

Ordinance No. 120023

Council Bill No. 113219

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE relating to the Harbor Code; amending, adding, recodifying and repealing various sections of the Harbor Code, Seattle Municipal Code Title 16; and providing penalties for violation thereof.

Law Let

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CF No. \_\_\_\_\_

7-10-00 Pa  
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|------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------|
| Date Introduced:<br><u>5-15-00</u>             |                                                       |                                                                                      |
| Date 1st Referred:<br><u>5-15-00</u>           | To: (committee) <u>Public Safety &amp; Technology</u> |                                                                                      |
| Date Re - Referred:                            | To: (committee)                                       |                                                                                      |
| Date Re - Referred:                            | To: (committee)                                       |                                                                                      |
| Date of Final Passage:<br><u>7-10-00</u>       | Full Council Vote:<br><u>6-0</u>                      |                                                                                      |
| Date Presented to Mayor:<br><u>7-11-00</u>     | Date Approved:<br><u>7/10/00</u>                      |                                                                                      |
| Date Returned to City Clerk:<br><u>7/10/00</u> | Date Published:<br><u>4/1/00</u>                      | T.O. <input checked="" type="checkbox"/><br>F.I. <input checked="" type="checkbox"/> |
| Date Vetoed by Mayor:                          | Date Veto Published:                                  |                                                                                      |
| Date Passed Over Veto:                         | Veto Sustained:                                       |                                                                                      |

This file is complete and ready

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

*[Signature]*  
Councilmember

Push!

Committee Action:

Compton Ay  
Drago Ay

*(2/3)*

7-10-00 Passed As Amended 6-0  
(Excused: Compton, Conlin)

This file is complete and ready for presentation to Full Council.

Committee: \_\_\_\_\_

(initial/date)

Law Dept. Review

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City Clerk  
Review

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ORDINANCE 120023

AN ORDINANCE relating to the Harbor Code; amending, adding, recodifying and repealing various sections of the Harbor Code, Seattle Municipal Code Title 16; and providing penalties for violation thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 16.04.020 of the Seattle Municipal Code is amended as follows:

**16.04.020 - Anchorage.**

"Anchorage" means a designated position where vessels(~~or watercraft~~) may anchor or moor.

Section 2. Section 16.04.040 of the Seattle Municipal Code is amended as follows:

**16.04.040 - Authorized emergency vessel.**

"Authorized emergency vessel" means any authorized vessel(~~or watercraft~~) of the City Harbor Department, City Police Department, City Fire Department, King County Sheriff's Department, the United States Government, and state of Washington authorized patrol vessels (~~or watercraft~~).

Section 3. There is added to the Seattle Municipal Code Chapter 16.04 a new Section 16.04.045 as follows:

**16.04.045 Chief of Police.**

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

Section 4. Section 16.04.060 of the Seattle Municipal Code is amended as follows:

**16.04.060 Diver's flag.**

"Diver's flag" means a red flag five (5) units of measurement on the hoist by six (6) units of measurement on the fly with a white stripe of one (1) unit crossing the red diagonally. The flag (~~to~~) 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

1 recognized diver's flag or marking. Use of the blue and white "Alpha" flag does not satisfy the  
2 requirement for a "diver's flag" as described in this title.

3 Section 5. There is added to the Seattle Municipal Code Chapter 16.04 a new Section 16.04.065  
4 as follows:

5 **16.04.065 Distress Signal.**

6 "Distress Signal" means any signaling device approved by the United States Coast Guard for use  
7 on recreational vessels.

8 Section 6. Section 16.04.070 of the Seattle Municipal Code is amended as follows:

9 **16.04.070 - Fairway.**

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

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

15 All of the East and West Waterways;

16 All of the Duwamish River;

17 All of the Duwamish Waterway Project;

18 All of Salmon Bay;

19 All of Portage Bay;

20 All of Union Bay;

21 All of the Lake Washington Ship Canal, including the portion which shall be under the supervision and  
22 control of the United States Government;

23 All of Lake Union;

1 All of Lake Washington lying or being within the corporate limits of the City or within the jurisdiction  
and control of the City;

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

4 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.

5 Section 7. There is added to the Seattle Municipal Code Chapter 16.04 a new Section 16.04.075  
6 as follows:

7 **16.06.075 - Harbor.**

8 "Harbor" or "Seattle harbor" means the waters within the jurisdiction of the City as described in  
9 RCW 35.21.160, as the same may be amended from time to time.

10 Section 8. Section 16.04.080 of the Seattle Municipal Code is amended as follows:

11 **16.04.080 - Master.**

12 "Master" means the captain, skipper, pilot or any other person having charge of any vessel ((or))  
13 ((watereraft)).

14 Section 9. Section 16.04.090 of the Seattle Municipal Code is amended as follows:

15 **16.04.090 - Obstruction.**

16 "Obstruction" means any vessel ((or watereraft)) or any matter or debris which may in any way  
17 blockade, interfere with or endanger any vessel ((or watereraft)) or impede navigation, or which cannot  
18 comply with the ((~~"Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the  
19 Coast of the Gulf of Mexico." (C. F. 236479)~~)) International Regulations for Preventing Collisions at  
20 Sea, 1972 (72 COLREGS).

1 Section 10. There is added to the Seattle Municipal Code Chapter 16.04 a new Section  
2 16.04.105 as follows:

3 **16.04.105 – Operator.**

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

7 Section 11. Section 16.04.110 of the Seattle Municipal Code is amended as follows:

8 **16.04.110 - Owner.**

9 "Owner" means the person who (~~had~~) has lawful possession of a vessel or water sport craft or  
10 obstruction by virtue of legal title or equitable interest therein which entitles him to such possession.

11 Section 12. There is added to the Seattle Municipal Code Chapter 16.04 a new Section  
12 16.04.123 as follows:

13 **16.04.123 - Personal flotation device (PFD).**

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

18 Section 13. Section 16.04.130 of the Seattle Municipal Code is amended as follows:

19 **16.04.130 - Pier.**

20 "Pier" means any pier, wharf, dock, float, gridiron or other structure to promote the convenient  
21 loading or unloading or other discharge of vessels (~~(or watercraft,)~~) or the repair thereof.

1 Section 14. Section 16.04.160 of the Seattle Municipal Code is amended as follows:

2 **16.04.160 - Restricted area.**

3 "Restricted area" means an area that has been marked in accordance with and as authorized by  
4 the laws or regulations of the City to be used for, or closed to, certain designated purposes such as  
5 swimming, scindiving, ferry landings, and aquatic events, the method of marking and designation of  
6 which shall have been made by the ~~((Port Warden))~~ Chief of Police in accordance with the provisions of  
7 this title.

8 Section 15. Section 16.04.180 of the Seattle Municipal Code is amended as follows:

9 **16.04.180 - Testing course.**

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

13 Section 16. Section 16.04.190 of the Seattle Municipal Code is amended as follows:

14 **16.04.190 - Towboat.**

15 "Towboat" means any vessel ~~((or watercraft))~~ engaged in towing or pushing another vessel ~~((or~~  
16 ~~watercraft))~~ or anything other than a vessel ~~((or watercraft))~~.

17 Section 17. Section 16.04.200 of the Seattle Municipal Code is amended as follows:

18 **16.04.200 Vessel.**

19 "Vessel" means any description of watercraft on the water, other than a seaplane, used or capable  
20 of being used as a means of transportation on the water. However, it does not include inner tubes, air  
21 mattresses, and small rafts or flotation devices or toys customarily used by swimmers. (RCW  
22 79A.60.010(23)) ~~((contrivance one hundred ten feet (110') or more in length overall, used or capable of~~  
23 ~~being used as a means of transportation on water))~~.

1 Section 18. Section 16.04.210 of the Seattle Municipal Code is amended as follows:

2 **16.04.210 - Water sport craft.**

3 "Water sport craft" means any(~~contrivance less than one hundred ten feet (110') in length~~  
4 ~~overall, used or capable of being used as a means of transportation on water. Cribbs or piles, shinglebolts,~~  
5 ~~booms of logs, rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or~~  
6 ~~"vessel," but shall be included within the term "obstruction" when they shall be floating loose and not~~  
7 ~~under control or when under control and obstructing any navigable channel)) device or contrivance used  
8 on the water including inner tubes, air mattresses and small rafts and floatation devices or toys  
9 customarily used by swimmers.~~

10 Section 19. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
11 16.08.011 as follows:

12 **16.08.011 - Citation.**

13 The ordinances codified in this title constitute the "Harbor Code" of the City and may be cited as  
14 such. Wherever a reference is made herein to "this Code" it shall be construed to mean "this title."

15 Section 20. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
16 16.08.012 as follows:

17 **16.08.012 - Purpose and policy.**

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

10 Section 21. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
11 16.08.013 as follows:

12 **16.08.013 - Number, gender and tense.**

13 Whenever consistent with the context of this title, words in the present, past or future tenses shall  
14 be construed to be interchangeable with each other, words in the singular number shall be construed to  
15 include the plural, words in the plural shall be construed to include the singular, and words in any gender  
16 shall apply to the feminine, masculine and neuter genders.

17 Section 22. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
18 16.08.014 as follows:

19 **16.08.014 - Existing permits to remain in force.**

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

1 Section 23. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
2 16.08.015 as follows:

3 **16.08.015 - Owner to act in person - Agents.**

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

8 Section 24. Section 16.08.020 of the Seattle Municipal Code is amended as follows:

9 **16.08.020 - Application and justification.**

10 The provisions of this title shall be applicable to all vessels and water sport craft operating in the  
11 harbor of this City. The provisions of this title shall be construed to supplement United States laws and  
12 state laws and regulations when not expressly inconsistent therewith in the harbor where such United  
13 States and state laws and regulations are applicable.

14 Section 25. Section 16.08.030 of the Seattle Municipal Code is amended as follows:

15 **16.08.030 - Liability for damages.**

16 Nothing in this title shall be construed so as to release any person owning or controlling any  
17 vessel, water sport craft, pier, obstruction or other structure, from any liability for damages, and the  
18 safeguards to life and property required in this title shall not be construed as relieving any person from  
19 installing and maintaining all other safeguards that may be required by law.

1 Section 26. Section 16.08.040 of the Seattle Municipal Code is amended as follows:

2 **16.08.040 - Public employees to comply.**

3 The provisions of this title shall apply to the operator of any vessel or water sport craft owned by  
4 or used in the service of the United States Government, or of this state or of any political subdivision or  
5 municipal corporation thereof.

6 Section 27. Section 16.08.050 of the Seattle Municipal Code is amended as follows:

7 **16.08.050 - Waterway Operations and Maintenance Account.**

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

18 B. The Waterway Operations and Maintenance Account shall be charged with the cost of  
19 administration, inspection and policing involved in the issuance and continuance of such permits;  
20 activities of the City in maintaining waterways as public ways for vessels(~~watercraft~~) or obstructions  
21 and for commerce and navigation; and for maintaining a reserve to clear waterways of vessels that may  
22 sink therein and for emergency activities related to waterways and navigation. Vouchers for  
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1 expenditures shall be approved by the Director of Transportation or his or her designee, or by the Chief  
2 of Police or his or her designee.

3 Section 28. Section 16.12.010 of the Seattle Municipal Code is amended as follows:

4 **16.12.010 - ~~((Duties))~~Authority.**

5 The authority of the Chief of Police~~((duties of the Port Warden))~~ shall ~~((be))~~ include:

6 A. To enforce the ordinances and regulations of the City upon ~~((the))~~all waters within its limits  
7 ~~((of the harbor and adjacent thereto when the harbor is affected))~~;

8 B. To maintain regular patrols in the harbor for the protection of life and property including, but  
9 not limited to, the removal and disposition of oil pollution, drifting debris and nuisances from the waters  
10 of the harbor;

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

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

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

16 F. To designate, indicate the location of, and to patrol anchorage locations for vessels or water  
17 sport craft ~~((or vessels))~~ within areas set forth by the ordinances of the City, and to designate, indicate  
18 the location of and to patrol take-off and landing areas for aircraft on the water within areas permitted by  
19 the ordinances of the City;

20 G. To establish, maintain and regulate the use of ~~((moorage))~~navigation and regulation buoys in  
21 the harbor for the ~~((convenience))~~ regulation of vessels and ~~((watercraft,))~~water sport craft~~((and~~  
22 vessels));

23 H. To designate restricted areas and testing courses;

1 I. To promulgate rules and regulations governing the use of the navigable portions of waterways;  
2 to issue permits for movement of unseaworthy craft and anchoring or moorage of vessels or water sport  
3 craft or obstructions in anchorage areas; to issue permits for skindiving or scuba diving; and to charge  
4 for all such permits the fee established by ordinance;

5 J. To remove, impound or sell any vessel, water sport craft or obstruction anchored or moored in  
6 violation of this title deemed a public nuisance or a hazard to navigation or operated or afloat under  
7 conditions deemed unsafe for water transportation.

