on Lake Union, or

2. Upon the waters of Salmon Bay, Portage Bay, or Shilshole Bay; or to ski parallel within one hundred yards of shore installations on Lake Washington and adjacent waters. Water skiers may start at a shore installation but must head away from shore to a point at least one hundred yards, or two hundred yards, as set forth above, before skiing parallel with the shore. The return to the shore must be on a ninety degree angle to the shoreline.

(c) No watercraft shall have in tow or otherwise be assisting a person on water skis, aqua-plane, surfboard or similar contrivance from sunset to sunrise: Provided, that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions, or trials therefor.



(d) All watercraft having in tow or otherwise assisting a person on water skis, aqua-plane, surfboard or similar contrivance, shall be operated in a careful and prudent manner and shall remain at all times at a reasonable and prudent distance from the person and property of others.

(e) Any person on water skis, aqua-plane, surfboard or similar contrivances shall conduct himself upon the same in a careful and prudent manner and shall remain at all times a reasonable and prudent distance from the person and property of others. (Ord. 87983 § 23 as amended by Ord. 90653; October 23, 1961).

9.04.240 Mufflers. It is unlawful to use or operate any engine in or on Seattle Harbor 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. (Ord. 87983 § 24; February 25, 1959).

9.04.250 Whistles and lights. It is unlawful for the master owner or any other person in charge of any waterfront or vessel, while lying at any pier, or while navigating in Seattle Harbor, 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 or watercraft under way for any purpose other than those authorized by law. (Ord. 87983 § 25; February 25, 1959).

9.04.260 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. (Ord. 87983 § 26; February 25, 1959).

9.04.270 Racing. Nothing in the provisions of this chapter shall be construed to mean that the operator of a watercraft competing in a race or regatta, or trials therefor, which has been duly authorized by an appropriate governmental agency or authority, or an operator engaged in industrial development and testing of experimental and production watercraft and vessels, shall be prohibited from attempting to attain high speeds on duly designated and indicated racing or testing courses, nor while so engaged, shall such watercraft or vessels be required to comply with Sections 9.04.070, 9.04.240, 9.04.250 and 9.04.260. (Ord. 87983 § 27 as amended by Ord. 94587 § 4; March 3, 1966).

9.04.280 Submerged street area. It is unlawful for the master or other person in charge of any vessel, watercraft or obstruction to anchor, tie or make fast the same

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(a) In any submerged street area with a public dock or boat launching or loading area for a longer period of time than reasonably sufficient to load, unload, launch or land the same unless so authorized by rules and regulations posted for the use of such public dock or boat launching or loading area;

(b) In any portion of a submerged street area designated by written permit for the use of another without the written consent of the permit holder; or

(c) In any other submerged street area for a longer period of time than reasonably sufficient to load, unload, repair or temporarily store the same, and in no event in excess of fourteen days; other than as authorized by a written permit granted by the board of public works pursuant to Section 9.04.640 or as authorized as anchorage for a vessel, watercraft or obstruction by the port warden pursuant to Section 9.04.290.

No use of a submerged street area shall be made by permit or otherwise which unreasonably restricts water access to adjacent privately owned or controlled property. (Ord. 87983 § 28 as amended by Ord. 94587, and Ord. 100171 § 8; August 13, 1971).

9.04.290 Anchorages. In aid of commerce and navigation, anchorage for vessels, watercraft or obstructions is authorized in the following described waters:

Elliott Bay Anchorage: Beginning at the northeast corner of Harbor Island; thence northerly and in a straight line to a point intersecting a line drawn along the south side of King Street; thence west on said line to a point intersecting the east line of the West Waterway; thence along said east line to the northwest corner of Harbor Island; also, beginning at a point of intersection of the outer harbor line with a straight line drawn along the west line of the West Waterway; thence north to a point intersecting a straight line drawn along the south side of Dearborn Street; thence in a westerly direction to a junction with a line along the south side of California Place.

Smith Cove Anchorage: Beginning at a point at the junction of the outer harbor line and a line drawn along the north side of Denny Way; thence westerly on said line for a distance of approximately two thousand feet; thence in a northwesterly direction paralleling the outer harbor line to a point intersecting a straight line drawn along the east side of Pier 88.

Shilshole Bay Anchorage: All of that area enclosed by the south pier and the breakwater established north of the channel at the west entrance to the Lake Washington Ship Canal in Shilshole Bay.

Salmon Bay Anchorage: Beginning at a point at the junction of the outer harbor line and a straight line drawn along the south side of Sheridan Street; thence in a southeasterly direction in a straight line to a point at the intersection of the outer harbor line and the Great Northern bridge.

