

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 may anchor or moor.

(Ord. 120023 § 1, 2000: 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 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.

(Ord. 120023 § 2, 2000: Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

16.04.045 Chief of Police.

“Chief of Police” means the Chief of Police of The City of Seattle and his or her designee.

(Ord. 120023 § 3, 2000.)

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 shall 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. Use of the blue and white “Alpha” flag does not satisfy the requirement for a “diver's flag” as described in this title.

(Ord. 120023 § 4, 2000: Ord. 100171 § 1(part), 1971: Ord. 94587 § 1(part), 1966: Ord. 90653 § 1(part), 1961: Ord. 87983 § 2(part), 1959.)

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16.04.065 Distress signal.

“Distress signal” means any signaling device approved by the United States Coast Guard for use on recreational vessels.
(Ord. 120023 § 5, 2000.)

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 Union Bay;

All of the Lake Washington Ship Canal, including the 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 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. 120023 § 6, 2000; Ord. 100171 § 1 (part), 1971; Ord. 94587 § 1(part), 1966; Ord. 90653 § 1(part), 1961; Ord. 87983 § 2(part), 1959.)

16.04.075 Harbor.

“Harbor” or “Seattle harbor” means the waters within the jurisdiction of the City as described in RCW 35.21.160, as the same may be amended from time to time.
(Ord. 120023 § 7, 2000.)

16.04.080 Master.

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

(Ord. 120023 § 8, 2000; Ord. 100171 § 1(part), 1971; Ord. 94587 § 1 (part), 1966; Ord. 90653 § 1(part), 1961; Ord. 87983 § 2(part), 1959.)

16.04.090 Obstruction.

“Obstruction” means any vessel or any matter or debris which may in any way blockade, interfere with or endanger any vessel or impede navigation, or which cannot comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS).

(Ord. 120023 § 9, 2000; Ord. 100171 § 1(part), 1971; Ord. 94587 § 1(part), 1966; Ord. 90653 § 1(part), 1961; Ord. 87983 § 2(part), 1959.)

16.04.100 Oil.

“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.)

16.04.105 Operator.

“Operator” means any individual who steers, directs, or otherwise has physical control of a vessel or water sport craft that is underway or exercises actual authority to control the person at the helm.

(Ord. 120023 § 10, 2000.)

16.04.110 Owner.

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

(Ord. 120023 § 11, 2000; Ord. 100171 § 1(part), 1971; Ord. 94587 § 1(part), 1966; Ord. 90653 § 1(part), 1961; Ord. 87983 § 2(part), 1959.)

16.04.120 Person—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.)

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16.04.123 Personal flotation device (PED).

“Personal flotation device” means a wearable Type I off-shore life jacket, Type II wearable near shore buoyant vest, Type III wearable flotation aid, Type IV throwable ring buoy or buoyant cushion, or Type V special use device or hybrid inflatable device, that is approved by the United States Coast Guard Commandant under Chapter 46, Code of Federal Regulations, Part 160. (Ord. 120023 § 12, 2000.)

16.04.130 Pier.

“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 the repair thereof. (Ord. 120023 § 13, 2000; Ord. 100171 § 1(part), 1971; Ord. 94587 § 1(part), 1966; Ord. 90653 § 1(part), 1961; Ord. 87983 § 2(part), 1959.)

16.04.140 Port 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.)

16.04.150 Privately 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.)

16.04.160 Restricted 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 Chief of Police in accordance with the provisions of this title.

(Ord. 120023 § 14, 2000; 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 vessels. (Ord. 120023 § 15, 2000; 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 engaged in towing or pushing another vessel or anything other than a vessel. (Ord. 120023 § 16, 2000; 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 description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers. (RCW 79A.60.010(23)) (Ord. 120023 § 17, 2000; Ord. 100171 § 1(part), 1971; Ord. 94587 § 1(part), 1966; Ord. 90653 § 1(part), 1961; Ord. 87983 § 2(part), 1959.)

16.04.210 Water sport craft.

“Water sport craft” means any device or contrivance used on the water including inner tubes, air mattresses and small rafts and flotation devices or toys customarily used by swimmers. (Ord. 120023 § 18, 2000; Ord. 100171 § 1(part), 1971; Ord. 94587 § 1(part), 1966; Ord. 90653 § 1(part), 1961; Ord. 87983 § 2(part), 1959.)

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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.

16.08.011 Citation.

16.08.012 Purpose and policy.

16.08.013 Number, gender and tense.

16.08.014 Existing permits to remain in force.

16.08.015 Owner to act in person— Agents.

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.

16.08.011 Citation.

The ordinances codified in this title constitute the “Harbor Code” of the City and may be cited as such. Wherever a reference is made herein to “this Code” it shall be construed to mean “this title.” (Ord. 120023 § 19, 2000.)