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

10 Section 29. Section 16.12.020 of the Seattle Municipal Code is amended as follows:

11 **16.12.020 Accounting.**

12 The ~~((Port Warden))~~ Chief of Police shall keep accurate and detailed account of all moneys  
13 received or disbursed by him in the performance of his duties, which books of account shall be furnished  
14 by and be the property of the City which shall at all times, within office hours, be open to inspection by  
15 the public and at all times to inspection and audit by the proper department or departments of the City.

16 Section 30. Section 16.12.030 of the Seattle Municipal Code is amended as follows:

17 **16.12.030 Authority supplemental to Superintendent of Parks and Recreation ~~((when))~~.**

18 The granting of authority to the ~~((Port Warden))~~ Chief of Police to enforce the Harbor Code in  
19 any fairway within property under the jurisdiction of the Department of Parks and Recreation shall be  
20 supplemental to the authority of the Superintendent of Parks and Recreation and shall not diminish any  
21 authority granted to the Superintendent by the City Charter or by ordinance.

22 Section 31. Sections 16.16.010, 16.16.020 and 16.16.030 of the Seattle Municipal Code are  
23 repealed.

1 Section 32. Section 16.20.010 of the Seattle Municipal Code is amended as follows:

2 **16.20.010 - Compliance with public health regulations.**

3 All (~~watercraft and~~)vessels entering or in the harbor shall comply with the applicable public  
4 health laws and regulations of the United States, the state and its political subdivisions.

5 Section 33. Section 16.20.020 of the Seattle Municipal Code is amended as follows:

6 **16.20.020 - Rules of the road.**

7 Except as otherwise specified in this title, vessels or water sport craft shall be subject to the  
8 (~~"Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and  
9 Pacific Coasts and of the Coast of the Gulf of Mexico," (C. F. 236479) promulgated by the United States  
10 Coast Guard, pursuant to act of Congress, as such rules are now or may hereafter from time to time be  
11 adopted"~~) International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and right of  
12 way laws and rules of the State of Washington, as each of them now exists or may hereafter be amended.  
13 (~~and be it further provided that sailing vessels or other watercraft, while engaged in a sanctioned or  
14 authorized race, predicted log race, regatta, or similar event shall be subject to the applicable rules for  
15 such event including, but not limited to differing right of way rules."~~)

16 Section 34. Section 16.20.030 of the Seattle Municipal Code is amended as follows:

17 **16.20.030 - Equipment and numbering.**

18 All (~~watercraft or~~)vessels shall carry the equipment required by any applicable United States  
19 and State of Washington laws as now or hereafter amended, and shall be numbered or designated in  
20 accordance with any applicable United States and State of Washington laws as now or hereafter  
21 amended.  
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1 Section 35. There is added to the Seattle Municipal Code Chapter 16.20 a new Section 16.20.031  
2 as follows:

3 **16.20.031 - Prohibited use of distress signal.**

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

8 Section 36. Section 16.20.040 of the Seattle Municipal Code is amended as follows:

9 **16.20.040 - Mufflers.**

10 It shall be unlawful to use or operate any engine in or on Seattle Harbor that is not in compliance  
11 with the Seattle Municipal Code Section 25.08.485 ~~((unless the engine is operated with and connected to~~  
12 ~~a muffler or silencer of sufficient size and capacity effectually to muffle and prevent excessive or~~  
13 ~~unusual noise from the exhaust of the engine))~~.

14 Section 37. Section 16.20.050 of the Seattle Municipal Code is repealed.

15 Section 38. Section 16.20.060 of the Seattle Municipal Code is amended as follows:

16 **16.20.060 City buoys.**

17 The ~~((Port Warden))~~Chief of Police shall be the sole judge of any and all use made of any City  
18 buoy and his decision as to the same shall be final and conclusive.

19 Section 39. Section 16.20.070 of the Seattle Municipal Code is amended as follows:

20 **16.20.070 - Interference with navigation.**

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

4 Section 40. There is added to the Seattle Municipal Code Chapter 16.20 a new Section  
5 16.20.071 as follows:

6 **16.20.071 - Launch ramp limit.**

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

10 Section 41. There is added to the Seattle Municipal Code Chapter 16.20 a new Section  
11 16.20.072 as follows:

12 **16.20.072 - Vessels in confined areas.**

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

15 Section 42. Section 16.20.080 of the Seattle Municipal Code is amended as follows:

16 **16.20.080 - Aircraft on the water.**

17 All vessels or water sport craft shall keep clear of aircraft landing within any area now or  
18 hereafter set aside by law for such purpose. Aircraft on the water shall keep clear of all vessels and  
19 water sport craft and avoid impeding their navigation.

1 Section 43. There is added to the Seattle Municipal Code Chapter 16.20 a new Section  
2 16.20.081 as follows:

3 **16.20.081 - Aircraft take-off and landing restricted.**

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

7 Section 44. Section 16.20.090 of the Seattle Municipal Code is amended as follows:

8 **16.20.090 - Negligent operation.**

9 A person shall not operate a vessel or aircraft on the water in a negligent manner. For the  
10 purposes of this section, to "operate in a negligent manner" means operating a vessel or aircraft on the  
11 water in disregard of careful and prudent operation, or in disregard of careful and prudent rates of speed  
12 that are no greater than is reasonable and proper under the conditions existing at the point of operation,  
13 taking into account the amount and character of traffic, size of the lake or body of water, freedom from  
14 obstruction to view ahead, effects of vessel wake, and so as not to unduly or unreasonably endanger life,  
15 limb, property or other rights of any person entitled to the use of such waters.((Any person who shall  
16 operate any watercraft, vessel or aircraft on the water in a manner so as to endanger or be likely to  
17 endanger any person or property or at a rate of speed greater than will permit him in the exercise of  
18 reasonable care to bring the watercraft or vessel to a stop within the assured clear distance ahead, shall  
19 be guilty of negligent operation and a violation of this title.))

20 Section 45. Section 16.20.100 of the Seattle Municipal Code is amended as follows:

21 **16.20.100 - Reckless operation.**

22 It shall be unlawful for any person to operate a vessel or an aircraft on the water in a reckless  
23 manner. For purposes of this section, "reckless" means acting carelessly and heedlessly in a willful and  
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1 ~~wanton disregard of the rights, safety, or property of another. ((Any person who shall operate any~~  
2 ~~watercraft, vessel or aircraft on the water in a reckless manner so as to endanger the life or limb, or~~  
3 ~~damage the property of any person, shall be guilty of the crime of reckless operation and a violation of~~  
4 ~~this title.))~~

5 Section 46. There is added to the Seattle Municipal Code Chapter 16.20 a new Section  
6 16.20.115 as follows:

7 **16.20.115 - Failure to stop for law enforcement officer.**

8 Any operator of a vessel who willfully fails to stop when requested or signaled to do so by a  
9 person reasonably identifiable as a law enforcement officer is guilty of a gross misdemeanor. (RCW  
10 79A.60.080).

11 Section 47. Section 16.20.120 of the Seattle Municipal Code is amended as follows:

12 **16.20.120 - Incapacity of operator.**

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

17 Section 48. Section 16.20.130 of the Seattle Municipal Code is amended as follows:

18 **16.20.130 Speed regulations-vessels and water sport craft((and vessels)).**

19 Within the harbor limits of the City it shall be unlawful for any person to operate any vessel or  
20 water sport craft((or vessel)) at a speed in excess of the following maximum limits:

21 A. Seven (7) nautical miles per hour within one hundred (100) yards of any shoreline, pier,  
22 restricted area or shore installation in Lake Washington, or upon the Lake Washington Ship Canal and  
23 adjacent waters east of the entrance buoy at Shilshole Bay to one hundred (100) yards east of Webster  
24

1 Point light entering Lake Washington (~~easterly of Webster Point light~~ ) and within two hundred (200)  
2 yards of any shoreline, pier, restricted area or shore installation in all other waters of the City;

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

6 Beginning at a point (existing northeast corner buoy) Latitude 47 degrees 38' 26.829" North;  
7 Longitude 122 degrees 19' 53.430" West; thence on an azimuth (astronomic north is 0 degrees)  
8 of 180 degrees a distance of 100 yards; thence on an azimuth of 270 degrees a distance of 400  
9 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.

9 ~~((except that))~~ Use of the speed test area shall be subject to the following limits:

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

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

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

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

19 C. Four (4) nautical miles per hour from the western end of the west guide pier of the Hiram M.  
20 Chittenden Locks of the Lake Washington Ship Canal to the eastern end of the east guide pier at said  
21 Locks; or

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

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

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

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

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

12 Section 49. Section 16.20.131 of the Seattle Municipal Code is amended as follows:

13 **16.20.131 Speed regulations-Aircraft on the water.**

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

17 ~~((A. In Lake Union and Portage Bay except for an area one hundred (100) yards wide and four~~  
18 ~~hundred (400) yards long marked by buoys and bounded by the following coordinates: Beginning at a~~  
19 ~~point (existing northeast corner buoy) Latitude 47 degrees 38' 26.829" North; Longitude 122 degrees 19'~~  
20 ~~53.430" West; thence on an azimuth (astronomic north is 0 degrees) of 180 degrees a distance of 100~~  
21 ~~yards; thence on an azimuth of 270 degrees a distance of 400 yards; thence on an azimuth of 0 degrees a~~  
22 ~~distance of 100 yards; thence on an azimuth of 90 degrees a distance of 400 yards to the point of~~  
23 ~~beginning;~~

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

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

6 ~~(D.)~~ 3. Within a designated anchorage or restricted area;

7 Provided, such speed limits shall not apply to aircraft during emergency conditions or on rescue operations  
8 where time is of the essence.

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

11 Section 1. Section 16.20.132 of the Seattle Municipal Code is amended as follows:

12 **16.20.132 Speed regulations-Liability not affected.**

13 Nothing in Sections 16.20.130 or 16.20.082 shall be construed as exempting any person from  
14 liability caused by wake action from operation of any vessel, water sport craft(~~(vessel)~~) or aircraft in the  
15 areas designated therein nor shall Sections 16.20.130 or 16.20.082 be construed as exempting any person  
16 from liability for negligent or reckless operation of any vessel, water sport craft(~~(vessel)~~) or aircraft.

17 Section 2. Section 16.20.140 of the Seattle Municipal Code is amended as follows:

18 **16.20.140 - Overloading.**

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

22 B. No person shall operate a vessel while a passenger is situated on the bow or gunwale of the  
23 vessel in a manner which unduly or unreasonably endangers life or limb, taking into account the



1 prevailing conditions including, but not limited to, the size and character of the vessel, and weather and  
2 water conditions.