Portage Bay Anchorage: East and south of a line extending approximately six hundred feet westerly in extension of the south channel line of the Lake Washington Ship Canal which is immediately west of the Montlake Cut; thence southerly in extension of the east side of Fourteenth Avenue North to the south shoreline of Portage Bay.

Provided, that in addition to the above described anchorages, whenever deemed advisable by the Chief of Police he may grant a written permit to the master or owner of any vessel, watercraft or obstruction for the anchorage or mooring of the same outside of the outer harbor line, or in any water or in any street on Lake Union at such locations as he shall determine will not interfere with or impede navigation.

Lake Washington Anchorage: Whenever deemed advisable by the Chief of Police, he may grant a written permit to the master or owner of any vessel or watercraft for the anchorage or mooring of said vessel or watercraft outside of the outer harbor line, or in any unused slip, or in any street end, on Lake Washington, at such locations as he shall determine will not interfere with or impede navigation. (Ord. 87983 § 29; February 25, 1959).

9.04.300 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. (Ord. 87983 § 30; February 25, 1959).

9.04.310 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. (Ord. 94587 § 6; March 3, 1966; prior Ord. 87983 § 31; February 25, 1959).

9.04.320 City buoys. The Chief of Police shall be the sole judge of any and all use made of any city buoy and his decision as to the same shall be final and conclusive. (Ord. 87983 § 32; February 25, 1959).

9.04.330 Propellers. No master, owner or other person in charge of

any vessel or watercraft shall, while the same is lying in any slip or at any pier, either cause or allow the propeller or wheel of such vessel or watercraft to be worked in such manner as to endanger any other vessel, watercraft, or structure. (Ord. 87983 § 33; February 25, 1959).

9.04.340 Explosive. Every vessel or watercraft approaching or passing any vessel or watercraft engaged in the transfer of explosives and from which is displayed the red powder flag shall slow down to a speed of not exceeding six nautical miles an hour before coming abreast of such vessel or watercraft and in time to prevent accident by reason of swells. (Ord. 87983 § 34; February 25, 1959).

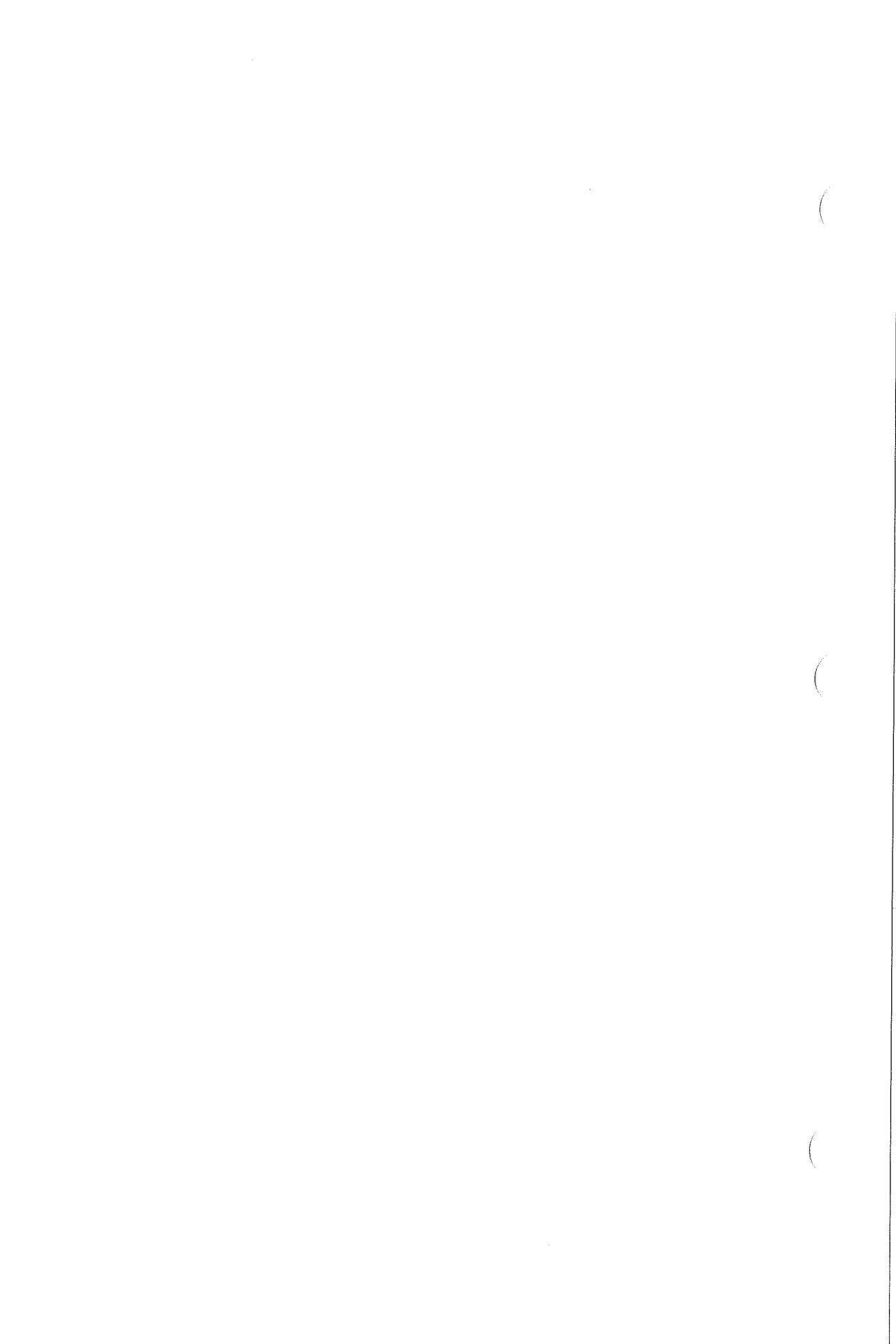
9.04.350 Unsafe piers. Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the Chief of Police to become unsafe so as to render the same, or any portion thereof, unsafe for life or property, the Chief of Police shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs thereto shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders of the City Superintendent of Building immediately, the City Superintendent of Buildings shall prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the city. (Ord. 87983 § 35; February 25, 1959).