16.08.012 Purpose and policy.

This title is enacted as an exercise of the police power of the City to protect and preserve the public peace, health, safety and welfare, and its provisions shall be liberally construed for the accomplishment of these purposes. It is expressly the purpose of this title to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title. It is the specific intent of this title to place the obligation of complying with its requirements upon the owner or operator of vessels, water sport crafts or obstructions or upon swimmers within its scope, and no provision of nor term used in this title is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of the owner or operator of a vessel, water sport craft or obstruction or of a swimmer to comply with the provisions of this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of the City by its officers, employees or agents. (Ord. 120023 § 20, 2000.)

16.08.013 Number, gender and tense.

Whenever consistent with the context of this title, words in the present, past or future tenses shall be construed to be interchangeable with each other, words in the singular number shall be construed to include the plural, words in the plural shall be construed to include the singular, and words in any gender shall apply to the feminine, masculine and neuter genders. (Ord. 120023 § 21, 2000.)

16.08.014 Existing permits to remain in force.

Except as otherwise provided in this title, all permits lawfully issued under the provisions of any ordinance or section repealed by the ordinances codified in this title shall remain in force and effect until expiration according to the terms thereof, unless sooner surrendered or revoked;

subject, however, to all other provisions of this title.

(Ord. 120023 § 22, 2000.)

16.08.015 Owner to act in person— Agents.

Every act or statement required to be made by the owner or operator of any vessel, water sport craft, obstruction, pier, wharf or float shall be made or done by the owner or operator in person unless such owner is a company or corporation or incapable of acting in person and if the same is made or done by the agent, the necessity thereof shall be stated and shown.

(Ord. 120023 § 23, 2000.)

16.08.020 Application and justification.

The provisions of this title shall be applicable to all vessels and water sport craft 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. 120023 § 24, 2000; 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, water sport craft, 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. 120023 § 25, 2000; 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 water sport craft owned by or used in the service of the United States Government, or of this state or of any political subdivision or municipal corporation thereof.

(Ord. 120023 § 26, 2000; 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 Chief of Police in removal, towing, impoundment of vessels, water sport craft or obstructions in waterways and receipts from sale of such vessels, water sport craft 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 vessels or obstructions 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, or by the Chief of Police or his or her designee.

(Ord. 120023 § 27, 2000; Ord. 118409 § 128, 1996; Ord. 116441 § 4, 1992; Ord. 114227 § 1, 1988; Ord. 100171 § 18, 1971; Ord. 87983 § 74, 1959.)

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**Chapter 16.12
PORT WARDEN**

Sections:

16.12.010 Authority.

16.12.020 Accounting.

**16.12.030 Authority supplemental to
Superintendent of Parks and
Recreation.**

16.12.010 Authority.

The authority of the Chief of Police shall include:

A. To enforce the ordinances and regulations of the City upon all waters within its limits;

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 vessels or water sport craft 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 navigation and regulation buoys in the harbor for the regulation of vessels and water sport craft;

H. To designate restricted areas and testing courses;

I. To promulgate rules and regulations governing the use of the navigable portions of waterways; to issue permits for movement of unseaworthy craft and anchoring or moorage of vessels or water sport craft or obstructions 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, water sport craft or obstruction anchored or moored in violation of this title deemed a public

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

K. To issue or approve permits for marine events, races and regattas and to collect fees for all such permits as authorized by ordinance of the City.

(Ord. 120023 § 28, 2000; Ord. 109555 § 3, 1980; Ord. 100171 § 2, 1971; Ord. 94587 § 2, 1966; Ord. 87983 § 3, 1959.)

16.12.020 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 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. 120023 § 29, 2000; Ord. 87983 § 49, 1959.)

**16.12.030 Authority supplemental to
Superintendent of Parks and
Recreation.**

The granting of authority to the Chief of Police 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. 120023 § 30, 2000; Ord. 109227 § 5, 1980; Ord. 87983 § 75, 1959.)

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

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.**
- 16.20.031 Prohibited use of distress signal.**
- 16.20.040 Mufflers.**
- 16.20.060 City buoys.**
- 16.20.070 Interference with navigation.**
- 16.20.071 Launch ramp limit.**
- 16.20.072 Vessels in confined areas.**
- 16.20.080 Aircraft on the water.**
- 16.20.081 Aircraft take-off and landing restricted.**
- 16.20.090 Negligent operation.**
- 16.20.100 Reckless operation.**
- 16.20.110 Intoxication.**
- 16.20.115 Failure to stop for law enforcement officer.**
- 16.20.120 Incapacity of operator.**
- 16.20.130 Speed regulations—Vessels and water sport craft.**
- 16.20.131 Speed regulations—Aircraft on the water.**
- 16.20.132 Speed regulations—Liability not affected.**
- 16.20.140 Overloading.**
- 16.20.150 Excessive power.**
- 16.20.160 Racing.**
- 16.20.170 Whistles and lights.**
- 16.20.180 Propellers.**
- 16.20.190 Explosives.**
- 16.20.200 Operating vessel without state vessel registration.**
- 16.20.210 Certificate of registration—Enforcement.**
- 16.20.220 Violation of Section 16.20.200 or 16.20.210—Penalty.**

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 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. 120023 § 32, 2000; Ord. 87983 § 50, 1959.)