3 C. Whenever it appears reasonably certain to any police or harbor officer that any person is  
4 operating a ~~((watercraft or))~~ vessel loaded beyond its safe capacity and in the judgment of that officer the  
5 operation creates a hazardous condition, the officer may take reasonable measures to prevent any such  
6 person from so operating the vessel ~~((,craft either by taking from him the keys of such craft and locking~~  
7 ~~the same, or by other appropriate means. In any such case, the officer shall immediately report the facts~~  
8 ~~to his Commanding Officer of the Harbor Department, and shall, as soon as possible, deposit the keys or~~  
9 ~~other articles, if any, taken from the watercraft or vessel or person with the Commanding Officer. Such~~  
10 ~~keys or other articles may be returned to any person upon his demand and proper identification of~~  
11 ~~himself when it appears that he is the owner of the watercraft and the conditions under which the officer~~  
12 ~~took preventive measures no longer exist)). The officer may direct the operator to take immediate and  
13 reasonable steps necessary for the safety of the individuals on board the vessel, including directing the  
14 operator to return to shore or a mooring and to remain there until the situation creating the hazard is  
15 corrected or ended or the officer may impound the vessel. Willful failure to follow the direction of an  
16 officer under this section is a misdemeanor.~~

17 Section 52. Section 16.20.150 of the Seattle Municipal Code is amended as follows:

18 **16.20.150 - Excessive power.**

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

22 ~~((No watercraft shall be equipped with any motor or other propulsion machinery beyond its safe power~~  
23  
24

1 ~~capacity, taking into consideration the type and construction of such watercraft and other existing~~  
2 ~~operating conditions:))~~

3 B. Whenever it appears reasonably certain to any police officer that any person is operating a  
4 ~~((watercraft or))~~ vessel with a motor or propulsion machinery which is beyond safe power capacity, and  
5 in the judgment of that officer the operation creates a hazardous condition, the officer may take  
6 reasonable measures to prevent any such person from so operating the vessel ~~((craft, either by taking~~  
7 ~~from him the keys of such craft and locking the same, or by other appropriate means. In any such case,~~  
8 ~~the officer shall immediately report the facts to his Commanding Officer in the Police Department, and~~  
9 ~~shall, as soon as possible, deposit the keys or other articles, if any, taken from the watercraft or vessel or~~  
10 ~~person with the Commanding Officer. Such keys or other articles may be returned to any person upon~~  
11 ~~his demand and proper identification of himself when it appears that he is the owner of the watercraft~~  
12 ~~and the conditions under which the officer took preventive measures no longer exist)). The officer may~~  
13 direct the operator to take immediate and reasonable steps necessary for the safety of the individuals on  
14 board the vessel, including directing the operator to return to shore or a mooring and to remain there  
15 until the situation creating the hazard is corrected or ended or the officer may impound the vessel.  
16 Willful failure to follow the direction of an officer under this Section is a misdemeanor.

17 Section 53. Section 16.20.160 of the Seattle Municipal Code is amended as follows:

18 **16.20.160 - Racing.**

19 Nothing in the provisions of this title shall be construed to mean that the operator of a vessel or  
20 water sport craft competing in a race or regatta, or trials therefor, which has been authorized by an  
21 appropriate governmental agency or authority, or an operator engaged in industrial development and  
22 testing of experimental and production vessels and water sport craft~~((and vessels)), shall be prohibited~~  
23 from attempting to attain high speeds on duly designated and indicated racing or testing courses, nor  
24

1 while so engaged, shall such vessels or water sport craft~~((or vessels))~~ be required to comply with  
2 Sections 16.20.030 , 16.20.040 , 16.20.130 and 16.20.170 .

3 Section 54. Section 16.20.170 of the Seattle Municipal Code is amended as follows:

4 **16.20.170 - Whistles and lights.**

5 It shall be unlawful for the master, owner or any other person in charge of any ~~((watercraft or))~~  
6 vessel, while lying at any pier or while navigating in Seattle Harbor, unnecessarily to cause any whistle  
7 or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding  
8 light onto the bridge or into the pilothouse of any vessel~~((or watercraft))~~ under way or onto streets open  
9 to vehicular traffic for any purpose other than those authorized by law.

10 Section 55. Section 16.20.180 of the Seattle Municipal Code is amended as follows:

11 **16.20.180 - Propellers.**

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

15 Section 56. Section 16.20.190 of the Seattle Municipal Code is amended as follows:

16 **16.20.190 - Explosives.**

17 Every vessel~~((or watercraft))~~ approaching or passing any vessel~~((or watercraft))~~ engaged in the  
18 transfer of explosives and from which is displayed the red powder flag shall slow down to a no wake  
19 speed~~((of not exceeding six (6) nautical miles an hour))~~ before coming abreast of such vessel~~((or~~  
20 ~~watercraft))~~ and in time to prevent accident by reason of swells.

21 Section 57. Sections 16.20.230 and 16.20.240 of the Seattle Municipal Code are repealed.

1 Section 58. Section 16.24.010 of the Seattle Municipal Code is amended as follows:

2 **16.24.010 Information and assistance.**

3 The operator of any vessel~~((watercraft))~~ involved in an accident resulting ~~((in injury or death to~~  
4 ~~any person or))~~ in damage to property who knows or should know of the accident shall immediately stop  
5 such vessel~~((watercraft))~~ at the scene of such accident and shall give his name, address, the name and/or  
6 number of his vessel~~((watercraft))~~, and the name and address of the owner, to the person struck or the  
7 operator or occupants of the vessel~~((or watercraft))~~ collided with or property damaged, and shall render  
8 to any person injured in such an accident reasonable assistance.

9 Section 59. Section 16.24.020 of the Seattle Municipal Code is amended as follows:

10 **16.24.020 Filing of report.**

11 The master, owner or operator of any vessel~~((watercraft))~~ shall file a report within forty-eight  
12 (48) hours with the ~~((Port Warden))~~Chief of Police of any accident involving death or personal injury  
13 requiring medical treatment beyond first aid in which such vessel shall have been involved in Seattle  
14 Harbor. ~~((or))~~ The master or owner of any vessel shall file a report within ten (10) days of any accident  
15 if damage to the vessel and other property totals more than ~~((property damage in excess of))~~  
16 ~~((Two))~~Five Hundred Dollars (\$~~((2))~~500.00) or there is a complete loss of the vessel ~~((in which such~~  
17 ~~watercraft shall have been involved in Seattle Harbor))~~.

18 Section 60. Section 16.28.010 of the Seattle Municipal Code is amended as follows:

19 **16.28.010 - Swimming.**

20 Swimming in the harbor shall be ~~((confined to))~~prohibited except:

21 A. ~~((Restricted))~~ In designated swimming areas; or

22 B. ~~((To))~~ ~~((w))~~Within a distance of fifty feet (50') from the shore or a pier unless the swimmer is  
23 accompanied by a ~~((watercraft))~~vessel and within twenty five feet of a vessel that has aboard a personal  
24

1 flotation device for each occupant of said vessel and for each accompanied swimmer. No swimming  
2 shall be permitted in the United States Government locks, Montlake Cut, Fremont Cut, under any bridge,  
3 within the confines of any guidewall or within Three Hundred (300) feet of a ferry slip or boat launch  
4 ramp.

5 Section 61. Section 16.28.020 of the Seattle Municipal Code is amended as follows:

6 **16.28.020 - Skin diving or scuba diving permit-Areas required.**

7 A. It shall be unlawful to engage in skin diving or scuba diving in the following areas of the  
8 harbor without a written permit issued by the (~~Port Warden~~)Chief of Police therefor:

9 1. To the east of a line from the northwest corner of Harbor Island to the westernmost corner of  
10 the U.S. Naval property located in Smith Cove, in the waters of the Lake Washington Ship Canal from  
11 the mid-channel buoy in Shilshole Bay to Webster Point light, including the waters of Lake Union and  
12 Portage Bay, all of the inner moorage area of the Port of Seattle moorings at Shilshole Bay Marina,  
13 Elliott Bay Marina or any established marina moorage area other than within the confines of the  
14 individual slip while working on a specific vessel and within three hundred feet (300') of the perimeter  
15 of the United States National Oceanic and Atmospheric Administration facility at Sand Point; or

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

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

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

1 Section 62. Section 16.28.025 of the Seattle Municipal Code is amended as follows:

2 **16.28.025 - Skin diving or scuba diving permit-issuance.**

3 A. The ~~((Port Warden))~~Chief of Police may issue permits authorizing skin diving and scuba  
4 diving for commercial or instructional purposes in harbor areas where skin diving or scuba diving would  
5 otherwise be prohibited.

6 B. Permits may be issued for a particular occasion up to thirty (30) days in duration or for a year.  
7 Every permit shall describe the activity authorized and its location; each permit may contain such other  
8 terms and conditions as the ~~((Port Warden))~~Chief of Police deems to be in the public interest, including  
9 provisions for marking or lighting, for accommodating passage of vessels ~~((and watercraft,))~~ and for  
10 providing insurance or an indemnity in event of accident or injury. Diving permits shall be supplemental  
11 to waterway use permits when required by Chapter 16.60, and use permits for submerged street area  
12 when required by Ordinance 90047.

13 C. Except for emergencies to save life or prevent injury, no skin diving or scuba diving shall  
14 occur sooner than one-half (1/2) hour before sunrise or later than one-half (1/2) hour after sunset except  
15 by permit from the Chief of Police.

16 D. All diving permits shall be subject to revocation upon noncompliance with the terms or  
17 conditions of the permit or the Harbor Code, and to immediate suspension whenever the activities  
18 conducted interfere with free and proper navigation within the harbor.

19 Section 63. There is added to the Seattle Municipal Code Chapter 16.28 a new Section  
20 16.28.040 as follows:

21 **16.28.040 - Water sport craft.**

22 No person shall engage in the operation of or ride upon a water sport craft that is over fifty feet  
23 from shore or a pier without wearing a personal flotation device. No person shall engage in the  
24

1 operation of or ride upon a water sport craft upon the waters of the United States government locks,  
2 Montlake Cut, Fremont Cut or under any bridge or within the confines of any guidewall or similar  
3 structure.

4 Section 64. Section 16.32.020 of the Seattle Municipal Code is amended as follows:

5 **16.32.020 - Removal of obstructing vessels.**

6 A. Other than as provided in Sections 16.40.010 and 16.60.020 , or as authorized by the  
7 Superintendent of Parks and Recreation at a Park and Recreation Department facility, no master or  
8 person having charge of any vessel(~~(, watercraft)~~) or obstruction shall anchor the same in any anchorage  
9 or fairway nor make the same fast to any buoy, pier or other structure owned by or under the authority  
10 and control of the City without first obtaining a permit therefor from the City.

11 B. No master, owner or other person in charge of any towboat shall while towing any vessel,  
12 water sport craft or obstruction obstruct any channel or fairway.

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

17 D. The (~~(Port Warden))~~Chief of Police shall have the power to order the removal of:

18 1. Any vessel, water sport craft or obstruction anchored in any anchorage or fairway or made  
19 fast to any buoy, pier or other structure owned by or under the authority and control of the City;

20 2. Any towboat and/or its tow obstructing navigation in any channel or fairway; and

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

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

9           Section 65. Section 16.32.030 of the Seattle Municipal Code is amended as follows:

10           **16.32.030 - Sunken vessels.**

11           When any vessel(~~(or watercraft)~~) or obstruction has been sunk or grounded, or has been delayed  
12 in such manner as to stop or seriously interfere with or endanger navigation, the (~~(Port Warden)~~) Chief  
13 of Police may order the same immediately removed and if the owner, or other person in charge thereof,  
14 after being so ordered, does not proceed immediately with such removal, the (~~(Port Warden)~~) Chief of  
15 Police may take immediate possession thereof and remove the same, using such methods as in his  
16 judgment will prevent unnecessary damage to such vessel (~~(or watercraft)~~) or obstruction, and the  
17 expense incurred by the (~~(Port Warden)~~)Chief of Police in such removal shall be paid by the owner or  
18 master of such vessel (~~(or watercraft)~~) or obstruction (~~(or the owner or other person in charge thereof)~~);  
19 and in case of failure to pay the same, the City may maintain an action for the recovery thereof.

20           Section 66. Section 16.32.040 of the Seattle Municipal Code is amended as follows:

21           **16.32.040 - Floating objects.**

22           All vessels, water sport craft, logs, piling, building material, scows, houseboats or any other  
23 article of value found adrift in Seattle Harbor, may be taken in charge by the (~~(Port Warden)~~)Chief of  
24

1 Police and shall be subject to reclamation by the owner thereof, on payment by him to the City of any  
2 expenses incurred by the City and in case of failure to reclaim may be sold or disposed of according to  
3 law.