9.04.360 Pier lights. In the interest of safe navigation and the protection of property the Chief of Police shall establish standards for the lighting of piers in the harbor. Between the hours of sunset and sunrise all piers shall be kept lighted in accordance with the requirements of the Chief of Police. All walks, passageways, openings or gangways upon any pier upon or through which passengers may pass shall be kept adequately lighted between sunset and sunrise. (Ord. 87983 § 36; February 25, 1959).

9.04.370 Safety devices. Every owner, agent or lessee having charge of any commercial pier shall furnish and keep for use on such pier at least one serviceable thirty-inch ring life buoy, and one serviceable thirty-inch ring life buoy for every three hundred lineal feet of berthing space to each of which shall be attached at least two hundred feet of suitable line, one end of which shall be fastened to the ring buoy. 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, which box shall be properly labeled and be at all times kept clear of obstructions, and it shall be unlawful to take away, molest, injure or destroy the same or either of them or to disturb the same, or either of them, except for use in saving life and property. (Ord. 87983 § 37; February 25, 1959).

9.04.380 Pier barriers. Every owner, lessee or agent of any pier open

to public use to or from vessels or watercraft or for any other purpose, shall guard the frontage of any highway by substantial and adequate fences or other barriers and shall guard the sides and face thereof in a similar manner if used as a thoroughfare to or from any vessel or watercraft. All necessary openings or passages in such fences or barriers shall



be provided with substantial gates which shall be closed and securely fastened when not in use. (Ord. 87983 § 38; February 25, 1959).

9.04.390 Roadway barriers. Any person owning or operating or having control of any trestle, road or roadway or spur track over or upon the Harbor which is open to the public as a way for travel, shall guard the same by adequate fences or barriers along the side or sides thereof, and at any or all other exposed or dangerous places, and where not open as a way for travel, substantial and adequate fences or barriers shall be provided to prevent the use of the same by the public, and upon failure so to do, the Chief of Police shall order such facility closed, or may close the same until the same shall be made to conform to the requirements hereof, and any expense incurred in so doing shall be paid to, and recoverable by, the City of Seattle from the person owning or operating the same. (Ord. 87983 § 39; February 25, 1959).

9.04.400 Dangerous gangways. Wherever any gangway devoted to public use shall appear to be dangerous to the Chief of Police for such use, he shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall forbid the use of such gangway for such purpose until the same shall have been repaired or reconstructed so as to render the same safe for such use and until the same as so reconstructed or repaired has been inspected by the City Superintendent of Buildings and its use for such purpose approved by him. (Ord. 87983 § 40; February 25, 1959).

9.04.410 Boilers. It shall be unlawful for the master of any vessel or watercraft or the engineer or person in charge of any engine or fire room thereof, to blow down boilers and/or tubes or emit soot therefrom or cause or allow the same to be done while lying at any pier, except through an underwater exhaust or outlet. (Ord. 87983 § 41; February 25, 1959).

9.04.420 Drifting debris. It shall be unlawful for the owner, agent or lessee in charge of any pier to allow the whole, or any part thereof, to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and upon failure so to do, the same may be removed by the Chief of Police and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the city. (Ord. 87983 § 42; February 25, 1959).

