

Chapter 16.04
DEFINITIONS

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16.04.010 Definitions generally.

The words and phrases used in this title shall have the meanings set out in this chapter, except where the same shall be clearly contrary to or inconsistent with the context of the section in which used.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.020 Anchorage.

“Anchorage” means a designated position where vessels or watercraft may anchor or moor. (Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.030 Aquatic event.

“Aquatic event” means any organized water event of limited duration which is duly sanctioned at least seven (7) days in advance by duly constituted authority and which is conducted according to a prearranged schedule and in which general public interest is manifested.

(Ord. 100171 § 1(part), 1971 : Ord. 94587 §

1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.040 Authorized emergency vessel.

“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.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.050 City.

“City” means The City of Seattle.

(Ord. 100171 § 1(part), 1971 : Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.060 Diver's flag.

“Diver's flag” means a red flag five (5) units of measurement on the hoist by six (6) units of measurement on the fly with a white stripe of one (1) unit crossing the red diagonally. “The flag to have a stiffener to make it stand out from the pole or mast. “This flag shall only pertain to skin and SCUBA (Self Contained Underwater Breathing Apparatus) diving and shall supplement any nationally recognized diver's flag or marking.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.070 Fairway.

“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 the portion which shall be under the

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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 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 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 with the outer harbor line.

(Ord. 100171 § 1 (part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.080Master.

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

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1 (part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.090Obstruction.

“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).

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.100Oil.

“Oil” means any oil or liquid, whether of animal, vegetable or mineral origin, or a mixture, compound or distillation thereof.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.110Owner.

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

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.120Person—Number and gender.

“Person” shall, when necessary, mean and include natural persons, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall, when necessary, mean and include the plural, and the masculine pronoun shall include the feminine.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.130Pier.

“Pier” means any pier, wharf, dock, float, grid-iron or other structure to promote the convenient loading or unloading or other discharge of vessels or watercraft, or the repair thereof.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1 (part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.140Port Warden.

“Port Warden” means the Chief of Police and duly authorized deputies and assistants acting in his behalf.

(Ord. 100171 § 1 (part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.150Privately controlled property.

“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.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.160Restricted area.

“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, skindiving, 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 title.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.170 Submerged street area.

“Submerged street area” means any platted street area occupied by navigable water.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.180 Testing course.

“Testing course” means a course or area on waters subject to the jurisdiction of the City, designated in accordance with this title or pursuant to other applicable laws and regulations, for use in industrial development and testing of experimental and production watercraft and vessels.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.190 Towboat.

“Towboat” means any vessel or watercraft engaged in towing or pushing another vessel or watercraft or anything other than a vessel or watercraft.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.200 Vessel.

“Vessel” means any contrivance one hundred ten feet (110') or more in length overall, used or capable of being used as a means of transportation on water.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.210 Watercraft.

“Watercraft” means any contrivance less than one hundred ten feet (110') in length overall, used or capable of being used as a means of transportation on water. Cribs or piles, shinglebolts, booms of logs, rafts of logs and rafts of lumber shall not be included within the terms “watercraft” or “vessel,” but shall be included within the term

“obstruction” when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.220 Waterway.

“Waterway” means each and every platted waterway within the corporate limits of the City, including those in Lake Union, Portage Bay, Lake Washington and Elliott Bay, but does not include any commercial waterway created pursuant to RCW Chapter 91.04 or any public waterway created pursuant to RCW Chapter 91.08 or RCW 79.16.430 through 79.16.520.

(Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

**Chapter 16.08
GENERAL PROVISIONS**

Sections:

16.08.010 Authorization.

16.08.020 Application and justification.

16.08.030 Liability for damages.

16.08.040 Public employees to comply.

16.08.050 Waterway Operations and Maintenance Account.

16.08.010 Authorization.

The City in the exercise of its police power assumes control and jurisdiction over all waters within its limits, and such waters shall, for the purpose of this title, be known as “the harbor.”¹ (Ord. 87983 § 1, 1959.)

1.Editor's Note: The U.S. Coast Guard and the Army Corps of Engineers also exercise jurisdiction over waterways within Seattle.

16.08.020 Application and justification.

The provisions of this title shall be applicable to all vessels and watercraft operating in the harbor of this City. The provisions of this title 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, 1959.)

16.08.030 Liability for damages.

Nothing in this title 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 title shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required by law.
(Ord. 87983 § 52, 1959.)

16.08.040 Public employees to comply.

The provisions of this title shall apply to the operator of any vessel or watercraft 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, 1959.)

16.08.050 Waterway Operations and Maintenance Account.

A. A restricted account designated the "Waterway Operations and Maintenance Account" is established in the Transportation Fund to which restricted account shall be deposited all fees collected from waterway use and occupation permits issued under this chapter; reimbursements of expenses incurred by the Port Warden in removal, towing, impoundment of vessels, watercraft or obstructions in waterways and receipts from sale of such vessels, watercraft or obstructions; its proportionate share of interest earnings of invested Transportation Fund balances; and any other moneys accruing from activities under this title in waterways or appropriated or budgeted to such fund. If the Waterway Operation and Maintenance Account has a credit balance greater than that of the Transportation Fund, the Director of Finance shall credit interest to the Account at the rate of the City's investment earnings for funds of its size.

B. The Waterway Operations and Maintenance Account 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. Vouchers for expenditures shall be

approved by the Director of Transportation or his or her designee.

(Ord. 118409 § 128, 1996; Ord. 116441 § 4, 1992; Ord. 114227 § 1, 1988; Ord. 100171 § 18, 1971; Ord. 87983 § 74, 1959.)