4 Section 67. Section 16.32.050 of the Seattle Municipal Code is amended as follows:

5 **16.32.050 - Unseaworthy craft.**

6 A. It shall be unlawful for a master, owner or other person without a permit from the ((~~Port~~  
7 ~~Warden~~))Chief of Police to tow or move in any fairway any vessel((~~, watercraft~~)) or obstruction which  
8 prior to movement or tow:

9 1. Has been used as a permanent place of abode and was not engaged in navigation under its  
10 own power within ninety (90) days; or

11 2. Appears or exists in an unseaworthy condition, uses or needs support from another vessel((~~or~~  
12 ~~watercraft~~)) to remain afloat, or otherwise appears to lack the capacity for safe movement through and  
13 across navigable waters, other than the following: (a) barges, scows, log booms, or disabled but buoyant  
14 aircraft in tow by a towage company authorized to do business in the state, (b) vessels ((~~or watercraft~~))  
15 temporarily disabled by accident, collision, or other malfunction but otherwise seaworthy and capable of  
16 safe movement, and (c) vessels((~~, watercraft~~)) or obstructions being towed or moved by or under the  
17 control of the ((~~Port Warden~~))Chief of Police or the Director of Transportation.

18 B. Any person seeking a permit to tow or move any vessel((~~, watercraft~~)) or obstruction  
19 identified in subsection A shall apply to the ((~~Port Warden~~))Chief of Police therefor, and shall,  
20 irrespective of the distance to be moved, post a surety bond with the City in an amount that the Director  
21 of Transportation shall determine reflects the estimated expense of the removal of such vessel((~~, water~~  
22 ~~craft~~)) or obstruction in event of its breakup or sinking, provided the ((~~Port Warden~~))Chief of Police  
23 may accept in lieu thereof an indemnity agreement by a towage company agreeing to remove the vessel  
24

1 ((~~watercraft~~)) or obstruction within ten (10) days in event of breakup or sinking; and if not so removed,  
2 to reimburse the City any expense incurred by removal thereof by the City. In addition, the person  
3 seeking the permit shall specify the destination of the vessel((~~watercraft~~)) or obstruction to be towed  
4 and, if the destination is a waterway, fairway, submerged street end or other area which requires a permit  
5 or other governmental approval for occupancy, shall secure and present such permit or approval to the  
6 ((~~Port Warden~~))Chief of Police when applying for the permit. An anchorage as defined in Chapter 16.04  
7 of this title shall not be considered a permitted destination. The ((~~Port Warden~~))Chief of Police shall not  
8 issue a towing permit until all required permits, leases and occupancy agreements whether public or  
9 private, and other needed approvals have been issued.

10 Section 68. There is added to the Seattle Municipal Code Chapter 16.32 a new Section  
11 16.32.060 as follows:

12 **16.32.060 - Floats and buoys.**

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

15 Section 69. Section 16.36.010 of the Seattle Municipal Code is amended as follows:

16 **16.36.010 - Authority to impound.**

17 The ((~~Port Warden~~))Chief of Police may take immediate possession and/or impound and remove  
18 any vessel, water sport craft, or obstruction, when:

19 A. The operator or master of the same reasonably appears incapable of safely operating the same  
20 or appears incapable of directing the disposition of the same;

21 B. The operator or master of the same refuses to sign a citation, or refuses or neglects to obey an  
22 order of the ((~~Port Warden~~))Chief of Police to proceed from or to an area following a citation or in an  
23 emergency;

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

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

7 E. The vessel, water sport craft or obstruction appears abandoned, or is anchored or moored in  
8 an anchorage, waterway or submerged street area after expiration, cancellation, or violation of a permit,  
9 or in violation of this title without a permit seventy-two (72) hours after an order to remove the same has  
10 been given by the (~~(Port Warden))~~Chief of Police as provided in Section 16.32.020 C or D; or

11 F. The vessel, water sport craft or obstruction is obstructing a launch ramp area or public dock,  
12 or has remained at a facility under the jurisdiction of the Department of Parks and Recreation for one (1)  
13 hour longer than the maximum mooring or anchoring time; and remove the same, using such methods as  
14 in his judgment will prevent unnecessary damage to said vessel, water sport craft or obstruction and/or  
15 assign the removal and impounding of the vessel, water sport craft or obstruction to a private  
16 corporation.

17 Section 70. Section 16.36.020 of the Seattle Municipal Code is amended as follows:

18 **16.36.020 - Expenses.**

19 In the event possession is taken of any vessel, water sport craft or obstruction as authorized in  
20 Section 16.36.010 or in Section 16.32.020 (~~(D)~~), the expenses incurred by the (~~(Port Warden))~~Chief of  
21 Police in the removal, towing, impounding, and moorage of the same shall be paid by the owner of such  
22 vessel, water sport craft or obstruction or the owner's designee (~~(or other person in charge thereof)~~).  
23 When a vessel, water sport craft or obstruction is moored or impounded at a City facility, the (~~Port~~)  
24

1 ~~Warden~~) Chief of Police shall assess a reasonable moorage charge therefor, which shall be paid by the  
2 owner of such vessel, water sport craft or obstruction or the owner's designee (~~or other person in charge~~  
3 thereof)). The (~~Port Warden~~) Chief of Police may decline to release possession of any vessel, water  
4 sport craft, or obstruction until all charges are paid.

5 Section 71. Section 16.36.030 of the Seattle Municipal Code is amended as follows:

6 **16.36.030 - Sale of impounded craft-Collection of charges.**

7 In the event a vessel, water sport craft or obstruction shall remain impounded for ninety (90)  
8 days and the charges of towing and impounding remain unpaid, the (~~Port Warden~~) Chief of Police may  
9 sell the same at public auction. The City may maintain an action against the owner or person in charge of  
10 the vessel, water sport craft or obstruction for the recovery of the expenses of towing and impounding, or  
11 the remaining balance thereof, in the event of sale of the same.

12 Section 72. Section 16.36.040 of the Seattle Municipal Code is amended as follows:

13 **16.36.040 - Impounding-in-place.**

14 When taking possession as authorized in Section 16.36.010 or in Section 16.32.020(~~(D)~~), the  
15 (~~Port Warden~~) Chief of Police may impound the vessel, water sport craft or obstruction in place by  
16 posting the same with one (1) or more signs or notices in conspicuous places stating "POLICE  
17 IMPOUND-KEEP OFF" and notifying the owner(~~(s)~~) or master(~~or person in charge~~) of the  
18 impound(~~(ing)~~). The (~~Port Warden~~) Chief of Police may in his discretion appoint as custodian the  
19 owner or master, the owner or operator of the facility or property where the vessel is moored or  
20 anchored. Upon the posting of such signs, it shall be unlawful for any person:

21 A. To move, load or unload, rebuild, or enter upon such vessel, water sport craft, or obstruction  
22 without written permission from the (~~Port Warden~~) Chief of Police, other than for necessary  
23 maintenance and repair to prevent deterioration of the same or sinking;

1 B. To remove, mutilate, destroy or conceal any notice or sign posted by the ((Port Warden))  
2 Chief of Police or the Director of Transportation pursuant to the provisions of this title.

3 Section 73. Section 16.36.050 of the Seattle Municipal Code is amended as follows:

4 **16.36.050 - Liability.**

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

8 Section 74. Section 16.40.010 of the Seattle Municipal Code is amended as follows:

9 **16.40.010 - Submerged street area-unlawful uses.**

10 A. It shall be unlawful for the master or other person in charge of any vessel, water sport craft or  
11 obstruction to anchor, tie or make fast the same:

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

15 2. In any portion of a submerged street area designated by written permit for the use of another  
16 without the written consent of the permit holder; or

17 3. In any other submerged street area for a longer period of time than reasonably sufficient to  
18 load, unload, or repair the same other than as authorized in advance by a written permit granted by the  
19 Director of Transportation((~~Board of Public Works~~)) pursuant to Section 16.40.020 or as authorized as  
20 anchorage for a vessel((~~watercraft~~)) or obstruction by the ((~~Port Warden~~))Chief of Police pursuant to  
21 Section 16.40.030 .

22 B. No use of a submerged street area shall be made by permit or otherwise which unreasonably  
23 restricts water access to adjacent privately owned or controlled property.  
24

1 Section 75. Section 16.40.020 of the Seattle Municipal Code is amended as follows:

2 **16.40.020 - Submerged street area-use permit.**

3 The Director of Transportation~~((Board of Public Works))~~ may authorize the use and occupation  
4 of all or any portion of a submerged street area by use and occupation permit processed and issued in  
5 accordance with Ordinance 90047, as now or hereafter amended. Such a permit may authorize use of  
6 either a specific area of a submerged street or use of submerged street area by certain vessels(~~(~~  
7 ~~watercraft))~~) or obstructions.

8 Section 76. Section 16.40.030 of the Seattle Municipal Code is amended as follows:

9 **16.40.030 - Anchorages designated.**

10 Recreational anchorage is authorized only pursuant to Subsection F below. In aid of commerce  
11 and navigation anchorage for vessels(~~(,watercraft))~~) or obstructions is authorized in the following  
12 described waters:

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

20 B. Smith Cove Anchorage. Beginning at a point at the junction of the outer harbor line and a line  
21 drawn along the north side of Denny Way, thence westerly on said line for a distance of approximately  
22 two thousand feet (2,000'); thence in a northwesterly direction paralleling the outer harbor line to a point  
23 intersecting a straight line drawn along the east side of Pier 88.

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

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

7 E. Portage Bay Anchorage. East and south of a line extending approximately six hundred feet  
8 (600') westerly in extension of the south channel line of the Lake Washington Ship Canal which is  
9 immediately west of the Montlake Cut, thence southerly in extension of the east side of Fourteenth  
10 Avenue North to the south shoreline of Portage Bay.

11 Provided, that in addition to the above described anchorages, whenever deemed advisable by the  
12 ((~~Port Warden~~)) Chief of Police he may grant a written permit to the master or owner of any vessel((~~;~~  
13 ~~watercraft~~)) or obstruction for the anchorage or mooring of the same outside of the outer harbor line, or  
14 in any waterway or in any street end on Lake Union at such locations as he shall determine will not  
15 interfere with or impede navigation.

16 F. Lake Washington Andrews Bay Anchorage. Within an area marked by buoys or, in the  
17 eastern shore of the bay, by stakes or signs, which shall be set within an area bounded on the north by a  
18 straight line which is drawn between a point on the west coast of the Bailey Peninsula that is one  
19 hundred (100) yards south of the fishing pier (the "northeast corner") and a point one hundred fifty (150)  
20 yards easterly of the western shore of Andrews Bay along a straight line drawn from the northeast corner  
21 to the surfaced boat ramp at the foot of Ferdinand Street on the western shore of Andrews Bay (the  
22 "northwest corner"): on the south by a straight line which is drawn between a point on the west coast of  
23 the Bailey Peninsula that is a straight line extension of South Dawson Street (the "southeast corner") and  
24

1 a point one hundred fifty (150) yards easterly of the western shore of Andrews Bay along a straight line  
2 extension of South Brandon Street (the "southwest corner"): and on the west by a straight line drawn  
3 between the northwest corner and the southwest corner described above, limited to a period not to  
4 exceed seventy-two (72) hours within any one week period.

5 In addition to the Andrews Bay anchorage, whenever deemed advisable by the ~~((Port Warden))~~  
6 Chief of Police, he or she may grant a written permit to the master or owner of any vessel~~((or~~  
7 ~~watercraft))~~ for the anchorage or mooring of said vessel~~((or watercraft))~~ outside of the outer harbor line,  
8 or in any unused slip, or in any street end on Lake Washington at such locations as he shall determine  
9 will not interfere with or impede navigation.

10 Section 77. Section 16.44.010 of the Seattle Municipal Code is amended as follows:

11 **16.44.010 -Testing courses.**

12 The ~~((Port Warden))~~Chief of Police may from time to time establish and designate such portion  
13 or portions of waters, within the City, as may be appropriate for special use as a testing course in  
14 connection with the operational testing of experimental and production ~~((watercraft and))~~vessels. Such  
15 areas when established and maintained as a testing course shall not be available for use by the general  
16 public except by permit issued by the ~~((Port Warden))~~Chief of Police and upon the terms and conditions  
17 set forth therein. The ~~((Port Warden))~~Chief of Police shall have power to adopt rules and regulations not  
18 inconsistent with the provisions of this title for the use and control of such special use areas and for the  
19 protection of water users, recreational or otherwise. A copy of such rules and regulations shall be filed  
20 and available for public examination in the office of the City Clerk. ✓

1 Section 78. Section 16.44.020 of the Seattle Municipal Code is amended as follows:

2 **16.44.020 - Restricted areas-designation.**

3 In the interests of safe navigation, life safety and the protection of property, motor-powered  
4 vessels~~((watercraft))~~ shall be prohibited on Haller Lake, ~~((and))~~ Bitter Lake, Greenlake and those waters  
5 which are contiguous to the Washington Park Arboretum (as designated at SMC 18.12.190) and the  
6 ~~((Port Warden))~~ Chief of Police shall also designate restricted areas and the purpose for which same shall  
7 be used. No person shall operate any such vessel ~~((or watercraft))~~ within a restricted area; provided, that  
8 this section shall not apply to vessels~~((or watercraft))~~ engaged in or accompanying the activity to which  
9 an area is restricted, nor to patrol or rescue craft or in the case of an emergency.