16.20.020 Rules of the road.

Except as otherwise specified in this title, vessels or water sport craft shall be subject to the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and right-of-way laws and rules of The State of Washington, as each of them now exists or may hereafter be amended.

(Ord. 120023 § 33, 2000; Ord. 94587 § 6, 1966; Ord. 87983 § 31, 1959.)

16.20.030 Equipment and numbering.

All vessels shall carry the equipment required by any applicable United States and State of Washington laws as now or hereafter amended, and shall be numbered or designated in accordance with any applicable United States and State of Washington laws as now or hereafter amended.

(Ord. 120023 § 34, 2000; Ord. 87983 § 26, 1959.)

16.20.031 Prohibited use of distress signal.

No person shall display or sound a distress signal, either visual or audible, on the waters of the harbor except in a situation when assistance is needed because of immediate or potential danger to any person aboard a vessel. The Chief of Police may issue a written permit for a person to display or sound a distress signal for legitimate training purposes.

(Ord. 120023 § 35, 2000.)

16.20.040 Mufflers.

It shall be unlawful to use or operate any engine in or on Seattle Harbor that is not in compliance with the Seattle Municipal Code Section 25.08.485.

(Ord. 120023 § 36, 2000; Ord. 87983 § 24, 1959.)

16.20.060 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. 120023 § 38, 2000; Ord. 87983 § 32, 1959.)

16.20.070 Interference with navigation.

No person shall use or operate any vessel or water sport craft or aircraft on the water in a manner which shall unreasonably or unnecessarily interfere with other vessels, water sport craft or

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aircraft on the water or with the free and proper navigation of the fairways of the City or the launching of any vessel or water sport craft 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. 120023 § 39, 2000; 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.

16.20.071 Launch ramp limit.

No vessel or water sport craft shall remain at a City-owned launch ramp longer than fifteen (15) minutes unless authorized by the Seattle Department of Parks and Recreation or by permit of the Chief of Police.

(Ord. 120023 § 40, 2000.)

16.20.072 Vessels in confined areas.

While in the Montlake Cut, Fremont Cut, or within the guidewalls of any bridge area, vessels shall remain to the right side of the channel unless prevailing circumstances require otherwise.

(Ord. 120023 § 41, 2000.)

16.20.080 Aircraft on the water.

All vessels or water sport craft 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 water sport craft and avoid impeding their navigation.

(Ord. 120023 § 42, 2000; Ord. 87983 § 30, 1959.)

16.20.081 Aircraft take-off and landing restricted.

Aircraft are prohibited from landing and/or taking off from the Lake Washington Ship Canal excluding Lake Union and Lake Union Reach. Aircraft are prohibited from taking off from Portage Bay.

(Ord. 120023 § 43, 2000.)

16.20.090 Negligent operation.

A person shall not operate a vessel or aircraft on the water in a negligent manner. For the purposes of this section, to "operate in a negligent manner" means operating a vessel or aircraft on

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

(Ord. 120023 § 44, 2000; Ord. 100171 § 3, 1971; Ord. 87983 § 5, 1959.)

16.20.100 Reckless operation.

It shall be unlawful for any person to operate a vessel or an aircraft on the water in a reckless manner. For purposes of this section, "reckless" means acting carelessly and heedlessly in a wilful and wanton disregard of the rights, safety, or property of another.

(Ord. 120023 § 45, 2000; 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.

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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.)

16.20.115 Failure to stop for law enforcement officer.

Any operator of a vessel who wilfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer is guilty of a gross misdemeanor. (RCW 79A.60.080). (Ord. 120023 § 46, 2000.)

16.20.120 Incapacity of operator.

It shall be unlawful for the owner of any vessel or water sport craft 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 water sport craft under the prevailing circumstances. (Ord. 120023 § 47, 2000; Ord. 87983 § 14, 1959.)

16.20.130 Speed regulations—Vessels and water sport craft.

Within the harbor limits of the City it shall be unlawful for any person to operate any vessel or water sport craft 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, or upon the Lake Washington Ship Canal and adjacent waters east of the entrance buoy at Shilshole Bay to one hundred (100) yards east of Webster Point light entering Lake Washington and within 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 during daylight hours, 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.