9.04.430 Oil. No owner, master or other person in charge of any vessel or watercraft, and no engineer, or other person in charge of any engine room or machinery of any vessel or watercraft, and no owner, lessee, agent, employee, or other person in charge of or employed in or about any pier, or other structure, and no person along or upon the shore of the Harbor, shall spill, throw, pump or otherwise cause oil of any description to be or float upon the waters of the Harbor. Any person causing oil to be upon the

waters of the Harbor as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Chief of Police and the expense thereof shall be paid by and recoverable from the person causing said 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. (Ord. 87983 § 43; February 25, 1959).

9.04.440 Nuisances. Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be public nuisances and it shall be unlawful for any person to throw or place in, or cause or permit to be thrown or placed any of the above named articles or substances in Seattle Harbor, or upon the shores thereof or in such position that the same may or can be washed into said Harbor, either by high tides, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Chief of Police and the expense thereof shall be paid by and recoverable from the person creating said nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder. (Ord. 87983 § 44; February 25, 1959).

9.04.450 City floats. All city floats or piers now or hereafter established, except as hereinafter specified, may be used by watercraft for dockage purposes, other than the handling of freight, free of charge for lying time not to exceed forty-eight consecutive hours at any one time. After such period the use of such facilities shall be only with the written permission and at the sole discretion of the Chief of Police. (Ord. 87983 § 45; February 25, 1959).

9.04.460 Obstructing traffic. The determination of the Chief of Police shall be final and conclusive as to all questions relating to the handling of freight or merchandise or as to the position of any vessel or watercraft at any pier or other structure belonging to the City of Seattle, and all persons handling or in charge of freight or merchandise or vessels or watercraft, shall handle the same expeditiously and without interference with or blocking general traffic and without interfering with commerce and navigation. (Ord. 87983 § 46; February 25, 1959).

9.04.470 Fire piers. No passengers, freight or merchandise shall be handled over any location designated for the use of the fire boats of the Fire Department, nor shall such location be used for any purpose whatever other than municipal purposes. (Ord. 87983 § 47; February 25, 1959).

9.04.480 Patrol floats. The Chief of Police shall designate locations for such floats as may be necessary for patrol boats and shall prescribe rules and regulations for the use of such floats. (Ord. 87983 § 48; February 25, 1959).

9.04.490 Accounting. The Chief of Police shall keep accurate and detailed account of all moneys received or disbursed by him in the performance of his duties, which books of account shall be furnished by and be the property of the City of Seattle which shall at all times, within office hours, be open to inspection by the public and at all times to inspection and audit by the proper department or departments of the city. (Ord. 87983 § 49; February 25, 1959).

9.04.500 Public health. All watercraft and vessels entering or in the harbor shall comply with the applicable public health laws and regulations of the United States, the State of Washington and its political subdivisions. (Ord. 87983 § 50; February 25, 1959).

9.04.510 Boat livery record. The owner or proprietor of a boat livery 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 time and the date and time of the return of such watercraft. Such record 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 livery any such watercraft shall carry the equipment required by this chapter. (Ord. 87983 § 51; February 25, 1959).

9.04.520 Liability for damages. Nothing in this chapter 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 chapter shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required. (Ord. 87983 § 52; February 25, 1959).

9.04.530 Enforcement. The Chief of Police and any of his authorized deputies or employees and authorized personnel of the governments of the United States, the 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 in the harbor and are hereby charged with the enforcement of the provisions of this chapter except as the enforcement thereof is herein otherwise specified. It shall be the duty of the Chief of Police to make complaints for any violation of the same, or any part thereof, 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 so to do. (Ord. 87983 § 53; February 25, 1959).

9.04.540 Release from arrest on notice to appear. Whenever any person is arrested for any violation of this chapter 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. (Ord. 87983 § 54; February 25, 1959).

9.04.550 Public employees to obey harbor code. The provisions of this chapter shall apply to the operator of any vessel or waterfront owned by or used in the service of the United States government, or of this state, or of any political subdivision thereof. (Ord. 87983 § 55; February 25, 1959).

9.04.560 Exemption to authorized emergency vessels and watercraft. The provisions of this chapter shall be applicable to the operation of any and all vessels or watercraft in the Harbor 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 using the City Harbor, nor shall it protect the operator of any such emergency vessel or watercraft from the consequence of a reckless disregard for the safety of others: Provided, further, the provisions of this section shall in no event extend any special privilege or immunity in operation of an authorized emergency vessel or watercraft for any purpose other than for which the same has been authorized. (Ord. 87983 § 56; February 25, 1959).