10 Section 79. Section 16.48.010 of the Seattle Municipal Code is amended as follows:

11 **16.48.010 - Exemption to authorized emergency vessels~~((and watercraft))~~.**

12 The provisions of this title shall be applicable to the operation of any and all vessels~~((or~~  
13 ~~watercraft))~~ in the harbor of the City except that they shall not apply in the following cases:

14 To any authorized emergency vessel~~((or watercraft))~~ actually responding to an emergency call or  
15 in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such  
16 emergency vessel~~((or watercraft))~~ has been authorized; provided, that the provisions of this section shall  
17 not relieve the operator of an authorized emergency vessel~~((or watercraft))~~ of the duty to operate with  
18 due regard for the safety of all persons using the City harbor, nor shall it protect the operator of any such  
19 emergency vessel~~((or watercraft))~~ from the consequence of a reckless disregard for the safety of others;  
20 provided further, the provisions of this section shall in no event extend any special privilege or immunity  
21 in operation of an authorized emergency vessel~~((or watercraft))~~ for any purpose other than for which the  
22 same has been authorized.

1 Section 80. Section 16.48.020 of the Seattle Municipal Code is amended as follows:

2 **16.48.020 - Emergency powers.**

3 The ~~((Port Warden))~~Chief of Police and the officers of the ~~((Harbor))~~Police Department are  
4 authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in  
5 conformance with the provisions of this title; provided, that where necessary to expedite waterborne  
6 traffic, or to prevent or eliminate congestion or to safeguard persons or property, such officers, or in the  
7 event of a fire or other emergency such officers and other authorized officers of appropriate  
8 governmental agencies or authorities, may direct waterborne traffic as conditions may require,  
9 notwithstanding the provisions of this title. Vessels authorized to anchor pursuant to this Section shall  
10 comply with applicable navigation rules, and no vessel so anchored shall be left without some person on  
11 board and in charge of it by day and by night.

12 Section 81. Section 16.52.010 of the Seattle Municipal Code is amended as follows:

13 **16.52.010 Unsafe piers.**

14 Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the  
15 ~~((Port Warden))~~ Chief of Police to become unsafe so as to render the same, or any portion thereof,  
16 unsafe for life or property, the ~~((Port Warden))~~Chief of Police shall report the matter to the Director of  
17 Construction and Land Use~~((City Superintendent of Buildings))~~ who shall inspect the same and shall  
18 order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs  
19 thereto shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders  
20 of the Director of Construction and Land Use~~((City Superintendent of Buildings immediately))~~, the  
21 Director of Construction and Land Use~~((City Superintendent of Buildings))~~ shall direct the owner, agent  
22 or lessee to prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or  
23  
24

1 barricade and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of  
2 such pier to the City.

3 Section 82. Section 16.52.020 of the Seattle Municipal Code is amended as follows:

4 **16.52.020 - Pier lights.**

5 In the interests of safe navigation and the protection of property the ~~((Port Warden))~~Chief of  
6 Police shall establish standards for the lighting of piers in the harbor. Between the hours of sunset and  
7 sunrise all piers shall be kept lighted in accordance with the requirements of the ~~((Port Warden))~~Chief of  
8 Police. All walks, passageways, openings or gangways upon any pier upon or through which passengers  
9 may pass shall be kept adequately lighted between sunset and sunrise.

10 Section 83. Sections 16.52.040 and 16.52.050 of the Seattle Municipal Code are repealed.

11 Section 84. Section 16.52.060 of the Seattle Municipal Code is amended as follows:

12 **16.52.060 - Dangerous gangways.**

13 Whenever any gangway devoted to public use shall appear to be dangerous to the ~~((Port Warden))~~  
14 Chief of Police for such use, he shall report the matter to the Director of Construction and Land Use  
15 ~~((City Superintendent of Buildings))~~ who shall inspect the same and ~~((shall))~~may forbid the use of such  
16 gangway for such purpose until the same shall have been repaired or reconstructed so as to render the  
17 same safe for such use and until the same as so reconstructed or repaired has been inspected by the  
18 Director of Construction and Land Use~~((City Superintendent of Buildings))~~ and its use for such purpose  
19 approved by him.

20 Section 85. Section 16.52.070 of the Seattle Municipal Code is amended as follows:

21 **16.52.070 Drifting debris.**

22 It shall be unlawful for the owner, agent or lessee in charge of any pier to allow the whole, or any  
23 part thereof, to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or  
24

1 loose, shall be removed by the owner, agent or lessee of any pier, and upon failure so to do, the same  
2 may be removed by the ((~~Port Warden~~))Chief of Police and the expense thereof shall be paid by and  
3 recoverable from the owner, agent or lessee of such pier to the City.

4 Section 86. Section 16.52.080 of the Seattle Municipal Code is repealed.

5 Section 87. Section 16.52.090 of the Seattle Municipal Code is amended as follows:

6 **16.52.090 - Obstructing traffic.**

7 The determination of the ((~~Port Warden~~))Chief of Police shall be final and conclusive as to all  
8 questions relating to the handling of freight or merchandise or as to the position of any vessel((~~or~~  
9 ~~watercraft~~)) at any pier or other structure belonging to the City, and all persons handling or in charge of  
10 freight or merchandise or vessels((~~or watercraft~~)), shall handle the same expeditiously and without  
11 interference with or blocking general traffic and without interfering with commerce and navigation.

12 Section 88. Section 16.52.110 of the Seattle Municipal Code is amended as follows:

13 **16.52.110 Patrol floats.**

14 The ((~~Port Warden~~))Chief of Police shall designate locations for such floats as may be necessary  
15 for patrol boats and shall prescribe rules and regulations for the use of such floats.

16 Section 89. Section 16.56.010 of the Seattle Municipal Code is amended as follows:

17 **16.56.010 - Nuisances designated-removal.**

18 Sunken vessels or water sport craft, refuse of all kinds, structures or pieces of any structure, dock  
19 sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks,  
20 lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other  
21 substances or articles of a similar nature, are declared to be public nuisances and it shall be unlawful for  
22 any person to throw or place in, or cause or permit to be thrown or placed any of the above named  
23 articles or substances in Seattle Harbor, or upon the shores thereof or in such position that the same may  
24

1 or can be washed into the harbor, either by high tides, storms, floods or otherwise. Any person causing  
2 or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to  
3 do, the same may be removed by the ((Port Warden))Chief of Police and the expense thereof shall be  
4 paid by and recoverable from the person creating the nuisance. In all cases such nuisances may be abated  
5 in the manner provided by law. The abatement of any such public nuisances shall not excuse the person  
6 responsible therefor from prosecution under this section.

7 Section 90. Section 16.56.020 of the Seattle Municipal Code is repealed.

8 Section 91. Section 16.56.030 of the Seattle Municipal Code is amended as follows:

9 **16.56.030 - Oil.**

10 No owner, master or other person in charge of any vessel((~~or watercraft~~)), and no engineer, or  
11 other person in charge of any engine room or machinery of any vessel((~~or watercraft~~)), and no owner,  
12 lessee, agent, employee, or other person in charge of or employed in or about any pier, or other structure,  
13 and no person along or upon the shore of the harbor, shall spill, throw, pump or otherwise cause oil of  
14 any description to be or float upon the waters of the harbor. Any person causing oil to be upon the  
15 waters of the harbor as aforesaid shall remove the same and upon his failure so to do, the same may be  
16 removed by the ((Port Warden))Chief of Police and the expense thereof shall be paid by and recoverable  
17 from the person causing the oil to be upon the water. The payment of such sum, or the maintenance of an  
18 action therefor, shall not be deemed to exempt such person from prosecution for causing such oil  
19 spillage.

20 Section 92. Section 16.60.010 of the Seattle Municipal Code is amended as follows:

21 **16.60.010 - Use of land portions of waterways.**

22 It shall be unlawful for anyone to use or occupy the land portion of a waterway for private  
23 purposes without a written permit from the Director of Transportation so to do other than for access to or  
24

1 immediate loading and unloading of vessels(~~(, watercraft)~~) or obstructions then in the navigable portions  
2 thereof or launching or landing the same.

3 Section 93. Section 16.60.020 of the Seattle Municipal Code is amended as follows:

4 **16.60.020 - Use of waterways.**

5 A. All use and occupation of waterways, whether by permit or otherwise, shall be subject to the  
6 following terms and conditions:

7 1. An unobstructed channel of at least fifty feet (50') width must be preserved at all times;  
8 provided, that the Director of Transportation may authorize a lesser unobstructed channel when both  
9 sides of a waterway are owned or controlled through lease by the same person, firm, or corporation and  
10 said official finds it to be in the public interest.

11 2. All vessels(~~(, watercraft)~~) or obstructions shall be anchored, moored or secured in such a  
12 manner as to minimize interference with navigation in the waterway, and shall be promptly removed  
13 upon order of the (~~(Port Warden)~~)Chief of Police in the event clearance of the waterway be necessary for  
14 navigation or in an emergency.

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

18 4. It shall be unlawful to use any vessel(~~(, watercraft)~~) or obstruction as a place of abode while  
19 moored or anchored in the navigable portions of a waterway, unless so authorized by permit from the  
20 City.

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

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

5 1. If the (~~Port Warden~~)Chief of Police has established by regulation or posted notice a  
6 maximum time limit for uses of any particular waterway or part thereof, no vessel(~~or watercraft~~) shall  
7 occupy such waterway or part thereof for a longer period of time;

8 2. The period of use and occupation of any and all of the navigable portions of waterways by  
9 such vessel(~~or watercraft~~) shall not exceed twenty-one (21) consecutive days; and

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

12 Section 94. Section 16.60.030 of the Seattle Municipal Code is amended as follows:

13 **16.60.030 - Permits for use of waterways.**

14 A. Authorization. The Director of Transportation may authorize the use and occupancy of all of  
15 or any portion of a waterway, including land and water parts, by a written use and occupation permit as  
16 provided in this section, and may issue an interim permit pending the final determination regarding the  
17 permit application. Such a permit may authorize use of either a specific area of waterway or use of a  
18 particular waterway by specified vessels(~~or watercraft~~) or obstructions, and shall be processed in the  
19 same manner as permits pursuant to SMC Title 15 , Subtitle I unless otherwise specified in this chapter.

20 The issuance or denial of any such permit shall be appealable to the Street Use Appeals Board.

21 B. Application. Any person seeking the use and occupation of a waterway or a portion thereof  
22 for a period in excess of twenty-one (21) consecutive days, a longer period than that allowed by  
23 regulations or posted notice of the (~~Port Warden~~)Chief of Police for a particular waterway, or an  
24

1 occupancy for a vessel(~~(, watercraft)~~) or obstruction in excess of seven (7) consecutive days within sixty  
2 (60) days of a prior occupancy, shall apply in writing to the Director of Transportation therefor. The  
3 application shall be accompanied by a deposit to cover the cost of publishing notice when required by  
4 subsection D of this section. If the application be for a specific vessel(~~(, watercraft)~~) or obstruction, the  
5 application shall state the owner and master's name, address and telephone number, the type and size of  
6 vessels or obstruction(~~(or watercraft)~~), the waterway(s) in which anchorage or moorage is requested, the  
7 reason for the application, and the length of time for which the permit is desired.

8 C. Processing. The Director of Transportation shall investigate the application; give notice to  
9 the owner, managing agent or principal lessee of property, which may have water access affected by the  
10 use sought by the application; and make his recommendation to the Director of Administrative Services.  
11 In the event that the application shall request a use for a period in excess of three hundred sixty-five  
12 (365) days, the application shall be referred to the Department of Construction and Land Use, which  
13 shall make its recommendations thereon.