**Chapter 16.12
PORT WARDEN**

Sections:

16.12.010 Duties.

16.12.020 Accounting.

16.12.030 Authority supplemental to Superintendent of Parks and Recreation when.

16.12.010 Duties.

The duties of the Port Warden shall be:

A. To enforce the ordinances and regulations of the City upon the waters of the harbor and adjacent thereto when the harbor is affected;

B. 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;

C. To investigate and report upon marine and maritime accidents in the harbor;

D. To perform all necessary functions in connection with search and rescue in the harbor;

E. To cooperate with the authorities of the United States, the state and its political subdivisions in the enforcement of the laws and regulations of the United States, the state and its political subdivisions;

F. 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 take-off and landing areas for aircraft on the water within areas permitted by the ordinances of the City;

G. To establish, maintain and regulate the use of moorage buoys in the harbor for the convenience of watercraft and vessels;

H. To designate restricted areas and testing courses;

I. To promulgate rules and regulations governing the use of the navigable portions of water-

ways; to issue permits for movement of unseaworthy craft and anchoring or moorage of vessels or watercraft in anchorage areas; to issue permits for skindiving or scuba diving; and to charge for all such permits the fee established by ordinance;

J. To remove, impound or sell any vessel, watercraft or obstruction anchored or moored in violation of this title deemed a public nuisance or

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a hazard to navigation or operated or afloat under conditions deemed unsafe for water transportation.

(Ord. 109555 § 3, 1980; Ord. 100171 § 2, 1971; Ord. 94587 § 2, 1966; Ord. 87983 § 3, 1959.)

16.12.020Accounting.

The Port Warden 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 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, 1959.)

16.12.030Authority supplemental to Superintendent of Parks and Recreation when.

The granting of authority to the Port Warden to enforce the Harbor Code in any fairway within property under the jurisdiction of the Department of Parks and Recreation shall be supplemental to the authority of the Superintendent of Parks and Recreation and shall not diminish any authority granted to the Superintendent by the City Charter¹ or by ordinance.

(Ord. 109227 § 5, 1980; Ord. 87983 § 75, 1959.)

1. Editor's Note: The Charter is included at the beginning of this Code.

**Chapter 16.16
HARBOR ADVISORY COMMISSION**

Sections:

16.16.010 Establishment—Appointment.

16.16.020Duty—Meetings.

16.16.030Chairman.

16.16.010Establishment—Appointment.

There is established a Harbor Advisory Commission of not less than twelve (12) persons to meet with and advise the Port Warden. The Harbor Advisory Commission shall serve without compensation as such and shall be appointed by the Mayor of the City 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.

(Ord. 87983 § 60(a), 1959.)

16.16.020Duty—Meetings.

It shall be the duty of the Harbor Advisory Commission to recommend to the regularly con-

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stituted City officials ways and means for improving harbor conditions. The Commission shall meet not less than once each six (6) months, or more often upon the call of the Port Warden or any seven (7) members of the Commission at a time and place to be decided upon by the Commission.

(Ord. 87983 § 60(b), 1959.)

16.16.030 Chairman.

The Port Warden 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(c), 1959.)

**Chapter 16.20
OPERATION REGULATIONS FOR
VESSELS AND WATERCRAFT¹**

Sections:

16.20.010 Compliance with public health regulations.

16.20.020 Rules of the road.

16.20.030 Equipment and numbering.

16.20.040 Mufflers.

16.20.050 Boat livery records.

16.20.060 City buoys.

16.20.070 Interference with navigation.

16.20.080 Aircraft on the water.

16.20.090 Negligent operation.

16.20.100 Reckless operation.

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OPERATION REGULATIONS FOR VESSELS AND WATERCRAFT

16.20.130

1. Cross-reference: For provisions regarding the operation of watercraft in City parks, see Chapter 18.12 of this Code.

16.20.010 Compliance with public health regulations.

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 and its political subdivisions.
(Ord. 87983 § 50, 1959.)

16.20.020 Rules of the road.

Except as otherwise specified in this title, 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, 1966: Ord. 87983 § 31, 1959.)

16.20.030 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, 1959.)

16.20.040 Mufflers.

It shall be unlawful to use or operate any engine in or on Seattle Harbor unless the 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 the engine.
(Ord. 87983 § 24, 1959.)

16.20.050 Boat livery records.

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 (6) 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 title.
(Ord. 87983 § 51, 1959.)

16.20.060 City buoys.

The Port Warden 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, 1959.)

16.20.070 Interference with navigation.

No person shall operate any watercraft or vessel or aircraft on the water in a manner which shall unreasonably or unnecessarily interfere with other watercraft, vessels or aircraft on the water or with the free and proper navigation of the fairways of the City or the launching of any watercraft at any public boat launching ramp. Anchoring or mooring under a bridge or in a heavily traveled channel or in an approach to a public boat launching ramp shall constitute such interference if unreasonable under the prevailing circumstances.

(Ord. 109227 § 2, 1980: Ord. 100171 § 6, 1971: Ord. 87983 § 8, 1959.)

Note: Federal law provides sailboats must forfeit right-of-way in confined waters.

16.20.080 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, 1959.)

16.20.090 Negligent operation.

Any person who shall operate 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, shall be guilty of negligent operation and a violation of this title.
(Ord. 100171 § 3, 1971; Ord. 87983 § 5, 1959.)

16.20.100 Reckless operation.

Any person who shall operate 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, shall be guilty of the crime of reckless operation and a violation of this title.
(Ord. 100171 § 4, 1971; Ord. 87983 § 6, 1959.)