9.04.570 Aiding and abetting violations. It is unlawful to counsel, aid, or abet the violation of, or failure to comply with any of the provisions of this chapter. (Ord. 87983 § 57; February 25, 1959).

9.04.580 Emergency powers. The Chief of Police and the officers of the Police Department 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 chapter: Provided, that where necessary to expedite waterborne traffic, or to prevent or eliminate congestion, or to safeguard persons or property, such officers, or in the event of a

fire or other emergency, such officers and other authorized officers of appropriate governmental agencies or authorities, may direct waterborne traffic as conditions may require, notwithstanding the provisions of this chapter. (Ord. 87983 § 58; February 25, 1959).

9.04.590 Penalty. Any person who violates or fails to comply with any provision of this chapter, 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 in any sum not exceeding five hundred dollars, or by imprisonment in the city jail for a term not to exceed six months, or both such fine and imprisonment. (Ord. 87983 § 59; February 25, 1959).

9.04.600 Harbor advisory commission. (a) There is established a harbor advisory commission of not less than twelve persons to meet with and advise the chief of police. The harbor advisory commission shall serve without compensation as such and shall be appointed by the mayor so as to give proper representation to governmental agencies, business and labor interests, recreational organizations and civic groups concerned with the control and regulation of the harbor.

(b) It shall be the duty of the harbor advisory commission to recommend to the regularly constituted city officials ways and means for improving harbor conditions. The commission shall meet not less than once each six months, or more often upon the call of the chief of police or any seven members of the commission at a time and place to be decided upon by the commission.

(c) The chief of police shall be the chairman of the commission and he shall furnish from his regular staff the necessary secretarial and stenographic services and materials required by the commission. (Ord. 87983 § 60; February 25, 1959).

9.04.610 Preservation of actions. This chapter 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 chapter had not been passed. No cause of action or defense thereto, heretofore arising under any of the ordinances hereby repealed shall abate by reason of the passage of this chapter whether such action has been commenced or such defense interposed or not, but all such actions may be brought and such defenses interposed with the same effect as though said ordinance had not been repealed. (Ord. 87983 § 61; February 25, 1959).

9.04.620 Severability. In the event any section or provision of this chapter shall be held invalid or of no effect, such decision shall not affect the validity of any other section or provision thereof. (Ord. 87983 § 63; February 25, 1959).

9.04.630 Use of land portions of waterways. It is unlawful for anyone to use or occupy the land portion of a waterway for private purposes without a written permit from the board of public works to do so other than for access to or immediate loading and unloading of vessels, watercraft or obstructions then in the navigable portions thereof or launching or landing the same. (Ord. 87983 § 65 added by Ord. 100171 § 9; August 13, 1971).

9.04.640. Use permits—Submerged street area. The board of public works may authorize the use and occupation of all or any portion of a submerged street area by use and occupation permit processed and issued in accordance with Ordinance 90047, as now or hereafter amended. Such a permit may authorize use of either a specific area of a submerged street or use of submerged street area by certain specific vessels, watercraft or obstructions. (Ord. 87983 § 66 added by Ord. 100171 § 10; August 13, 1971).

9.04.650 Use of waterways. (a) All use and occupation of waterways, whether by permit or otherwise, shall be subject to the following terms and conditions:

(1) An unobstructed channel of at least fifty feet width must be preserved at all times; provided, that the board of public works may authorize a lesser unobstructed channel when both sides of a waterway are owned or controlled through lease by the same person, firm, or corporation and the board finds it to be in the public interest;

(2) All vessels, watercraft or obstructions shall be anchored, moored or secured in such a manner as to minimize interference with navigation in the waterway, and shall be promptly removed upon order of the port warden in the event clearance of the waterway be necessary for navigation or in an emergency;

(3) The owner or master of any vessel, watercraft or obstruction anchored or moored in the navigable portions of any waterway shall be responsible for the safe anchorage and fastening of the same, and for any actions necessary to prevent sinking;

(4) It is unlawful to use any vessel, watercraft or obstruction as a place of abode while moored or anchored in the navigable portions of a waterway, unless so authorized by permit from the city;

(5) No use of a waterway shall unreasonably restrict water access to adjacent privately owned or controlled property; or conflict with a use of a waterway permitted by any public body pursuant to the terms of RCW 79.01.540 or 79.16.190.