14 D. Notice. In the event that the application shall seek a usage in excess of three hundred sixty-  
15 five (365) days the Director of Transportation shall mail notice of the application and the date, time and  
16 place at which such official will consider such application, at least ten (10) days prior thereto to the State  
17 of Washington, Commissioner of Public Lands, and the Port of Seattle, publish such notice in a  
18 newspaper of general circulation in the county and post a copy of the same in prominent places in the  
19 immediate vicinity of the waterway. The cost of such publication shall be borne by the applicant.

20 E. Issuance. The Director of Transportation may issue a permit for the use and occupancy of a  
21 waterway with appropriate terms and conditions upon finding that the use and occupation sought is  
22 compatible with use of the waterway as public ways for vessels(~~(watercraft)~~) and the convenience of  
23 commerce, is consistent with the City's land use planning in the immediate vicinity, and does not deprive  
24

1 adjacent properties of reasonable water access. The Director of Transportation may waive compliance  
2 with the terms and conditions of this section with permit applications by the United States of America  
3 and its agencies, by the state and by municipal corporations, and in the case of an application for  
4 moorage of a vessel listed upon the national historic register maintained by the United States, with the  
5 bond requirements in subsection G of this section.

6 Among other terms and conditions, the Director of Transportation may, but need not require that  
7 the vessel(~~(or watercraft)~~) connect its plumbing system to the nearest available City sanitary sewers; that  
8 the vessel(~~(or watercraft)~~) permit the anchorage or fastening of vessels(~~(or watercraft)~~) alongside and  
9 access thereto; or that the vessel(~~(or watercraft)~~) be removed as soon as privately owned or privately  
10 controlled moorage space becomes available. The applicant shall comply with the terms and conditions  
11 of the permit, shall pay the fees prescribed in advance of each month, and shall cease the use and  
12 occupancy of the waterway on expiration of the permit, unless an additional permit be issued.

13 F. Insurance. An applicant for a permit shall, prior to issuance of the permit, provide and  
14 maintain in full force and effect while the permit is in force, public liability insurance in an amount  
15 specified by the Director of Transportation sufficient to cover potential claims for bodily injury, death or  
16 disability and for property damage, which may arise from or be related to the applicant's use of the  
17 waterway, naming the City as an additional insured.

18 G. Bond. An applicant for a permit shall provide prior to issuance of the permit and thereafter  
19 maintain during the period of the permit, a bond or cash deposit in an amount specified by the Director  
20 of Transportation sufficient to cover the potential cost of removal of (~~(watercraft)~~)vessel(s), or  
21 obstruction(s) to be located therein in the event of sinking, and in the event of adjacent publicly owned  
22 structures, to cost of repair thereof in event of collision; and in the event of fixed structures, the  
23 estimated cost of removal upon expiration of the permit.

1 H. Indemnity. The applicant shall execute and deliver to the City upon a form supplied by the  
2 Director of Transportation an agreement in writing and acknowledged by the applicant to hold and save  
3 harmless the City from any and all claims, actions or damages of every kind and description which may  
4 accrue to, or be suffered by, any persons by reason of or related to the use and occupation of the  
5 waterway by the permit holder.

6 Section 95. Section 16.60.060 of the Seattle Municipal Code is amended as follows:

7 **16.60.060 Transfer of permit.**

8 No permit issued pursuant to this title or right or privilege granted under such permit may be  
9 assigned, sublet or transferred between persons or from a vessel(~~(, watercraft))~~) or obstruction to another  
10 by operation of law or otherwise, without the written consent of the City.

11 Section 96. Section 16.64.010 of the Seattle Municipal Code is amended as follows:

12 **16.64.010 - Enforcement authority.**

13 The (~~(Port Warden))~~Chief of Police and any of his authorized deputies or employees and  
14 authorized personnel of the governments of the United States, the state or its political subdivisions by  
15 virtue of their election or appointment shall have authority to enter upon and inspect any vessel or  
16 obstruction(~~(watercraft))~~) in the harbor and are charged with the enforcement of the provisions of this  
17 title except as the enforcement thereof is otherwise specified in this title. It shall be the duty of the (~~(Port~~  
18 ~~Warden))~~Chief of Police to make complaints for any violation of the same, or any part hereof in the  
19 name of the City; provided, that this provision shall not operate to preclude the making of such  
20 complaint by any other person legally authorized so to do.

1 Section 97. Section 16.64.040 of the Seattle Municipal Code is amended as follows:

2 **16.64.040 - Violation-penalty.**

3 Except as provided in this title, failure to perform any act required or the performance of any act  
4 prohibited by this title is designated as a civil infraction and may not be classified as a criminal offense.

5 The provisions of the Seattle Municipal Code Chapter 11.31.020 through 11.31.070 shall apply to the  
6 disposition of such civil infractions.

7 ~~((Any person who shall violate or fail to comply with any provision of this title other than Sections~~  
8 ~~16.20.200 , 16.20.210 or 16.20.230 , or any order or direction of the Port Warden, or any person or~~  
9 ~~officer charged with the enforcement of this title, shall, on conviction thereof, be punished by a fine in~~  
10 ~~any sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a term~~  
11 ~~not to exceed six (6) months, or both such fine and imprisonment. It shall be a defense that the order or~~  
12 ~~direction of the Port Warden or enforcing officer exceeds his or her authority, or that the Port Warden or~~  
13 ~~enforcing officer was not acting lawfully in a governmental function in giving the order or direction.))~~

14 Section 98. There is added to the Seattle Municipal Code a new Section 16.64.050 as follows:

15 **16.64.050 - Penalties for criminal offenses.**

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

- 18 1. Section 16.20.100 - Reckless operation;
- 19 2. Section 16.20.110 - Intoxication;
- 20 3. Section 16.20.140 - Failure to obey; and
- 21 4. Section 16.20.150 - Failure to obey.

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

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1. Section 16.20.115 - Failure to stop;
2. Section 16.24.010 - Information and Assistance.

Section 99. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 10<sup>th</sup> day of July, 2000, and signed by me in open session in authentication of its passage this 10<sup>th</sup> day of July, 2000.

Margaret Chapin  
President \_\_\_\_\_ of the City Council

Approved by me this 10<sup>th</sup> day of JULY, 2000.

Paul Scarp  
\_\_\_\_\_  
Mayor

Filed by me this 10<sup>th</sup> day of July, 2000.

Eric Dampford  
\_\_\_\_\_  
acting City Clerk

(Seal)





# City of Seattle

Paul Schell, Mayor

## Seattle Police Department

Herbert V. Johnson, Chief of Police

March 9, 2000

Honorable Jim Compton, Chair  
Public Safety & Technology Committee  
Seattle City Council

VIA CBO

Re: Seattle Police Department, Harbor Code revisions.

Dear Councilmember Compton:

Attached for your consideration is an ordinance that amends and clarifies the Seattle Harbor Code, SMC Chapter 16. We request your approval.

The ordinance revises the Harbor Code to repeal obsolete references and provisions and it makes appropriate substantive changes listed below. The ordinance also changes certain sections of the Code to conform to state statutes, such as changing the Code conform to the state definition of the word "vessel." It amends sections of the Code to replace the obsolete phrases such as "Port Warden" and "Board of Public Works." Many of the sections of the Code are amended only to make one or both of these changes.

Some of the most significant substantive changes of the Harbor Code are summarized below:

- SMC 16.64.040 and 16.64.050 decriminalize violations of the Harbor Code except for certain identified exceptions such as "reckless operation" and "intoxication" and "failure to obey an officer under hazardous conditions" which remain misdemeanors. This change will be better for boaters.
- SMC 16.16.010 eliminates the Harbor Advisory Commission which has not been meeting for more than twenty years. The Commission has been replaced with the Harbor Advisory Board which is open to membership from the community interested in issues such as broad based water safety issues and regulation of the use of navigable waters within the City.



- SMC 16.20.081 is a new section which is intended to prohibit aircraft take-off and landing from the Lake Washington Ship Canal, excluding Lake Union Reach.
- SMC 16.20.130 clarifies the use of the established "speed test area" in Lake Union, limits its use to daylight hours and creates additional speed regulations for the safety of all concerned.
- SMC 16.20.131 prohibits aircraft takeoff from Portage Bay where there is not enough room to takeoff.
- SMC 16.28.010 and 16.28.020 further restrict swimming and scuba diving in the Harbor.
- SMC 16.28.040 prohibits use of a "water sport craft" ("...devices or toys customarily used by swimmers") in certain locations and requires that users wear personal floatation devices if over fifty feet from shore.

If you have any questions concerning this ordinance, please contact Lt. Steve Brown at 684-5550 or Lt Richard Schweitzer at 684-4071. Thank you for considering this request.

Sincerely,

C.S. Kimerer  
CHIEF OF STAFF

Joe Herbert V. Johnson  
Chief of Police

HVJ:clc

Attachment

cc: A/C Clark Kimerer, Chief of Staff  
A/C Dan Bryant, Operations Bureau  
Captain Ron Mochizuki  
Lieutenant Steve Brown  
Lieutenant Richard Schweitzer  
Marian Merkel



ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to the Harbor Code; amending, adding, recodifying and repealing various sections of the Harbor Code, Seattle Municipal Code Title 16; and providing penalties for violation thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 16.04.020 of the Seattle Municipal Code is amended as follows:

**16.04.020 - Anchorage.**

"Anchorage" means a designated position where vessels(~~(or watercraft)~~) may anchor or moor.

Section 2. Section 16.04.040 of the Seattle Municipal Code is amended as follows:

**16.04.040 - Authorized emergency vessel.**

"Authorized emergency vessel" means any authorized vessel(~~(or watercraft)~~) of the City Harbor Department, City Police Department, City Fire Department, King County Sheriff's Department, the United States Government, and state of Washington authorized patrol vessels (~~(or watercraft)~~).

Section 3. There is added to the Seattle Municipal Code Chapter 16.04 a new Section 16.04.045 as follows:

**16.04.045 Chief of Police.**

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

Section 4. Section 16.04.060 of the Seattle Municipal Code is amended as follows:

**16.04.060 Diver's flag.**

"Diver's flag" means a red flag five (5) units of measurement on the hoist by six (6) units of measurement on the fly with a white stripe of one (1) unit crossing the red diagonally. The flag (~~(to)~~) 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



1 recognized diver's flag or marking. Use of the blue and white "Alpha" flag does not satisfy the  
2 requirement for a "diver's flag" as described in this title.

3 Section 5. There is added to the Seattle Municipal Code Chapter 16.04 a new Section 16.04.065  
4 as follows:

5 **16.04.065 Distress Signal.**

6 "Distress Signal" means any signaling device approved by the United States Coast Guard for use  
7 on recreational vessels.

8 Section 6. Section 16.04.070 of the Seattle Municipal Code is amended as follows:

9 **16.04.070 - Fairway.**

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

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

15 All of the East and West Waterways;

16 All of the Duwamish River;

17 All of the Duwamish Waterway Project;

18 All of Salmon Bay;

19 All of Portage Bay;

20 All of Union Bay;

21 All of the Lake Washington Ship Canal, including the portion which shall be under the supervision and  
22 control of the United States Government;

23 All of Lake Union;



1 All of Lake Washington lying or being within the corporate limits of the City or within the jurisdiction  
and control of the City;

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

4 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.

5 Section 7. There is added to the Seattle Municipal Code Chapter 16.04 a new Section 16.04.075  
6 as follows:

7 **16.06.075 - Harbor.**

8 "Harbor" or "Seattle harbor" means the waters within the jurisdiction of the City as described in  
9 RCW 35.21.160, as the same may be amended from time to time.

10 Section 8. Section 16.04.080 of the Seattle Municipal Code is amended as follows:

11 **16.04.080 - Master.**

12 "Master" means the captain, skipper, pilot or any other person having charge of any vessel ((or))  
13 ((watercraft)).

14 Section 9. Section 16.04.090 of the Seattle Municipal Code is amended as follows:

15 **16.04.090 - Obstruction.**

16 "Obstruction" means any vessel ((or watercraft)) or any matter or debris which may in any way  
17 blockade, interfere with or endanger any vessel ((or watercraft)) or impede navigation, or which cannot  
18 comply with the ((~~"Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the~~  
19 ~~Coast of the Gulf of Mexico." (C. F. 236479))~~) International Regulations for Preventing Collisions at  
20 Sea, 1972 (72 COLREGS).