16.20.110 Intoxication.

A. 1. It shall be unlawful for any person to operate or be in actual physical control of any vessel or watercraft:

a. And the person has, within two (2) hours after operating or being in actual physical control, an alcohol concentration of 0.08 or more, as shown by analysis of the person's breath or blood made under Section 11.56.020;

b. While the person is under the influence of or affected by intoxicating liquor or any drug; or

c. While the person is under the combined influence of or affected by intoxicating liquor and any drug.

2. The fact that a person charged with a violation of this subsection is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this subsection.

3. Analysis of blood or breath samples obtained more than two (2) hours after the alleged operating or being in actual physical control may be used as evidence that within two (2) hours after the alleged operating or being in actual physical control a person had an alcohol concentration of 0.08 or more in violation of subsection A1a of this

section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsections A1b or A1c of this section.

4. "Alcohol concentration" has the same meaning as in Section 11.14.023.

5. "Drug" has the same meaning as in Section 11.14.183.

6. Notwithstanding Section 16.64.040, violation of this subsection is a misdemeanor.

B. It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor or any drug.

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 drug is about to operate a watercraft or vessel in violation of subsection A of this section, the 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, the officer shall immediately report the facts to his Commanding Officer of the Harbor Department, and shall, as soon as possible, deposit the keys or other articles, if any, taken from the watercraft or vessel or person with the 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 any drug.

(Ord. 119189 § 9, 1998; Ord. 90653 § 3, 1961; Ord. 87983 § 13, 1959.)

16.20.120 Incapacity of operator.

It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such vessel or watercraft under the prevailing circumstances.

(Ord. 87983 § 14, 1959.)

16.20.130 Speed regulations—Watercraft and vessels.

Within the harbor limits of the City it shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of the following maximum limits:

A. Seven (7) nautical miles per hour within one hundred (100) yards of any shoreline, pier, restricted area or shore installation in Lake Washington easterly of Webster Point light and two hundred (200) yards of any shoreline, pier, restricted area or shore installation in all other waters of the City;

B. Seven (7) nautical miles per hour in Lake Union provided that the seven (7) knot speed limit shall not apply in a speed test area one hundred (100) yards wide and four hundred (400) yards long marked by buoys and bounded by the following coordinates:

Beginning at a point (existing northeast corner buoy) Latitude 47 degrees 38' 26.829" North; Longitude 122 degrees 19' 53.430" West; thence on an azimuth (astronomic north is 0 degrees) of 180 degrees a distance of 100 yards; thence on an azimuth of 270 degrees a distance of 400 yards; thence on an azimuth of 0 degrees a distance of 100 yards; thence on an azimuth of 90 degrees a distance of 400 yards to the point of beginning.

except that in no event shall any watercraft or vessel(s) operate at a speed in excess of seven (7) knots in said area prior to making a U-turn;

C. Four (4) nautical miles per hour 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;

D. Three (3) nautical miles per hour south of the outermost headlands of Andrews Bay (a line drawn due west from the north tangent of Bailey Peninsula); or

E. Three (3) nautical miles per hour within one hundred (100) yards of the shoreline of Lake Washington in an area marked by buoys and bounded on the north by a line which is an extension of the centerline of South Henderson Street and bounded on the south by a line which is an extension of the centerline of South Carver Street.

If a location shall be within an area described by two (2) subsections of this section, the lowest maximum speed shall control.

(Ord. 117785 § 1, 1995: Ord. 109227 § 1(part), 1980: Ord. 104583 § 1, 1975: Ord. 102301 § 1, 1973: Ord. 101866 § 1, 1973: Ord. 100171 § 5, 1971: Ord. 96875 § 1, 1968: Ord. 90653 § 2, 1961: Ord. 87983 § 7A, 1959.)

16.20.131 Speed regulations—Aircraft on the water.

Except for aircraft in the process of taking off or landing, it shall be unlawful for any person to operate any aircraft on the water or step-taxiing over the water in excess of seven (7) nautical miles per hour within the jurisdiction of the City:

A. In Lake Union and Portage Bay except for an area one hundred (100) yards wide and four hundred (400) yards long marked by buoys and bounded by the following coordinates:

Beginning at a point (existing northeast corner buoy) Latitude 47 degrees 38' 26.829" North; Longitude 122 degrees 19' 53.430" West; thence on an azimuth (astronomic north is 0 degrees) of 180 degrees a distance of 100 yards; thence on an azimuth of 270 degrees a distance of 400 yards; thence on an azimuth of 0 degrees a distance of 100 yards; thence on an azimuth of 90 degrees a distance of 400 yards to the point of beginning;

B. Within one hundred (100) yards of any shoreline, pier, restricted area or shore installation in Lake Washington easterly of Webster Point;

C. Within two hundred (200) yards of any shoreline, pier, restricted area or shore installation in all other waters of the City; and

D. 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. 109227 § 1(part), 1980: Ord. 87983 § 7B, 1959.)

16.20.132 Speed regulations—Liability not affected.

Nothing in Sections 16.20.130 or 16.20.131 shall be construed as exempting any person from liability caused by wake action from operation of any watercraft, vessel or aircraft in the areas designated therein nor shall Sections 16.20.130 or

16.20.131 be construed as exempting any person from liability for negligent or reckless operation of any watercraft, vessel or aircraft. (Ord. 109227 § 1(part), 1980: Ord. 87983 § 7C, 1959.)

16.20.140Overloading.

A. No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity nor carry passengers in an unsafe manner taking into consideration weather and other existing operating conditions.

B. Whenever it appears reasonably certain to any police or harbor officer that any person is operating a watercraft or vessel loaded beyond its safe capacity, the 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, the officer shall immediately report the facts to his Commanding Officer of the Harbor Department, and shall, as soon as possible, deposit the keys or other articles, if any, taken from the watercraft or vessel or person with the 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. 90653 § 4, 1961: Ord. 87983 § 18, 1959.)