(b) The public or abutting property owners may use the navigable portions of waterways for the loading, unloading and repair of vessels and watercraft in connection with commerce or navigation for a reasonable period of time for the activity and waterway involved without prior written permission from the city of Seattle; provided that:

(1) If the port warden has established by regulation or posted notice a maximum time limit for uses of any particular waterway or part thereof, no vessel or watercraft shall occupy such waterway or part thereof for a longer period of time;

(2) The period of use and occupation of any and all of the navigable portions of waterways by such vessel or watercraft shall not exceed twenty-one consecutive days; and

(3) No more than one use and occupancy of waterways in excess of seven consecutive days by such vessel or watercraft may occur in any sixty day period. (Ord. 87983 § 67 added by Ord. 100171 § 11; August 13, 1971).

9.04.660 Permits for use of waterways. (a) **AUTHORIZATION.** The board of public works may authorize the use and occupancy of all of or any portion of a waterway, including land and water parts, by written use and occupation permit as hereinafter provided, and may authorize the city engineer to issue in its name an interim permit pending the final determination of the board. Such a permit may authorize use of either a specific area of waterway or use of a particular waterway by specified vessels, watercraft or obstructions, and shall be processed in the same manner as permits pursuant to Ordinance 90047, as now existing or hereafter amended, unless otherwise specified herein.

(b) **APPLICATION.** Any person seeking the use and occupation of a waterway or a portion thereof for a period in excess of twenty-one consecutive days, a longer period than that allowed by regulations or posted notice of the port warden for a particular waterway, or an occupancy for a vessel, watercraft or obstruction in excess of seven consecutive days within sixty days of a prior occupancy, shall apply in writing to the board of public works therefor. The application shall be accompanied by a deposit to cover the cost of publishing notice when required by subsection (d) below. If the application is for a specific vessel, watercraft or obstruction, the application shall state the owner's and master's name, address and telephone number, the type and size of vessels or watercraft, the waterway(s) in which anchorage or moorage is requested, the reason for the application, and the length of time for which the permit is desired.

(c) **PROCESSING.** The city engineer shall investigate the application; give notice to the owner, managing agent or principal lessee of property, which may have water access affected by the use sought by the application; and make his recommendation to the board of public works. In the event that the application requests a use for a period in excess of three hundred sixty-five days, the application shall be referred to the department of community development, which shall make its recommendations thereon.

(d) **NOTICE.** In the event that the application seeks a usage in excess of three hundred sixty-five days the city engineer shall mail notice of the application and the date, time and place at which the board of public works will consider such application at least ten days prior thereto to the

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state of Washington, commission of public lands, and the Port of Seattle, publish such notice in a newspaper of general circulation in the county and post a copy of the same in prominent places in the immediate vicinity of the waterway. The cost of such publication shall be borne by the applicant.

(e) **PERMIT ISSUANCE.** The board of public works may issue a permit for the use and occupancy of a waterway with appropriate terms and conditions upon finding that the use and occupation sought is compatible with use of the waterway as public ways for watercraft and the convenience of commerce, is consistent with the city's land use planning in the immediate vicinity, and does not deprive adjacent properties of reasonable water access. The board may waive compliance with the terms and conditions of this section with permit applications by the United States of America and its agencies, by the state of Washington and by municipal corporations. Among other terms and conditions, the board may, but need not require that the vessel or watercraft connect its plumbing system to the nearest available city sanitary sewers; that the vessel or watercraft permit the anchorage of fastening of vessels or watercraft alongside and access thereto; or that the vessel or watercraft be removed as soon as privately-owned or privately-controlled moorage space becomes available. The applicant shall comply with the terms and conditions of the permit, shall pay the fees prescribed in advance of each month, and shall cease the use and occupation of the waterway on expiration of the permit, unless an additional permit be issued.

(f) **INSURANCE.** An applicant for a permit shall, prior to issuance of the permit, provide and maintain in full force and effect while the permit is in force, public liability insurance in an amount specified by the city engineer or the board of public works sufficient to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the applicant's use of the waterway, naming the city as an additional insured.

(g) **BOND.** An applicant for a permit shall prior to issuance of the permit provide and maintain during the period of the permit a bond or cash deposit in an amount specified by the city engineer or the board of public works sufficient to cover the potential cost of removal of watercraft, vessel(s), or obstruction(s) to be located therein in the event of sinking, and in the event of adjacent publicly owned structures, the cost of repair thereof in event of collision; and in the event of fixed structures, the estimated cost of removal upon expiration of the permit.

(h) **INDEMNITY.** The applicant shall execute and deliver to the city upon a form supplied by the city engineer an agreement in writing and acknowledged by the applicant to hold and save harmless the city of Seattle from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the use and occupation of the waterway by the permit

holder. (Ord. 87983 § 68 added by Ord. 100171 and amended by Ord. 101820 § 1; February 5, 1973).