16.20.130 HARBOR CODE

Use of the speed test area shall be subject to the following limits:

1. In no event shall any vessel or water sport craft operate at a speed in excess of seven (7) knots in said area immediately prior to making a U-turn;

2. No vessel or water sport craft shall enter the speed test area and exceed the seven (7) knot limit if any other vessel or water sport craft is presently using the speed test area at a speed in excess of seven (7) knots;

3. No vessel or water sport craft shall make more than four (4) runs in or across the speed test area during a two (2) hour period;

4. The speed test area is intended for brief and limited use and shall be used only for vessel testing by individuals maintaining or selling vessels.

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; or

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;

F. Three (3) nautical miles per hour inside of the breakwater at Shilshole Bay Marina, Elliott Bay Marina or within the confines of any established marina or boat moorage area;

G. Three (3) nautical miles per hour south of the outermost headlands of Wetmore Cove (a line drawn west from the North tangent of Sayres Park).

Vessels operated by only human power are exempt from this section provided they are not operated in a negligent or reckless manner. If a location shall be within an area described by two (2) subsections of this section, the lowest maximum speed shall control.

(Ord. 120023 § 48, 2000: 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.

A. Speed Regulations. 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 as follows:

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

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

3. 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.

B. Take Off Prohibited in Portage Bay. It shall be unlawful for any person operating an aircraft to take off from Portage Bay.

(Ord. 120023 § 49, 2000: 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 vessel, water sport craft 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 vessel, water sport craft or aircraft.

(Ord. 120023 § 50, 2000: Ord. 109227 § 1(part), 1980: Ord. 87983 § 7C, 1959.)

16.20.140 Overloading.

A. No vessel 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. No person shall operate a vessel while a passenger is situated on the bow or gunwale of the vessel in a manner which unduly or unreasonably endangers life or limb, taking into account the prevailing conditions including, but not limited to, the size and character of the vessel, and weather and water conditions.

C. Whenever it appears reasonably certain to any police or harbor officer that any person is operating a vessel loaded beyond its safe capacity and in the judgment of that officer the operation creates a hazardous condition, the officer may take reasonable measures to prevent any such person from so operating the vessel. The officer may direct the operator to take immediate and reasonable steps necessary for the safety of the individuals on board the vessel, including directing the operator to return to shore or a mooring and to remain there until the situation creating the hazard is corrected or ended or the officer may impound the vessel. Wilful failure to follow the direction of an officer under this section is a misdemeanor.

(Ord. 120023 § 51, 2000; Ord. 90653 § 4, 1961; Ord. 87983 § 18, 1959.)

16.20.150 Excessive power.

A. A person shall not operate or permit to be operated a vessel equipped with a motor or other propulsion machinery of a power beyond the vessel's ability to operate safely, taking into consideration the vessel's type, use, and construction, the weather conditions, and other existing operating conditions.

B. Whenever it appears reasonably certain to any police officer that any person is operating a vessel with a motor or propulsion machinery which is beyond safe power capacity, and in the judgment of that officer the operation creates a hazardous condition, the officer may take reasonable measures to prevent any such person from so operating the vessel. The officer may direct the operator to take immediate and reasonable steps necessary for the safety of the individuals on board the vessel, including directing the operator to return to shore or a mooring and to remain there until the situation creating the hazard is corrected or ended or the officer may impound the vessel. Wilful failure to follow the direction of an officer under this section is a misdemeanor.

(Ord. 120023 § 52, 2000; 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 vessel or water sport craft 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 vessels and water sport craft, shall be prohibited from attempting to attain high speeds on duly designated and indicated racing or testing courses, nor while so engaged, shall such vessels or water sport craft be required to comply with Sections 16.20.030, 16.20.040, 16.20.130 and 16.20.170.

(Ord. 120023 § 53, 2000; 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 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 pilothouse of any vessel under way or onto streets open to vehicular traffic for any purpose other than those authorized by law.

(Ord 120023 § 54, 2000; Ord. 87983 § 25, 1959.)

16.20.180 Propellers.

No master, owner or other person in charge of any vessel shall, while the same is lying in any slip or at any pier, either cause or allow the propeller or wheel of such vessel to be worked in such a manner as to endanger any other vessel or structure.

(Ord. 120023 § 55, 2000; Ord. 87983 § 33, 1959.)

16.20.190 Explosives.

Every vessel approaching or passing any vessel engaged in the transfer of explosives and from which is displayed the red powder flag shall slow down to a no wake speed before coming abreast of such vessel and in time to prevent accident by reason of swells.

(Ord. 120023 § 56, 2000; Ord. 87983 § 34, 1959.)