16.20.150Excessive 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, the officer may take reasonable measures to prevent any such person from so operating the craft,

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either by taking from him the keys of such craft and locking the same, or by other appropriate means. In any such case, the officer shall immediately report the facts to his Commanding Officer in the Police Department, and shall, as soon as possible, deposit the keys or other articles, if any, taken from the watercraft or vessel or person with the 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. 99108 § 1, 1970; Ord. 87983 § 19-A, 1959.)

16.20.160 Racing.

Nothing in the provisions of this title shall be construed to mean that the operator of a watercraft competing in a race or regatta, or trials therefor, which has been 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 16.20.030, 16.20.040, 16.20.130 and 16.20.170. (Ord. 94587 § 4, 1966; Ord. 87983 § 27, 1959.)

16.20.170 Whistles and lights.

It shall be unlawful for the master, owner or any other person in charge of any watercraft 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, 1959.)

16.20.180 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 a manner as to endanger any other vessel, watercraft, or structure. (Ord. 87983 § 33, 1959.)

16.20.190 Explosives.

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 (6) nautical miles an hour

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before coming abreast of such vessel or watercraft and in time to prevent accident by reason of swells.
(Ord. 87983 § 34, 1959.)

16.20.200 Operating vessel without state vessel registration.

It is unlawful for anyone to own or operate a vessel, as defined in RCW 88.02.010, upon the waters within the City without the necessary state vessel registration when registration of the vessel is required by state law.
(Ord. 111557 § 1, 1984.)

16.20.210 Certificate of registration—Enforcement.

A. Any person charged with the enforcement of this title may request for inspection the certificate of registration from any vessel owner or operator to ascertain the legal and registered ownership of such vessel. Failure to provide such certificate for inspection upon the request of any person charged with enforcement of this title constitutes a violation and subjects the person, who is requested to produce such document, to the civil fine provided in Section 16.20.220.

B. The terms “vessel” and “owner” shall have the meanings contained in RCW 88.02.010.
(Ord. 111557 § 2, 1984.)

16.20.220 Violation of Section 16.20.200 or 16.20.210—Penalty.

Anyone convicted of a violation of Section 16.20.200 or Section 16.20.210 shall be punished by a civil fine which shall not exceed the following amounts:

A. For the first violation, a fine of One Hundred Dollars (\$100.00) per vessel;

B. For the second violation, a fine of Two Hundred Dollars (\$200.00) per vessel; and

C. For the third and successive violations, a fine of Four Hundred Dollars (\$400.00) per vessel.
(Ord. 111557 § 3, 1984.)

16.20.230 Local excise tax compliance evidence.

It is unlawful for anyone to own or operate a vessel, as defined in RCW 88.02.010, upon the waters within the City without displaying proper evidence of compliance with the local excise tax imposed by King County Ordinance No. 6595, as amended, and as authorized by RCW 82.49.070 and an interlocal agreement between King County and The City of Seattle.
(Ord. 111842 § 1, 1984.)

16.20.240 Violation of Section 16.20.230—Penalty.

Anyone convicted of a violation of Section 16.20.230 shall be punished by a civil fine which shall not exceed Fifty-five Dollars (\$55.00).
(Ord. 111842 § 2, 1984.)

**Chapter 16.24
ACCIDENTS**

Sections:

16.24.010 Information and assistance.

16.24.020 Filing of report.

**16.24.030 Reports
confidential—Inadmissible as
evidence.**

16.24.010 Information and assistance.

The operator of any watercraft involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such watercraft at the scene of such accident and shall give his name, address, the name and/or number of his watercraft, and the name and address of the owner, to the person struck or the operator or occupants of the vessel or watercraft collided with or property damaged, and shall render to any person injured in such an accident reasonable assistance.
(Ord. 87983 § 15, 1959.)

16.24.020 Filing of report.

The master, owner or operator of any watercraft shall file a report within forty-eight (48) hours with the Port Warden of any accident involving death or personal injury requiring medical treat-

ment or property damage in excess of Two Hundred Dollars (\$200.00) in which such watercraft shall have been involved in Seattle Harbor. (Ord. 87983 § 16, 1959.)

16.24.030 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 Port Warden, City Attorney, or other peace and enforcement officer as provided in this title, except that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above-named for receiving accident reports shall furnish, upon demand of any person who has, or 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 Port Warden, solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.

(Ord. 87983 § 17, 1959.)

**Chapter 16.28
WATER SPORTS**

Sections:

16.28.010 Swimming.

16.28.020 Skin diving or scuba diving permit—Areas required.

16.28.025 Skin diving or scuba diving permit—Issuance.

16.28.030 Water skiing.

16.28.010 Swimming.

Swimming in the harbor shall be confined to:

- A. Restricted swimming areas; or
 - B. To within a distance of fifty feet (50') from the shore or a pier unless the swimmer is accompanied by a watercraft.
- (Ord. 87983 § 21, 1959.)

16.28.020 Skin diving or scuba diving permit—Areas required.

- A. It shall be unlawful to engage in skin diving or scuba diving in the following areas of the

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harbor without a written permit issued by the Port Warden therefor:

1. To the east of a line from the northwest corner of Harbor Island to the westernmost corner 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 moorings at Shilshole Bay and within three hundred feet (300') of the perimeter of the United States National Oceanic and Atmospheric Administration facility at Sand Point; or

2. Within three hundred feet (300') of any ferry slip, public boat ramp, patrolled public beach designated as a swimming area.