9.04.670 Fixed structure in waterway. No fixed structure of any kind shall be built or placed in any waterway unless approved by the board of public works, the state of Washington Commissioner of Public Lands, the Port of Seattle and the United States of America, Department of Army, Corps of Engineers, or approved by the board of public works and the other agencies have declined jurisdiction or expressed in writing no objection to the erection of such a structure. (Ord. 87983 § 69 added by Ord. 100171 § 13; August 13, 1971).

9.04.680 Revocation and fees. In order to cover the costs of administration, inspection, and policing involved in the issuance and continuance of such permits and to avert unnecessary, unauthorized or unduly prolonged use and occupation of waterways the board of public works of the city of Seattle is further authorized and directed to prepare and adopt a schedule of fees applicable to all such permits which shall be commensurate with fees established by ordinance for the use and occupation of public places of similar character in the vicinity, provided no fees shall be charged the United States and its agencies, and the state of Washington or any municipal corporation and any such schedule, when approved by the city council of the city of Seattle by resolution shall govern the amount of the fee for any such permit which shall be collected as a condition to the issuance or continuance of any such permit other than permits issued to the United States and its agencies, the state of Washington, or any municipal corporation. Fees shall be computed according to the area actually included in the permit or area obstructed by the vessel, watercraft or obstruction and shall not include any charge for the area within an unobstructed fifty foot channel maintained pursuant to Section 9.04.650. (Ord. 87983 § 70 added by Ord. 100171 and amended by Ord. 101820 § 2; February 5, 1973).

9.04.690 Unseaworthy craft. (a) It is unlawful for a master, owner or other person without a permit from the port warden to tow or move in any fairway any vessel, watercraft or obstruction which prior to movement or tow:

(1) Has been used as a permanent place of abode and was not engaged in navigation under its own power within ninety days; or

(2) Appears or exists in an unseaworthy condition, uses or needs support from another vessel or watercraft to remain afloat, or otherwise appears to lack the capacity for safe movement through and across navigable waters, other than the following:

(A) Barges, scows, log booms, or disabled but buoyant aircraft in tow by a towage company authorized to do business in the state of Washington,

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(B) Vessels or watercraft temporarily disabled by accident, collision, or other malfunction but otherwise seaworthy and capable of safe movement, and

(C) Vessels, watercraft or obstructions being towed or moved by or under the control of the port warden or the city engineer.

(b) Any person seeking a permit to tow or move any vessel, watercraft or obstruction identified in subsection (a) above shall apply to the port warden therefor, and shall, irrespective of the distance to be moved, post a surety bond with the city in an amount that the city engineer determines reflects the estimated expense of the removal of such vessel, watercraft, or obstruction in event of its breakup or sinking; provided the port warden may accept in lieu thereof an indemnity agreement by a towage company agreeing to remove the vessel, watercraft or obstruction within ten days in event of breakup or sinking; and if not so removed, to reimburse the city any expense incurred by removal thereof by the city. (Ord. 87983 § 71 added by Ord. 100171 § 15; August 13, 1971).

9.04.700 Impoundment of vessels. (a) **AUTHORIZATION.** The port warden may take immediate possession and/or impound and remove any vessel, watercraft, or obstruction, when:

(1) The operator or master of the same reasonably appears incapable of safely operating the same or appears incapable of directing the disposition of the same;

(2) The operator or master of the same refuses to sign a citation, or refuses or neglects to obey an order of the port warden to proceed from or to an area following a citation or in an emergency;

(3) The operator or master operates a vessel, watercraft or obstruction in a negligent, reckless or other manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other watercraft and vessels, and the port warden believes such operation of the vessel, watercraft or obstruction would continue unless possession be taken of the same;

(4) The vessel, watercraft or obstruction appears unsafe for water transportation; or

(5) The vessel, watercraft or obstruction appears abandoned, or is anchored or moored in an anchorage, waterway or submerged street area after expiration, cancellation, or violation of a permit, or in violation of

this chapter without a permit seventy-two hours after an order to remove the same has been given by the port warden as provided in Section 9.04.100 (c) and (d), and remove the same, using such methods as in his judgment will prevent unnecessary damage to said vessel, watercraft or obstruction and/or assign the removal and impounding of said vessel, watercraft or obstruction to a private corporation.

(b) **EXPENSES.** In the event possession is taken of any vessel, watercraft or obstruction as authorized in subsection (a) above or in Section 9.04.100 (d), the expenses incurred by the port warden in the removal, towing, impounding, and moorage of the same shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. When a vessel, watercraft or obstruction is moored or impounded at a city facility, the port warden shall assess a reasonable moorage charge therefor, which shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. The port warden may decline to release possession of any vessel, watercraft, or obstruction until all charges are paid.