16.20.200 Operating vessel without state vessel registration.

16.20.190 HARBOR CODE

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) per vessel;

B. For the second violation, a fine of Two Hundred Dollars (\$200) per vessel; and

C. For the third and successive violations, a fine of Four Hundred Dollars (\$400) per vessel.
(Ord. 111557 § 3, 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 vessel involved in an accident resulting in damage to property who knows or should know of the accident shall immediately stop such vessel at the scene of such accident and shall give his name, address, the name and/or number of his vessel, and the name and address of the owner, to the person struck or the operator or occupants of the vessel collided with or property damaged, and shall render to any person injured in such an accident reasonable assistance.
(Ord. 120023 § 58, 2000; Ord. 87983 § 15, 1959.)

16.24.020 Filing of report.

The master, owner or operator of any vessel shall file a report within forty-eight (48) hours with the Chief of Police of any accident involving death or personal injury requiring medical treatment beyond first aid in which such vessel shall have been involved in Seattle Harbor. The master or owner of any vessel shall file a report within ten (10) days of any accident if damage to the vessel and other property totals more than Five Hundred Dollars (\$500) or there is a complete loss of the vessel.
(Ord. 120023 § 59, 2000; 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:

- 16.28.010Swimming.**
- 16.28.020Skin diving or scuba diving permit—Areas required.**
- 16.28.025Skin diving or scuba diving permit—Issuance.**
- 16.28.030Water skiing.**
- 16.28.040Water sport craft.**

16.28.010Swimming.

Swimming in the harbor shall be prohibited except:

- A. In designated swimming areas; or
 - B. Within a distance of fifty (50) feet from the shore or a pier unless the swimmer is accompanied by a vessel and within twenty-five feet of a vessel that has aboard a personal flotation device for each occupant of said vessel and for each accompanied swimmer. No swimming shall be permitted in the United States Government Locks, Montlake Cut, Fremont Cut, under any bridge, within the confines of any guidewall or within three hundred (300) feet of a ferry slip or boat launch ramp.
- (Ord. 120023 § 60, 2000; Ord. 87983 § 21, 1959.)

16.28.020Skin 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 harbor without a written permit issued by the Chief of Police 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 Marina, Elliott Bay Marina or any established marina moorage area other than within the confines of the individual slip while working on a specific vessel and within three hundred (300) feet of the perimeter of the United States National Oceanic and Atmospheric Administration facility at Sand Point; or

2. Within three hundred (300) feet of any ferry slip, public boat ramp, patrolled public beach designated as a swimming area. Provided, that it shall be lawful to engage in skin diving or scuba diving without a written permit between one hundred fifty (150) feet and three hundred (300) feet of the southeast corner of the Seacrest Park boat dock, as further described as follows: Starting at the intersection of the inner harbor line with the north margin of SW Georgia Street, and continuing easterly along said north margin one hundred ten (110) feet; thence south thirty-eight (38) feet to the true point of beginning, which is the southeast corner of the Seacrest boat dock; thence one hundred fifty (150) feet from a line south 73°, 30', 0" east extending a distance of three hundred (300) feet.

3. Within one hundred and fifty (150) feet of any pier, dock, float or other shore installation at Seacrest Pier Marina.

B. Anyone engaged in skin diving or scuba diving shall be accompanied by a vessel which shall display a diver's flag or the area in which the diving occurs shall be marked by an adequately displayed diver's flag. Use of the blue and white "Alpha" flag does not satisfy the requirement for a "diver's flag" as described in this title.

(Ord. 120381 § 1, 2001; Ord. 120023 § 61, 2000; Ord. 109555 § 1, 1980; Ord.90653 § 6, 1961; Ord. 87983 § 22, 1959.)

16.28.025 HARBOR CODE

16.28.025 Skin diving or scuba diving permit—Issuance.

A. The Chief of Police 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 Chief of Police deems to be in the public interest, including provisions for marking or lighting, for accommodating passage of vessels 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 (½) hour before sunrise or later than one-half (½) hour after sunset except by permit from the Chief of Police.

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. 120023 § 62, 2000; 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 (90)-degree 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.)

16.28.040 Water sport craft.

No person shall engage in the operation of or ride upon a water sport craft that is over fifty (50) feet from shore or a pier without wearing a personal flotation device. No person shall engage in the operation of or ride upon a water sport craft upon the waters of the United States Government Locks, Montlake Cut, Fremont Cut or under any bridge or within the confines of any guidewall or similar structure.

(Ord. 120023 § 63, 2000.)

(Seattle 9-01)

Chapter 16.32
TOWING—OBSTRUCTIONS

Sections:

- 16.32.010 Size of tow.
- 16.32.020 Removal of obstructing vessels.
- 16.32.030 Sunken vessels.
- 16.32.040 Floating objects.
- 16.32.050 Unseaworthy craft.
- 16.32.060 Floats and buoys.