B. Anyone engaged in skin diving or scuba diving shall be accompanied by a watercraft or the area in which the diving occurs shall be marked by an adequately displayed diver's flag.
(Ord. 109555 § 1, 1980: Ord. 90653 § 6, 1961: Ord. 87983 § 22, 1959.)

16.28.025 Skin diving or scuba diving permit—Issuance.

A. The Port Warden may issue permits authorizing skin diving and scuba diving for commercial or instructional purposes in harbor areas where skin diving or scuba diving would otherwise be prohibited.

B. Permits may be issued for a particular occasion up to thirty (30) days in duration or for a year. Every permit shall describe the activity authorized and its location; each permit may contain such other terms and conditions as the Port Warden deems to be in the public interest, including provisions for marking or lighting, for accommodating passage of vessels and watercraft, and for providing insurance or an indemnity in event of accident or injury. Diving permits shall be supplemental to waterway use permits when required by Chapter 16.60, and use permits for submerged street area when required by Ordinance 90047.¹

C. Except for emergencies to save life or prevent injury, no skin diving or scuba diving shall occur sooner than one-half (1/2) hour before sunrise or later than one-half (1/2) hour after sunset.

D. All diving permits shall be subject to revocation upon noncompliance with the terms or conditions of the permit or the Harbor Code,² and to immediate suspension whenever the activities

conducted interfere with free and proper navigation within the harbor.

(Ord. 109555 § 2, 1980: Ord. 87983 § 76, 1959.)

1.Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

2.Editor's Note: The Harbor Code is codified in Title 16 of this Code.

16.28.030 Water skiing.

A. No watercraft which shall have in tow or shall be otherwise assisting a person on water skis, aquaplane, surfboard or similar contrivances shall be operated or propelled in the harbor unless such watercraft shall be occupied by at least two (2) 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 shall be unlawful to water-ski or to tow or otherwise assist anyone on water skis, aquaplane, surfboard or similar contrivance upon the following waters:

1. Within two hundred (200) yards of, or on, the waters of the Lake Washington Ship Canal or within two hundred (200) yards of any shoreline, 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 (100) 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 (100) yards, or two hundred (200) yards, as set forth above, before skiing parallel with the shore. The return to the shore must be on a ninety-degree (90°) angle to the shoreline.

C. No watercraft shall have in tow or shall otherwise be assisting a person on water skis, aquaplane, 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, aquaplane, 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, aquaplane, surfboard or similar contrivance 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. 91513 § 1, 1962; Ord. 90653 § 7, 1961; Ord. 87983 § 23, 1959.)

Chapter 16.32 TOWING—OBSTRUCTIONS

Sections:

16.32.010Size of tow.

16.32.020Removal of obstructing vessels.

16.32.030Sunken vessels.

16.32.040Floating objects.

16.32.050Unseaworthy craft.

16.32.010Size of tow.

No towboat 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 (80') in width nor one thousand two hundred feet (1,200') in length, and no tow shall, in any event, exceed one thousand two hundred feet (1,200') in length.

(Ord. 87983 § 9, 1959.)

16.32.020Removal of obstructing vessels.

A. Other than as provided in Sections 16.40.010 and 16.60.020, or as authorized by the Superintendent of Parks and Recreation at a Park and Recreation Department facility, 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, wa-

tercraft or obstruction obstruct any channel or fairway.

C. The Port Warden shall have the power to order the removal of:

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 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; 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 of this section is not removed as directed by a written order of the Port Warden within seventy-two (72) 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 the vessel, watercraft or obstruction, and/or assign the removal and impounding of the vessel, watercraft or obstruction to a private person or corporation.

(Ord. 109227 § 3, 1980; Ord. 100171 § 7, 1971; Ord. 87983 § 10, 1959.)

16.32.030Sunken 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 Port Warden 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 Port Warden 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 Port Warden 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, 1959.)

16.32.040 Floating objects.

All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift in Seattle Harbor, may be taken in charge by the Port Warden 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, 1959.)

16.32.050 Unseaworthy craft.

A. It shall be 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 (90) 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, (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 Director of Transportation.

B. Any person seeking a permit to tow or move any vessel, watercraft or obstruction identified in subsection A 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 Director of Transportation shall determine 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 (10) 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. In addition, the person

seeking the permit shall specify the destination of the vessel, watercraft or obstruction to be towed and, if the destination is a waterway, fairway, submerged street end or other area which requires a permit or other governmental approval for occupancy, shall secure and present such permit or approval to the Port Warden when applying for the permit. An anchorage as defined in Chapter 16.04 of this title shall not be considered a permitted destination. The Port Warden shall not issue a towing permit until all required permits, leases and occupancy agreements whether public or private, and other needed approvals have been issued.

(Ord. 118409 § 129, 1996: Ord. 111349 § 2, 1983: Ord. 100171 § 15, 1971: Ord. 87983 § 71, 1959.)

**Chapter 16.36
IMPOUNDMENT**

Sections:

16.36.010 Authority to impound.

16.36.020 Expenses.

**16.36.030 Sale of impounded
craft—Collection of charges.**

16.36.040 Impounding-in-place.

16.36.050 Liability.

16.36.010 Authority to impound.

The Port Warden may take immediate possession and/or impound and remove any vessel, watercraft, or obstruction, when:

A. 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;

B. 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;

C. 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;

D. The vessel, watercraft or obstruction appears unsafe for water transportation; or

E. 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 title without a permit seventy-two (72) hours after an order to remove the same has been given by the Port Warden as provided in Section 16.32.020 C or D; or

F. The vessel, watercraft or obstruction is obstructing a launch ramp area or public dock, or has remained at a facility under the jurisdiction of the Department of Parks and Recreation for one (1) hour longer than the maximum mooring or anchoring time; 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 the vessel, watercraft or obstruction to a private corporation. (Ord. 109227 § 4(part), 1980: Ord. 100171 § 16(part), 1971: Ord. 87983 § 72(a), 1959.)