1 Section 10. There is added to the Seattle Municipal Code Chapter 16.04 a new Section  
2 16.04.105 as follows:

3 **16.04.105 – Operator.**

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

7 Section 11. Section 16.04.110 of the Seattle Municipal Code is amended as follows:

8 **16.04.110 - Owner.**

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

11 Section 12. There is added to the Seattle Municipal Code Chapter 16.04 a new Section  
12 16.04.123 as follows:

13 **16.04.123 - Personal flotation device (PFD).**

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

18 Section 13. Section 16.04.130 of the Seattle Municipal Code is amended as follows:

19 **16.04.130 - Pier.**

20 “Pier” means any pier, wharf, dock, float, gridiron or other structure to promote the convenient  
21 loading or unloading or other discharge of vessels ~~((or watercraft,))~~ or the repair thereof.



1 Section 14. Section 16.04.160 of the Seattle Municipal Code is amended as follows:

2 **16.04.160 - Restricted area.**

3 "Restricted area" means an area that has been marked in accordance with and as authorized by  
4 the laws or regulations of the City to be used for, or closed to, certain designated purposes such as  
5 swimming, skindiving, ferry landings, and aquatic events, the method of marking and designation of  
6 which shall have been made by the ~~((Port Warden))~~ Chief of Police in accordance with the provisions of  
7 this title.

8 Section 15. Section 16.04.180 of the Seattle Municipal Code is amended as follows:

9 **16.04.180 - Testing course.**

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

13 Section 16. Section 16.04.190 of the Seattle Municipal Code is amended as follows:

14 **16.04.190 - Towboat.**

15 "Towboat" means any vessel ~~((or watercraft))~~ engaged in towing or pushing another vessel ~~((or~~  
16 ~~watercraft))~~ or anything other than a vessel ~~((or watercraft))~~.

17 Section 17. Section 16.04.200 of the Seattle Municipal Code is amended as follows:

18 **16.04.200 Vessel.**

19 "Vessel" means any description of watercraft on the water, other than a seaplane, used or capable  
20 of being used as a means of transportation on the water. However, it does not include inner tubes, air  
21 mattresses, and small rafts or flotation devices or toys customarily used by swimmers. (RCW  
22 79A.60.010(23)) ~~((contrivance one hundred ten feet (110') or more in length overall, used or capable of~~  
23 ~~being used as a means of transportation on water))~~.



1 Section 18. Section 16.04.210 of the Seattle Municipal Code is amended as follows:

2 **16.04.210 - Water sport craft.**

3 "Water sport craft" means any(~~contrivance less than one hundred ten feet (110') in length~~  
4 ~~overall, used or capable of being used as a means of transportation on water. Cribbs or piles, shinglebolts,~~  
5 ~~booms of logs, rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or~~  
6 ~~"vessel," but shall be included within the term "obstruction" when they shall be floating loose and not~~  
7 ~~under control or when under control and obstructing any navigable channel)) device or contrivance used  
8 on the water including inner tubes, air mattresses and small rafts and floatation devices or toys  
9 customarily used by swimmers.~~

10 Section 19. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
11 16.08.011 as follows:

12 **16.08.011 - Citation.**

13 The ordinances codified in this title constitute the "Harbor Code" of the City and may be cited as  
14 such. Wherever a reference is made herein to "this Code" it shall be construed to mean "this title."

15 Section 20. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
16 16.08.012 as follows:

17 **16.08.012 - Purpose and policy.**

18 This title is enacted as an exercise of the police power of the City to protect and preserve the  
19 public peace, health, safety and welfare, and its provisions shall be liberally construed for the  
20 accomplishment of these purposes. It is expressly the purpose of this title to provide for and promote the  
21 health, safety and welfare of the general public, and not to create or otherwise establish or designate any  
22 particular class or group of persons who will or should be especially protected or benefited by the terms  
23 of this title. It is the specific intent of this title to place the obligation of complying with its  
24



1 requirements upon the owner or operator of vessels, water sport crafts or obstructions or upon swimmers  
2 within its scope, and no provision of nor term used in this title is intended to impose any duty  
3 whatsoever upon the City or any of its officers or employees, for whom the implementation or  
4 enforcement of this title shall be discretionary and not mandatory. Nothing contained in this title is  
5 intended to be nor shall be construed to create or form the basis for any liability on the part of the City,  
6 or its officers, employees or agents for any injury or damage resulting from the failure of the owner or  
7 operator of a vessel, water sport craft or obstruction or of a swimmer to comply with the provisions of  
8 this title, or by reason or in consequence of any act or omission in connection with the implementation  
9 or enforcement of this title on the part of the City by its officers, employees or agents.

10 Section 21. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
11 16.08.013 as follows:

12 **16.08.013 - Number, gender and tense.**

13 Whenever consistent with the context of this title, words in the present, past or future tenses shall  
14 be construed to be interchangeable with each other, words in the singular number shall be construed to  
15 include the plural, words in the plural shall be construed to include the singular, and words in any gender  
16 shall apply to the feminine, masculine and neuter genders.

17 Section 22. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
18 16.08.014 as follows:

19 **16.08.014 - Existing permits to remain in force.**

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



1 Section 23. There is added to the Seattle Municipal Code Chapter 16.08 a new Section  
2 16.08.015 as follows:

3 **16.08.015 - Owner to act in person - Agents.**

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

8 Section 24. Section 16.08.020 of the Seattle Municipal Code is amended as follows:

9 **16.08.020 - Application and justification.**

10 The provisions of this title shall be applicable to all vessels and water sport craft operating in the  
11 harbor of this City. The provisions of this title shall be construed to supplement United States laws and  
12 state laws and regulations when not expressly inconsistent therewith in the harbor where such United  
13 States and state laws and regulations are applicable.

14 Section 25. Section 16.08.030 of the Seattle Municipal Code is amended as follows:

15 **16.08.030 - Liability for damages.**

16 Nothing in this title shall be construed so as to release any person owning or controlling any  
17 vessel, water sport craft, pier, obstruction or other structure, from any liability for damages, and the  
18 safeguards to life and property required in this title shall not be construed as relieving any person from  
19 installing and maintaining all other safeguards that may be required by law.  
20  
21  
22  
23  
24



1 Section 26. Section 16.08.040 of the Seattle Municipal Code is amended as follows:

2 **16.08.040 - Public employees to comply.**

3 The provisions of this title shall apply to the operator of any vessel or water sport craft owned by  
4 or used in the service of the United States Government, or of this state or of any political subdivision or  
5 municipal corporation thereof.

6 Section 27. Section 16.08.050 of the Seattle Municipal Code is amended as follows:

7 **16.08.050 - Waterway Operations and Maintenance Account.**

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

18 B. The Waterway Operations and Maintenance Account shall be charged with the cost of  
19 administration, inspection and policing involved in the issuance and continuance of such permits;  
20 activities of the City in maintaining waterways as public ways for vessels((~~watercraft~~)) or obstructions  
21 and for commerce and navigation; and for maintaining a reserve to clear waterways of vessels that may  
22 sink therein and for emergency activities related to waterways and navigation. Vouchers for  
23  
24



1 expenditures shall be approved by the Director of Transportation or his or her designee, or by the Chief  
2 of Police or his or her designee.

3 Section 28. Section 16.12.010 of the Seattle Municipal Code is amended as follows:

4 **16.12.010 - ~~((Duties))~~Authority.**

5 The authority of the Chief of Police~~((duties of the Port Warden))~~ shall ~~((be))~~ include:

6 A. To enforce the ordinances and regulations of the City upon ~~((the))~~all waters within its limits  
7 ~~((of the harbor and adjacent thereto when the harbor is affected));~~

8 B. To maintain regular patrols in the harbor for the protection of life and property including, but  
9 not limited to, the removal and disposition of oil pollution, drifting debris and nuisances from the waters  
10 of the harbor;

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

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

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

16 F. To designate, indicate the location of, and to patrol anchorage locations for vessels or water  
17 sport craft ~~((or vessels))~~ within areas set forth by the ordinances of the City, and to designate, indicate  
18 the location of and to patrol take-off and landing areas for aircraft on the water within areas permitted by  
19 the ordinances of the City;

20 G. To establish, maintain and regulate the use of ~~((moorage))~~navigation and regulation buoys in  
21 the harbor for the ~~((convenience))~~ regulation of vessels and ~~((watercraft,))~~water sport craft~~((and~~  
22 vessels));

23 H. To designate restricted areas and testing courses;



1 I. To promulgate rules and regulations governing the use of the navigable portions of waterways;  
2 to issue permits for movement of unseaworthy craft and anchoring or moorage of vessels or water sport  
3 craft or obstructions in anchorage areas; to issue permits for skindiving or scuba diving; and to charge  
4 for all such permits the fee established by ordinance;

5 J. To remove, impound or sell any vessel, water sport craft or obstruction anchored or moored in  
6 violation of this title deemed a public nuisance or a hazard to navigation or operated or afloat under  
7 conditions deemed unsafe for water transportation.

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

10 Section 29. Section 16.12.020 of the Seattle Municipal Code is amended as follows:

11 **16.12.020 Accounting.**

12 The ~~((Port Warden))~~ Chief of Police shall keep accurate and detailed account of all moneys  
13 received or disbursed by him in the performance of his duties, which books of account shall be furnished  
14 by and be the property of the City which shall at all times, within office hours, be open to inspection by  
15 the public and at all times to inspection and audit by the proper department or departments of the City.

16 Section 30. Section 16.12.030 of the Seattle Municipal Code is amended as follows:

17 **16.12.030 Authority supplemental to Superintendent of Parks and Recreation ~~((when))~~.**

18 The granting of authority to the ~~((Port Warden))~~ Chief of Police to enforce the Harbor Code in  
19 any fairway within property under the jurisdiction of the Department of Parks and Recreation shall be  
20 supplemental to the authority of the Superintendent of Parks and Recreation and shall not diminish any  
21 authority granted to the Superintendent by the City Charter or by ordinance.

22 Section 31. Sections 16.16.010, 16.16.020 and 16.16.030 of the Seattle Municipal Code are  
23 repealed.



1 Section 32. Section 16.20.010 of the Seattle Municipal Code is amended as follows:

2 **16.20.010 - Compliance with public health regulations.**

3 All ~~((watercraft and))~~vessels entering or in the harbor shall comply with the applicable public  
4 health laws and regulations of the United States, the state and its political subdivisions.

5 Section 33. Section 16.20.020 of the Seattle Municipal Code is amended as follows:

6 **16.20.020 - Rules of the road.**

7 Except as otherwise specified in this title, vessels or water sport craft shall be subject to the  
8 ~~("Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and  
9 Pacific Coasts and of the Coast of the Gulf of Mexico," (C. F. 236479) promulgated by the United States  
10 Coast Guard, pursuant to act of Congress, as such rules are now or may hereafter from time to time be  
11 adopted")) International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and right of  
12 way laws and rules of the State of Washington, as each of them now exists or may hereafter be amended.  
13 ~~((and be it further provided that sailing vessels or other watercraft, while engaged in a sanctioned or  
14 authorized race, predicted log race, regatta, or similar event shall be subject to the applicable rules for  
15 such event including, but not limited to differing right-of-way rules."))~~~~

16 Section 34. Section 16.20.030 of the Seattle Municipal Code is amended as follows:

17 **16.20.030 - Equipment and numbering.**

18 All ~~((watercraft or))~~vessels shall carry the equipment required by any applicable United States  
19 and State of Washington laws as now or hereafter amended, and shall be numbered or designated in  
20 accordance with any applicable United States and State of Washington laws as now or hereafter  
21 amended.



1 Section 35. There is added to the Seattle Municipal Code Chapter 16.20 a new Section 16.20.031  
2 as follows:

3 **16.20.031 - Prohibited use of distress signal.**

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

8 Section 36. Section 16.20.040 of the Seattle Municipal Code is amended as follows:

9 **16.20.040 - Mufflers.**

10 It shall be unlawful to use or operate any engine in or on Seattle Harbor that is not in compliance  
11 with the Seattle Municipal Code Section 25.08.485 ~~((unless the engine is operated with and connected to~~  
12 ~~a muffler or silencer of sufficient size and capacity effectually to muffle and prevent excessive or~~  
13 ~~unusual noise from the exhaust of the engine))~~.