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

(Ord. 87983 § 9, 1959.)

16.32.010 HARBOR CODE

Seattle Municipal Code

April, 2001 code update file

Text provided for historic reference only.

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

(Seattle 9-01)

**For current SMC, contact
the Office of the City Clerk**

16-16.2

Seattle Municipal Code
April, 2001 code update
Text provided for historical reference only.
See ordinances creating new sections for complete and tables and to contact the Office of the City Clerk for more information on this source file.

16.32.020 Removal 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 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, water sport craft or obstruction obstruct any channel or fairway.

C. Except as otherwise expressly authorized in this title or as authorized by the Superintendent of Parks and Recreation at a Park and Recreation Department facility, no owner or operator of any vessel or obstruction shall anchor, make fast or leave said obstruction or vessel in such a position that it prevents reasonable water access to any public or private pier.

D. The Chief of Police shall have the power to order the removal of:

1. Any vessel, water sport craft 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, water sport craft or obstruction lying at any pier in the harbor which is obstructing any slip, fairway or other vessel or water sport craft; and it is unlawful to fail, neglect or refuse to do so.

E. In the event any vessel, water sport craft or obstruction identified in subsection D of this section is not removed as directed by a written order of the Chief of Police within seventy-two (72) hours, or such order of the Chief of Police is not fully complied with, in other respects, the Chief of Police shall have the power to take immediate possession of and/or impound such vessel, water sport craft or obstruction and remove the same, using such methods as in his judgment will prevent unnecessary damage to the vessel, water sport craft or obstruction, and/or assign the removal and impounding of the vessel, water sport craft or obstruction to a private person or corporation.

(Ord. 120023 § 64, 2000; Ord. 109227 § 3, 1980; Ord. 100171 § 7, 1971; Ord. 87983 § 10, 1959.)

16.32.030 Sunken vessels.

For current SMC, contact the Office of the City Clerk

16.32.050 HARBOR CODE

When any vessel 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 obstruction, and the expense incurred by the Chief of Police in such removal shall be paid by the owner or master of such vessel or obstruction; and in case of failure to pay the same, the City may maintain an action for the recovery thereof.

(Ord. 120023 § 65, 2000: Ord. 87983 § 11, 1959.)

16.32.040 Floating objects.

All vessels, water sport craft, 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. 120023 § 66, 2000: 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 Chief of Police to tow or move in any fairway any vessel 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 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 temporarily disabled by accident, collision, or other malfunction but otherwise seaworthy and capable of safe movement, and (c) vessels or obstructions being towed or moved by or under the control of the Chief of Police or the Director of Transportation.

(Seattle 9-01)

B. Any person seeking a permit to tow or move any vessel or obstruction identified in subsection A of this section shall apply to the Chief of Police 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 or obstruction in event of its breakup or sinking, provided the Chief of Police may accept in lieu thereof an indemnity agreement by a towage company agreeing to remove the vessel 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 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 Chief of Police when applying for the permit. An anchorage as defined in Chapter 16.04 of this title shall not be considered a permitted destination. The Chief of Police 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. 120023 § 67, 2000: Ord. 118409 § 129, 1996: Ord. 111349 § 2, 1983: Ord. 100171 § 15, 1971: Ord. 87983 § 71, 1959.)

16.32.060 Floats and buoys.

Other than by operation of law, no float, buoy or other marking device shall be anchored in any anchorage, fairway, street end or waterway without a written permit from the Chief of Police.

(Ord. 120023 § 68, 2000.)

**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 Chief of Police may take immediate possession and/or impound and remove any vessel, water sport craft, 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 Chief of Police to proceed from or to an area following a citation or in an emergency;

C. The operator or master operates a vessel, water sport craft or obstruction in a negligent, reckless or other manner so as to endanger the safety of others or to unreasonably interfere with the navigation or access to moorage of other vessels, and the Chief of Police believes such operation of the vessel or obstruction would continue unless possession be taken of the same;

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

E. The vessel, water sport craft 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 Chief of Police as provided in Section 16.32.020 D or E; or

F. The vessel, water sport craft 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, water sport craft or obstruction and/or assign the removal and impounding of the vessel, water sport craft or obstruction to a private corporation.

16.40.010 HARBOR CODE

(Ord. 120023 § 69, 2000: 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, water sport craft or obstruction as authorized in Section 16.36.010 or in Section 16.32.020, the expenses incurred by the Chief of Police in the removal, towing, impounding, and moorage of the same shall be paid by the owner of such vessel, water sport craft or obstruction or the owner's designee. When a vessel, water sport craft or obstruction is moored or impounded at a City facility, the Chief of Police shall assess a reasonable moorage charge therefor, which shall be paid by the owner of such vessel, water sport craft or obstruction or the owner's designee. The Chief of Police may decline to release possession of any vessel, water sport craft, or obstruction until all charges are paid.