16.36.020Expenses.

In the event possession is taken of any vessel, watercraft or obstruction as authorized in Section 16.36.010 or in Section 16.32.020 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. (Ord. 109227 § 4(part), 1980: Ord. 100171 § 16(part), 1971: Ord. 87983 § 72(b), 1959.)

16.36.030Sale of impounded craft—Collection of charges.

In the event a vessel, watercraft or obstruction shall remain impounded for ninety (90) 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.

(Ord. 109227 § 4(part), 1980: Ord. 100171 § 16(part), 1971: Ord. 87983 § 72(c), 1959.)

16.36.040Impounding-in-place.

When taking possession as authorized in Section 16.36.010 or in Section 16.32.020 D, the Port Warden may impound the vessel, watercraft or obstruction in place by posting the same with one (1) 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 shall be unlawful for any person:

A. 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;

B. To remove, mutilate, destroy or conceal any notice or sign posted by the Port Warden or the Director of Transportation pursuant to the provisions of this title. (Ord. 118409 § 130, 1996: Ord. 109227 § 4(part), 1980: Ord. 100171 § 16(part), 1971: Ord. 87983 § 72(d), 1979.)

16.36.050Liability.

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. 109227 § 4(part), 1980: Ord. 100171 § 16(part), 1971: Ord. 87983 § 72(e), 1959.)

Chapter 16.40 ANCHORAGES

Sections:

16.40.010Submerged street area—Unlawful uses.

16.40.020 Submerged street area—Use permit.

16.40.030 Anchorages designated.

16.40.010 Submerged street area—Unlawful uses.

A. 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:

1. 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;

2. 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

3. In any other submerged street area for a longer period of time than reasonably sufficient to load, unload, or repair the same other than as authorized in advance by a written permit granted by the Board of Public Works pursuant to Section 16.40.020 or as authorized as anchorage for a vessel, watercraft or obstruction by the Port Warden pursuant to Section 16.40.030.

B. 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. 111310 § 1, 1983; Ord. 100171 § 8, 1971; Ord. 94587 § 5, 1966; Ord. 87983 § 28, 1959.)

16.40.020 Submerged street area—Use permit.

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 90047,¹ 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 vessels, watercraft or obstructions.

(Ord. 100171 § 10, 1971; Ord. 87983 § 66, 1959.)

1. Editor's Note: Ord. 90047, the Street Use Ordinance, is codified in Subtitle I of Title 15 of this Code.

16.40.030 Anchorages designated.

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

A. 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.

B. 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 (2,000) 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.

C. 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.

D. 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.

E. Portage Bay Anchorage. East and south of a line extending approximately six hundred (600) 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 Port Warden he or she 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 waterway or in any street end on

Chapter 16.44
RESTRICTED AREAS

Sections:

16.44.010 Testing courses.

16.44.020 Restricted areas—Designation.

16.44.010 Testing courses.

The Port Warden 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 Port Warden and upon the terms and conditions set forth therein. The Port Warden shall have power to adopt rules and regulations not inconsistent with the provisions of this title 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 Clerk.

(Ord. 116368 § 222, 1992; Ord. 94587 § 3, 1966; Ord. 90653 § 5, 1961; Ord. 87983 § 19, 1959.)

Lake Union at such locations as he shall determine will not interfere with or impede navigation.

F. Lake Washington Andrews Bay Anchorage. Within an area marked by buoys or, on the eastern shore of the bay, by stakes or signs, which shall be set within an area bounded on the north by a straight line which is drawn between a point on the west coast of the Bailey Peninsula that is one hundred (100) yards south of the fishing pier (the northeast corner) and a point one hundred fifty (150) yards easterly of the western shore of Andrews Bay along a straight line drawn from the northeast corner to the surfaced boat ramp at the foot of Ferdinand Street on the western shore of Andrews Bay (the northwest corner); on the south by a straight line which is drawn between a point on the west coast of the Bailey Peninsula that is a straight line extension of South Dawson Street (the southeast corner) and a point one hundred fifty (150) yards easterly of the western shore of Andrews Bay along a straight line extension of South Brandon Street (the southwest corner); and on the west by a straight line drawn between the northwest corner and the southwest corner described above, limited to a period not to exceed seventy-two (72) hours within any one week period.

In addition to the Andrews Bay anchorage, whenever deemed advisable by the Port Warden, he or she 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. 118570 § 1, 1997; Ord. 87983 § 29, 1959.)

16.44.020 Restricted areas—Designation.

In the interests of safe navigation, life safety and the protection of property, motor-powered watercraft shall be prohibited on Haller Lake and Bitter Lake and the Port Warden shall also designate restricted areas and the purpose for which same shall be used. No person shall operate any 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 an area is restricted, nor to patrol or rescue craft or in the case of an emergency.

(Ord. 109228 § 1, 1980: Ord. 87983 § 20, 1959.)

The Port Warden and the officers of the Harbor Department are authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in conformance with the provisions of this title; provided, that where necessary to expedite waterborne traffic, or to prevent or eliminate congestion or to safeguard

Chapter 16.48

EMERGENCY VESSELS AND POWERS

Sections:

16.48.010 Exemption to authorized emergency vessels and watercraft.

16.48.020 Emergency powers.

16.48.010 Exemption to authorized emergency vessels and watercraft.

The provisions of this title 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:

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, 1959.)