(c) **SALE OF IMPOUNDED CRAFT; COLLECTION OF CHARGES.** In the event a vessel, watercraft or obstruction remains impounded for ninety days and the charges of towing and impounding remain unpaid, the port warden may sell the same at public auction. The city may maintain an action against the owner or person in charge of the vessel, watercraft or obstruction for the recovery of the expenses of towing and impounding, or the remaining balance thereof, in the event of sale of the same.

(d) **IMPOUNDING-IN-PLACE.** When taking possession as authorized in subsection (a) above or in Section 9.04.100, the port warden may impound the vessel, watercraft or obstruction in place by posting the same with one or more signs or notices in conspicuous places stating "POLICE IMPOUND—KEEP OFF" and notifying the owner, master or person in charge of the impounding. The port warden may in his discretion appoint as custodian the owner or master, the owner or operator of the facility or property where the vessel is moored or anchored. Upon the posting of such signs, it is unlawful for any person:

(1) To move, load or unload, rebuild, or enter upon such vessel, watercraft, or obstruction without written permission from the port warden, other than for necessary maintenance and repair to prevent deterioration of the same or sinking;

(2) To remove, mutilate, destroy or conceal any notice or sign posted by the port warden or the city engineer pursuant to the provisions of this chapter.

(e) **LIABILITY.** The port warden shall not be held responsible for damages incurred as a result of impound of a vessel or watercraft so long as all reasonable and safe practices are employed in said operation. (Ord. 87983 § 72 added by Ord. 100171 § 16; August 13, 1971).

9.04.710 Transfer. No permit issued pursuant to this chapter or right or privilege granted under such permit may be assigned, sublet or transferred between persons or from a vessel, watercraft or obstruction to another by operation of law or otherwise, without the written consent of the city. (Ord. 87983 § 73 added by Ord. 100171 § 17; August 13, 1971).

9.04.720 Waterway operation and maintenance fund. A special fund designated the "waterway operation and maintenance fund" is established in the city treasury to which fund shall be deposited all fees collected from waterway use and occupation permits issued hereunder; reimbursements of expenses incurred by the port warden in removal, towing, impounding of vessels, watercraft or obstructions in waterways and receipts from sale of such vessels, watercraft or obstructions; and any other moneys accruing from activities under this chapter in waterways or appropriated to or budgeted to such fund. The waterway operation and maintenance fund shall be charged with the cost of administration, inspection and policing involved in the issuance and continuance of such permits; activities of the city in maintaining waterways as public ways for watercraft and for commerce and navigation; and for maintaining a reserve to clear waterways of vessels that may sink therein and for emergency activities related to waterways and navigation. (Ord. 87983 § 74 added by Ord. 100171 § 18; August 13, 1971).

Chapter 9.08

WIRELESS TELEGRAPH STATION

Sections:

- 9.08.010 Wireless telegraph station established.
- 9.08.020 Station under supervision of chief of police.
- 9.08.030 Rates for messages.
- 9.08.040 Federal license.
- 9.08.050 Disposition of revenues.

9.08.010 Wireless telegraph station established. There shall be maintained and operated in connection with the police department, and under the supervision and control of the chief of police, a wireless telegraph station for the handling of official, governmental and commercial messages, and for communicating with ships at sea, and land and shore stations. (Ord. 45446 § 1; July 12, 1923).

9.08.020 Station under supervision of chief of police. Said wireless telegraph station shall be used under the direction and supervision of the chief of police in connection with the work of the police department, and for sending and receiving such messages as may be necessary or conven-

9.08.040 Federal license. The chief of police is authorized and directed to apply to the proper departmental bureau of the United States Government for such licenses as may be necessary for the maintenance and operation of said wireless telegraph station and to authorize the operation thereof in connection with other stations, and the chief of police is also directed to submit to the United States Government, through the proper department or bureau, as may be required by laws, rules or regulations of the United States, the schedule of rates or tolls to be charged for commercial messages sent from or received at said wireless telegraph station. (Ord. 45446 § 4; July 12, 1923).

9.08.050 Disposition of revenues. All moneys received by the police department for or on account of the use and operation of said wireless telegraph station shall be paid into the general fund of the city of Seattle, and each and every receipt issued by the city treasurer for moneys so deposited shall be marked by him "radio revenues." The city comptroller is directed to keep separate account in the police department revenue section of all such "radio revenues," and payments for all forwarding charges in connection with wireless messages received at or transmitted by said wireless telegraph station not in excess of the "radio revenues" received, shall be paid out of the general fund, and the invoices or claims for such charges shall be designated "radio forwarding and service expense," and the city comptroller is directed to keep a separate account in the police department operating and maintenance division of all such "forwarding and service expense." (Ord. 45446 § 5; July 12, 1923).