(Ord. 120023 § 70, 2000: 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, water sport craft or obstruction shall remain impounded for ninety (90) days and the charges of towing and impounding remain unpaid, the Chief of Police may sell the same at public auction. The City may maintain an action against the owner or person in charge of the vessel, water sport craft 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. 120023 § 71, 2000: 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, the Chief of Police may impound the vessel, water sport craft 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 or master of the impound. The Chief of Police 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, water sport craft, or obstruction without written permission from the Chief of Police, 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 Chief of Police or the Director of Transportation pursuant to the provisions of this title.

(Ord. 120023 § 72, 2000: Ord. 118409 § 130, 1996: Ord. 109227 § 4(part), 1980: Ord. 100171 § 16(part), 1971: Ord. 87983 § 72(d), 1979.)

16.36.050Liability.

The Chief of Police shall not be held responsible for damages incurred as a result of impound of a vessel or water sport craft so long as all reasonable and safe practices are employed in said operation.

(Ord. 120023 § 73, 2000: 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.**

**16.40.020Submerged street area—Use
permit.**

16.40.030Anchorages designated.

**16.40.010Submerged street area—Unlawful
uses.**

A. It shall be unlawful for the master or other person in charge of any vessel, water sport craft 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

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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 Director of Transportation pursuant to Section 16.40.020 or as authorized as anchorage for a vessel or obstruction by the Chief of Police 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. 120023 § 74, 2000: 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 Director of Transportation 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 or obstructions.

(Ord. 120023 § 75, 2000: 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.

Recreational anchorage is authorized only pursuant to subsection F of this section. In aid of commerce and navigation anchorage for vessels 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 Chief of Police he may grant a written permit to the master or owner of any vessel 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 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, in 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

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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 Chief of Police, he or she may grant a written permit to the master or owner of any vessel for the anchorage or mooring of said vessel 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. 120023 § 76, 2000: Ord. 118570 § 1, 1997: Ord. 87983 § 29, 1959.)

**Chapter 16.44
RESTRICTED AREAS**

Sections:

16.44.010 Testing courses.

16.44.020 Restricted areas—Designation.

16.44.010 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 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 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.

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(Ord. 120023 § 77, 2000: Ord. 116368 § 222, 1992: Ord. 94587 § 3, 1966: Ord. 90653 § 5, 1961: Ord. 87983 § 19, 1959.)

16.44.020 Restricted areas—Designation.

In the interests of safe navigation, life safety and the protection of property, motor-powered vessels shall be prohibited on Haller Lake, Bitter Lake, Green Lake and those waters which are contiguous to the Washington Park Arboretum (as designated at SMC Section 18.12.190) and the Chief of Police shall also designate restricted areas and the purpose for which same shall be used. No person shall operate any such vessel within a restricted area; provided, that this section shall not apply to vessels 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. 120023 § 78, 2000: Ord. 109228 § 1, 1980: Ord. 87983 § 20, 1959.)

**Chapter 16.48
EMERGENCY VESSELS AND POWERS**

Sections:

16.48.010 Exemption to authorized emergency vessels.

16.48.020 Emergency powers.

16.48.010 Exemption to authorized emergency vessels.

The provisions of this title shall be applicable to the operation of any and all vessels in the harbor of the City except that they shall not apply in the following cases:

To any authorized emergency vessel actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the

law, within the purpose for which such emergency vessel has been authorized; provided, that the provisions of this section shall not relieve the operator of an authorized emergency vessel of the duty to operate with due regard for the safety of all persons using the City harbor, nor shall it protect the operator of any such emergency vessel 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 for any purpose other than for which the same has been authorized.

(Ord. 120023 § 79, 2000; Ord. 87983 § 56, 1959.)

16.48.020 Emergency powers.

The Chief of Police and the officers of the Police 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 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. Vessels authorized to anchor pursuant to this section shall comply with applicable navigation rules, and no vessel so anchored shall be left without some person on board and in charge of it by day and by night.

(Ord. 120023 § 80, 2000; 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.

16.52.060 Dangerous gangways.

16.52.070 Drifting debris.

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 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 Director of Construction and Land Use who shall inspect the same and shall order any unsafe portion barricaded with proper fencing until such time as necessary repairs shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders of the Director of Construction and Land Use, the Director of Construction and Land Use shall direct the owner, agent or lessee to 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. 120023 § 81, 2000; Ord. 87983 § 35, 1959.)

16.52.020 Pier lights.

In the interests 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. 120023 § 82, 2000; Ord. 87983 § 36, 1959.)