16.48.020 Emergency powers.

16.48.020

HARBOR CODE

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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 title.
(Ord. 87983 § 58, 1959.)

**Chapter 16.52
PIERS, FLOATS AND GANGWAYS**

Sections:

- 16.52.010 Unsafe piers.**
- 16.52.020 Pier lights.**
- 16.52.030 Safety devices.**
- 16.52.040 Pier barriers.**
- 16.52.050 Roadway barriers.**
- 16.52.060 Dangerous gangways.**
- 16.52.070 Drifting debris.**
- 16.52.080 City floats.**
- 16.52.090 Obstructing traffic.**
- 16.52.100 Fire piers.**
- 16.52.110 Patrol floats.**

16.52.010 Unsafe piers.

Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the Port Warden to become unsafe so as to render the same, or any portion thereof, unsafe for life or property, the Port Warden 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 Buildings 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, 1959.)

16.52.020 Pier lights.

In the interests of safe navigation and the protection of property the Port Warden 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 Port Warden. 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.

16.52.050 HARBOR CODE

(Ord. 87983 § 36, 1959.)

16.52.030Safety devices.

Every owner, agent or lessee having charge of any commercial pier shall furnish and keep for use on such pier at least one (1) serviceable thirty-inch (30") ring life buoy, and one serviceable thirty-inch (30") ring life buoy for every three hundred lineal feet (300') of berthing space to each of which shall be attached at least two hundred feet (200') 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, 1959.)

16.52.040Pier 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, 1959.)

16.52.050Roadway 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 Port Warden shall order such facility closed, or may close the same until the same shall be made to conform to the requirements of this section, and any expense incurred in so doing shall be paid to, and recoverable by, the City from the person owning or operating the same. (Ord. 87983 § 39, 1959.)

16.52.060Dangerous gangways.

Whenever any gangway devoted to public use shall appear to be dangerous to the Port Warden 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, 1959.)

16.52.070Drifting 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 Port Warden 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, 1959.)

16.52.080City floats.

All City floats or piers now or hereafter established, except as specified in this chapter, 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 (48) 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 Port Warden. (Ord. 87983 § 45, 1959.)

16.52.090Obstructing traffic.

The determination of the Port Warden 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, 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, 1959.)

16.52.100Fire 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, 1959.)

16.52.110Patrol floats.

The Port Warden 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, 1959.)

Chapter 16.56 NUISANCES AND PROHIBITED ACTS

Sections:

16.56.010Nuisances designated—Removal.

16.56.020Boilers.

16.56.030Oil.

16.56.010Nuisances designated—Removal.

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 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 the 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

Port Warden and the expense thereof shall be paid by and recoverable from the person creating the nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution under this section. (Ord. 87983 § 44, 1959.)

16.56.020Boilers.

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, 1959.)

16.56.030Oil.

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 Port Warden and the expense thereof shall be paid by and recoverable from the person causing the 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, 1959.)

Chapter 16.60 USE OF WATERWAYS—PERMITS

Sections:

16.60.010Use of land portions of waterways.

16.60.020Use of waterways.

16.60.030Permits for use of waterways.

16.60.040Fixed structure in waterway.

16.60.050Permit revocation and fees.

16.60.060Transfer of permit.

16.60.020 HARBOR CODE

Cases: The waterways of Lake Union are public ways for watercraft and subject to the control of the City. **Lake Union Association, Inc. et al v. Seattle**, King County Superior Court Case No. 729721 (1971).

16.60.010 Use of land portions of waterways.

It shall be unlawful for anyone to use or occupy the land portion of a waterway for private purposes without a written permit from the Director of Transportation so to do 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. 118409 § 131, 1996; Ord. 115994 § 56, 1991; Ord. 100171 § 9, 1971; Ord. 87983 § 65, 1959.)

16.60.020 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 (50') width must be preserved at all times; provided, that the Director of Transportation 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 said official 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 shall be 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; 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 (21) consecutive days; and

3. No more than one (1) use and occupancy of waterways in excess of seven (7) consecutive days by such vessel or watercraft may occur in any sixty (60) day period.

(Ord. 118409 § 132, 1996; Ord. 115994 § 57, 1991; Ord. 100171 § 11, 1971; Ord. 87983 § 67, 1959.)

16.60.030 Permits for use of waterways.

A. Authorization. The Director of Transportation may authorize the use and occupancy of all of or any portion of a waterway, including land and water parts, by a written use and occupation permit as provided in this section, and may issue an interim permit pending the final determination regarding the permit application. 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 SMC Title 15, Subtitle I unless otherwise specified in this chapter. The issuance or denial of any such permit shall be reviewable pursuant to SMC Section 15.04.112.

B. Application. Any person seeking the use and occupation of a waterway or a portion thereof for a period in excess of twenty-one (21) 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 (7) consecutive days within sixty (60) days of a prior occupancy, shall apply in writing to the Director of Transportation therefor. The application shall be accompanied by a deposit

to cover the cost of publishing notice when required by subsection D of this section. If the application be for a specific vessel, watercraft or obstruction, the application shall state the owner 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 Director of Transportation shall investigate the application; and 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. In the event that the application shall request a use for a period in excess of three hundred sixty-five (365) days, the application shall be referred to the Department of Construction and Land Use, which shall make its recommendations thereon.

D. Notice. In the event that the application shall seek a usage in excess of three hundred sixty-five (365) days the Director of Transportation shall mail notice of the application and the date, time and place at which such official will consider such application, at least ten (10) days prior thereto to the State of Washington, Commissioner 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. Issuance. The Director of Transportation 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 Director of Transportation 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 and by municipal corporations, and in the case of an application for moorage of a vessel listed upon the national historic register maintained by the United States, with the bond requirements in subsection G of this section.