16.52.030 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 (1) serviceable thirty (30)-inch ring life buoy, and one serviceable thirty (30)-inch ring life buoy for every three hundred (300) lineal feet of berthing space to each of which shall be attached at least two hundred (200) 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, 1959.)

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16.52.060 Dangerous gangways.

Whenever 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 Director of Construction and Land Use who shall inspect the same and may 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 Director of Construction and Land Use and its use for such purpose approved by him.

(Ord. 120023 § 84, 2000; Ord. 87983 § 40, 1959.)

16.52.070 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. 120023 § 85, 2000; Ord. 87983 § 42, 1959.)

16.52.090 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 at any pier or other structure belonging to the City, and all persons handling or in charge of freight or merchandise or vessels, shall handle the same expeditiously and without interference with or blocking general traffic and without interfering with commerce and navigation.

(Ord. 120023 § 87, 2000; Ord. 87983 § 46, 1959.)

16.52.100 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, 1959.)

16.52.110 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. 120023 § 88, 2000; Ord. 87983 § 48, 1959.)

**Chapter 16.56
NUISANCES AND PROHIBITED ACTS**

Sections:

16.56.010 Nuisances designated—Removal.

16.56.030 Oil.

16.56.010 Nuisances designated—Removal.

Sunken vessels or water sport craft, 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 Chief of Police 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. 120023 § 89, 2000; Ord. 87983 § 44, 1959.)

16.56.030 Oil.

No owner, master or other person in charge of any vessel, and no engineer, or other person in charge of any engine room or machinery of any vessel, 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

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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 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. 120023 § 91, 2000; Ord. 87983 § 43, 1959.)

Chapter 16.60

USE OF WATERWAYS—PERMITS

Sections:

16.60.010 Use of land portions of waterways.

16.60.020 Use of waterways.

16.60.030 Permits for use of waterways.

16.60.040 Fixed structure in waterway.

16.60.050 Permit revocation and fees.

16.60.060 Transfer of permit.

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 or obstructions then in the navigable portions thereof or launching or landing the same. (Ord. 120023 § 92, 2000; Ord. 118409 § 131, 1996; Ord. 115994 § 56, 1991; Ord. 100171 § 9, 1971; Ord. 87983 § 65, 1959.)

3. No more than one (1) use and occupancy of waterways in excess of seven (7) con-

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 (50) feet 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 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 Chief of Police in the event clearance of the waterway be necessary for navigation or in an emergency.

3. The owner or master of any vessel 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 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 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 Chief of Police has established by regulation or posted notice a maximum time limit for uses of any particular waterway or part thereof, no vessel 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 shall not exceed twenty-one (21) consecutive days; and
 consecutive days by such vessel may occur in any sixty (60) day period.

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(Ord. 120023 § 93, 2000; 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 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 appealable to the Street Use Appeals Board.

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 Chief of Police for a particular waterway, or an occupancy for a vessel 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 or obstruction, the application shall state the owner and master's name, address and telephone number, the type and size of vessels or obstruction, 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; 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 Director of Administrative Services. 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 DCLU, 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 vessels 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 connect its plumbing system to the nearest available City sanitary sewers; that the vessel permit the anchorage or fastening of vessels alongside and access thereto; or that the vessel 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

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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 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 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. 120023 § 94, 2000; 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

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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 (50)-foot 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 or obstruction to another by operation of law or otherwise, without the written consent of the City.

(Ord. 120023 § 95, 2000; 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.

16.64.050 Penalties for criminal offenses.

16.64.010 Enforcement authority.

The Chief of Police 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 obstruction 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 Chief of Police 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. 120023 § 96, 2000; 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 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.

Except as provided in this title, failure to perform any act required or the performance of any act prohibited by this title is designated as a civil infraction and may not be classified as a criminal offense. The provisions of the Seattle Municipal Code Sections 11.31.020 through 11.31.070 shall apply to the disposition of such civil infractions.

(Ord. 120023 § 97, 2000; Ord. 111842 § 3, 1984; Ord. 111557 § 4, 1984; Ord. 87983 § 59, 1959.)

16.64.050 Penalties for criminal offenses.

The following offenses are misdemeanors and any person convicted of any of the following offenses may be punished as described in Section 12A.02.070 of the Seattle Municipal Code:

1. Section 16.20.100—Reckless operation;
2. Section 16.20.110—Intoxication;
3. Section 16.20.140—Failure to obey; and
4. Section 16.20.150—Failure to obey.

The following offenses are gross misdemeanors and any person convicted of any of the following offenses may be punished as described in Section 12A.02.070 of the Seattle Municipal Code:

1. Section 16.20.115—Failure to stop;
2. Section 16.24.010—Information and assistance.

(Ord. 120023 § 98, 2000.)