Among other terms and conditions, the Director of Transportation 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 or 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 occupancy 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 Director of Transportation 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 provide prior to issuance of the permit and thereafter maintain during the period of the permit, a bond or cash deposit in an amount specified by the Director of Transportation 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, to 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 Director of Transportation an agreement in writing and acknowledged by the applicant to hold and save harmless the City 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. 118409 § 133, 1996; Ord. 118397 § 104, 1996; Ord. 118369 § 20, 1996; Ord. 115994 § 58, 1991; Ord. 115958 § 18, 1991; Ord. 109250 § 1, 1980; Ord. 101820 § 1, 1973; Ord. 100171 § 12, 1971; Ord. 87983 § 68, 1959.)

16.60.040 Fixed structure in waterway.

No fixed structure of any kind shall be built or placed in any waterway unless approved by the

Director of Transportation, 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 Director of Transportation where the other agencies have declined jurisdiction or expressed in writing no objection to the erection of such a structure.

(Ord. 118409 § 134, 1996; Ord. 115994 § 59, 1991; Ord. 100171 § 13, 1971; Ord. 87983 § 69, 1959.)

16.60.050 Permit revocation and fees.

A. Revocation Without Notice. All permits granted under the provisions of this title for the use of any waterways shall be wholly of a temporary nature, shall vest no permanent right; and may be revoked without notice in case:

1. Any such use or occupation shall become dangerous to the public or persons other than the permit holder, or fail to comply with the provisions of this title on a matter directly or materially affecting the health or safety of the public or the safety of adjoining property or passage through other portions of the waterway; or

2. The permit holder shall refuse to comply with the provisions of this title.

B. Revocation With Notice. Permits of sixty (60) days or more may be revoked upon thirty (30) days' notice, and all other permits upon ten (10) days' notice.

C. Fees Authorized. In order to cover the costs of administration, inspection, and policing involved in the issuance and continuance of such permits, and to avert interference with commerce or navigation and unauthorized or unduly prolonged use and occupation of waterways, the Director of Transportation is further authorized and directed to prepare and recommend to the City Council for adoption, a schedule of fees applicable to all such permits, which fees shall be commensurate with fees established by ordinance for the use and occupation of public places of similar character in the vicinity;

D. Exceptions and Allowances.

1. No fees shall be charged the United States and its agencies, and the state or any municipal corporation.

2. Subject to subsection D4 below, waterway areas used exclusively for youth activities related to navigation and water safety, without

charge to participants, by a nonprofit corporation or an organization that is open to public membership by eligible youth shall not be considered in calculating the amount of fees for use and occupation of waterways.

3. Subject to subsection D4 below, the fee schedule may provide a special classification for nonprofit organizations that, under a contract with the City, participate actively in City water-safety and boating programs for youth in which the rate or the calculation of the area used takes into account the activities of the organization at the site for the youth program.

4. The exception and allowance in subsections D2 and D3 apply whenever the Director of Transportation and the Port Warden determine that upon application and issuance of a permit no substantial administration or policing would be involved and the usage would not interfere with commerce or navigation nor be unduly prolonged.

E. Fee Schedule. The fee schedule, when approved by the City Council by ordinance, shall govern the amount of the fee for any such permit, which fee 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, or any municipal corporation. The fee schedule for waterway use permits may be appended to and adopted in conjunction with the ordinance establishing street use fees.

F. Exclusion of Clear Channel. 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 (50') channel maintained pursuant to SMC Section 16.60.020.

(Ord. 118409 § 135, 1996; Ord. 116850 § 1, 1993; Ord. 115994 § 60, 1991; Ord. 105239 § 1, 1975; Ord. 103033 § 1, 1974; Ord. 101820 § 2, 1973; Ord. 100171 § 14, 1971; Ord. 87983 § 70, 1959.)

16.60.060 Transfer of permit.

No permit issued pursuant to this title 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. 100171 § 17, 1971; Ord. 87983 § 73, 1959.)

Chapter 16.64 ENFORCEMENT

Sections:

16.64.010 Enforcement authority.

16.64.020 Release from arrest on notice to appear.

16.64.030 Aiding and abetting violation.

16.64.040 Violation—Penalty.

16.64.010 Enforcement authority.

The Port Warden and any of his authorized deputies or employees and authorized personnel of the governments of the United States, the state 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 charged with the enforcement of the provisions of this title except as the enforcement thereof is otherwise specified in this title. It shall be the duty of the Port Warden to make complaints for any violation of the same, or any part hereof in the name of the City; provided, that this provision shall not operate to preclude the making of such complaint by any other person legally authorized so to do.

(Ord. 87983 § 53, 1959.)

16.64.020 Release from arrest on notice to appear.

Whenever any person is arrested for any violation of this title 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-

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dy of such arresting officer and so remain or be placed in confinement.
(Ord. 87983 § 54, 1959.)

16.64.030 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 title.
(Ord. 87983 § 57, 1959.)

16.64.040 Violation—Penalty

Any person who shall violate or fail to comply with any provision of this title other than Sections 16.20.200, 16.20.210 or 16.20.230, or any order or direction of the Port Warden, or any person or officer charged with the enforcement of this title, shall, on conviction thereof, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a term not to exceed six (6) months, or both such fine and imprisonment. It shall be a defense that the order or direction of the Port Warden or enforcing officer exceeds his or her authority, or that the Port Warden or enforcing officer was not acting lawfully in a governmental function in giving the order or direction.
(Ord. 111842 § 3, 1984; Ord. 111557 § 4, 1984; Ord. 87983 § 59, 1959.)

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