14 Section 37. Section 16.20.050 of the Seattle Municipal Code is repealed.

15 Section 38. Section 16.20.060 of the Seattle Municipal Code is amended as follows:

16 **16.20.060 City buoys.**

17 The ~~((Port Warden))~~ Chief of Police shall be the sole judge of any and all use made of any City  
18 buoy and his decision as to the same shall be final and conclusive.

19 Section 39. Section 16.20.070 of the Seattle Municipal Code is amended as follows:

20 **16.20.070 - Interference with navigation.**

21 No person shall use or operate any vessel or water sport craft ~~((or vessel))~~ or aircraft on the water  
22 in a manner which shall unreasonably or unnecessarily interfere with other vessels, water sport craft ~~((,~~  
23 ~~vessels))~~ or aircraft on the water or with the free and proper navigation of the fairways of the City or the  
24



1 launching of any vessel or water sport craft (~~watercraft~~) at any public boat launching ramp. Anchoring  
2 or mooring under a bridge or in a heavily traveled channel or in an approach to a public boat launching  
3 ramp shall constitute such interference if unreasonable under the prevailing circumstances.

4 Section 40. There is added to the Seattle Municipal Code Chapter 16.20 a new Section  
5 16.20.071 as follows:

6 **16.20.071 - Launch ramp limit.**

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

10 Section 41. There is added to the Seattle Municipal Code Chapter 16.20 a new Section  
11 16.20.072 as follows:

12 **16.20.072 - Vessels in confined areas.**

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

15 Section 42. Section 16.20.080 of the Seattle Municipal Code is amended as follows:

16 **16.20.080 - Aircraft on the water.**

17 All vessels or water sport craft shall keep clear of aircraft landing within any area now or  
18 hereafter set aside by law for such purpose. Aircraft on the water shall keep clear of all vessels and  
19 water sport craft and avoid impeding their navigation.



1 Section 43. There is added to the Seattle Municipal Code Chapter 16.20 a new Section  
2 16.20.081 as follows:

3 **16.20.081 - Aircraft take-off and landing restricted.**

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

7 Section 44. Section 16.20.090 of the Seattle Municipal Code is amended as follows:

8 **16.20.090 - Negligent operation.**

9 A person shall not operate a vessel or aircraft on the water in a negligent manner. For the  
10 purposes of this section, to "operate in a negligent manner" means operating a vessel or aircraft on the  
11 water in disregard of careful and prudent operation, or in disregard of careful and prudent rates of speed  
12 that are no greater than is reasonable and proper under the conditions existing at the point of operation,  
13 taking into account the amount and character of traffic, size of the lake or body of water, freedom from  
14 obstruction to view ahead, effects of vessel wake, and so as not to unduly or unreasonably endanger life,  
15 limb, property or other rights of any person entitled to the use of such waters.((Any person who shall  
16 operate any watercraft, vessel or aircraft on the water in a manner so as to endanger or be likely to  
17 endanger any person or property or at a rate of speed greater than will permit him in the exercise of  
18 reasonable care to bring the watercraft or vessel to a stop within the assured clear distance ahead, shall  
19 be guilty of negligent operation and a violation of this title.))

20 Section 45. Section 16.20.100 of the Seattle Municipal Code is amended as follows:

21 **16.20.100 - Reckless operation.**

22 It shall be unlawful for any person to operate a vessel or an aircraft on the water in a reckless  
23 manner. For purposes of this section, "reckless" means acting carelessly and heedlessly in a willful and  
24



1 ~~wanton disregard of the rights, safety, or property of another. ((Any person who shall operate any~~  
2 ~~watercraft, vessel or aircraft on the water in a reckless manner so as to endanger the life or limb, or~~  
3 ~~damage the property of any person, shall be guilty of the crime of reckless operation and a violation of~~  
4 ~~this title.))~~

5 Section 46. There is added to the Seattle Municipal Code Chapter 16.20 a new Section  
6 16.20.115 as follows:

7 **16.20.115 - Failure to stop for law enforcement officer.**

8 Any operator of a vessel who willfully fails to stop when requested or signaled to do so by a  
9 person reasonably identifiable as a law enforcement officer is guilty of a gross misdemeanor. (RCW  
10 79A.60.080).

11 Section 47. Section 16.20.120 of the Seattle Municipal Code is amended as follows:

12 **16.20.120 - Incapacity of operator.**

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

17 Section 48. Section 16.20.130 of the Seattle Municipal Code is amended as follows:

18 **16.20.130 Speed regulations-vessels and water sport craft((and vessels)).**

19 Within the harbor limits of the City it shall be unlawful for any person to operate any vessel or  
20 water sport craft((~~or vessel~~)) at a speed in excess of the following maximum limits:

21 A. Seven (7) nautical miles per hour within one hundred (100) yards of any shoreline, pier,  
22 restricted area or shore installation in Lake Washington, or upon the Lake Washington Ship Canal and  
23 adjacent waters east of the entrance buoy at Shilshole Bay to one hundred (100) yards east of Webster  
24



1 Point light entering Lake Washington ((easterly of Webster Point light )) and within two hundred (200)  
2 yards of any shoreline, pier, restricted area or shore installation in all other waters of the City;

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

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

11 ((except that)) Use of the speed test area shall be subject to the following limits:

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

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

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

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

21 C. Four (4) nautical miles per hour from the western end of the west guide pier of the Hiram M.  
22 Chittenden Locks of the Lake Washington Ship Canal to the eastern end of the east guide pier at said  
23 Locks; or

24 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



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

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

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

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

12 Section 49. Section 16.20.131 of the Seattle Municipal Code is amended as follows:

13 **16.20.131 Speed regulations-Aircraft on the water.**

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

17 ~~((A. In Lake Union and Portage Bay except for an area one hundred (100) yards wide and four~~  
18 ~~hundred (400) yards long marked by buoys and bounded by the following coordinates: Beginning at a~~  
19 ~~point (existing northeast corner buoy) Latitude 47 degrees 38' 26.829" North; Longitude 122 degrees 19'~~  
20 ~~53.430" West; thence on an azimuth (astronomic north is 0 degrees) of 180 degrees a distance of 100~~  
21 ~~yards; thence on an azimuth of 270 degrees a distance of 400 yards; thence on an azimuth of 0 degrees a~~  
22 ~~distance of 100 yards; thence on an azimuth of 90 degrees a distance of 400 yards to the point of~~  
23 ~~beginning;~~



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

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

5 ~~((D))~~3. Within a designated anchorage or restricted area;  
6 Provided, such speed limits shall not apply to aircraft during emergency conditions or on rescue  
7 operations where time is of the essence.

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

10 Section 50. Section 16.20.132 of the Seattle Municipal Code is amended as follows:

11 **16.20.132 Speed regulations-Liability not affected.**

12 Nothing in Sections 16.20.130 or 16.20.131 shall be construed as exempting any person from  
13 liability caused by wake action from operation of any vessel, water sport craft~~((, vessel))~~ or aircraft in  
14 the areas designated therein nor shall Sections 16.20.130 or 16.20.131 be construed as exempting any  
15 person from liability for negligent or reckless operation of any vessel, water sport craft~~((, vessel))~~ or  
16 aircraft.

17 Section 51. Section 16.20.140 of the Seattle Municipal Code is amended as follows:

18 **16.20.140 - Overloading.**

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

22 B. No person shall operate a vessel while a passenger is situated on the bow or gunwale of the  
23 vessel in a manner which unduly or unreasonably endangers life or limb, taking into account the  
24

1 prevailing conditions including, but not limited to, the size and character of the vessel, and weather and  
2 water conditions.

3 C. Whenever it appears reasonably certain to any police or harbor officer that any person is  
4 operating a ~~((watercraft or))~~ vessel loaded beyond its safe capacity and in the judgment of that officer the  
5 operation creates a hazardous condition, the officer may take reasonable measures to prevent any such  
6 person from so operating the vessel~~((craft either by taking from him the keys of such craft and locking~~  
7 ~~the same, or by other appropriate means. In any such case, the officer shall immediately report the facts~~  
8 ~~to his Commanding Officer of the Harbor Department, and shall, as soon as possible, deposit the keys or~~  
9 ~~other articles, if any, taken from the watercraft or vessel or person with the Commanding Officer. Such~~  
10 ~~keys or other articles may be returned to any person upon his demand and proper identification of~~  
11 ~~himself when it appears that he is the owner of the watercraft and the conditions under which the officer~~  
12 ~~took preventive measures no longer exist)). The officer may direct the operator to take immediate and  
13 reasonable steps necessary for the safety of the individuals on board the vessel, including directing the  
14 operator to return to shore or a mooring and to remain there until the situation creating the hazard is  
15 corrected or ended or the officer may impound the vessel. Willful failure to follow the direction of an  
16 officer under this section is a misdemeanor.~~

17 Section 52. Section 16.20.150 of the Seattle Municipal Code is amended as follows:

18 **16.20.150 - Excessive power.**

19 A. A person shall not operate or permit to be operated a vessel equipped with a motor or other  
20 propulsion machinery of a power beyond the vessel's ability to operate safely, taking into consideration  
21 the vessel's type, use, and construction, the weather conditions, and other existing operating conditions.  
22 ~~((No watercraft shall be equipped with any motor or other propulsion machinery beyond its safe power~~



1 ~~capacity, taking into consideration the type and construction of such watercraft and other existing~~  
2 ~~operating conditions.))~~

3 B. Whenever it appears reasonably certain to any police officer that any person is operating a  
4 ~~((watercraft or))~~ vessel with a motor or propulsion machinery which is beyond safe power capacity, and  
5 in the judgment of that officer the operation creates a hazardous condition, the officer may take  
6 reasonable measures to prevent any such person from so operating the vessel ~~((craft, either by taking~~  
7 ~~from him the keys of such craft and locking the same, or by other appropriate means. In any such case,~~  
8 ~~the officer shall immediately report the facts to his Commanding Officer in the Police Department, and~~  
9 ~~shall, as soon as possible, deposit the keys or other articles, if any, taken from the watercraft or vessel or~~  
10 ~~person with the Commanding Officer. Such keys or other articles may be returned to any person upon~~  
11 ~~his demand and proper identification of himself when it appears that he is the owner of the watercraft~~  
12 ~~and the conditions under which the officer took preventive measures no longer exist)).~~ The officer may  
13 direct the operator to take immediate and reasonable steps necessary for the safety of the individuals on  
14 board the vessel, including directing the operator to return to shore or a mooring and to remain there  
15 until the situation creating the hazard is corrected or ended or the officer may impound the vessel.  
16 Willful failure to follow the direction of an officer under this Section is a misdemeanor.

17 Section 53. Section 16.20.160 of the Seattle Municipal Code is amended as follows:

18 **16.20.160 - Racing.**

19 Nothing in the provisions of this title shall be construed to mean that the operator of a vessel or  
20 water sport craft competing in a race or regatta, or trials therefor, which has been authorized by an  
21 appropriate governmental agency or authority, or an operator engaged in industrial development and  
22 testing of experimental and production vessels and water sport craft~~((and vessels)),~~ shall be prohibited  
23 from attempting to attain high speeds on duly designated and indicated racing or testing courses, nor  
24



1 while so engaged, shall such vessels or water sport craft((~~or vessels~~)) be required to comply with  
2 Sections 16.20.030 , 16.20.040 , 16.20.130 and 16.20.170 .

3 Section 54. Section 16.20.170 of the Seattle Municipal Code is amended as follows:

4 **16.20.170 - Whistles and lights.**

5 It shall be unlawful for the master, owner or any other person in charge of any ((~~watercraft or~~))  
6 vessel, while lying at any pier or while navigating in Seattle Harbor, unnecessarily to cause any whistle  
7 or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding  
8 light onto the bridge or into the pilothouse of any vessel((~~or watercraft~~)) under way or onto streets open  
9 to vehicular traffic for any purpose other than those authorized by law.

10 Section 55. Section 16.20.180 of the Seattle Municipal Code is amended as follows:

11 **16.20.180 - Propellers.**

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

15 Section 56. Section 16.20.190 of the Seattle Municipal Code is amended as follows:

16 **16.20.190 - Explosives.**

17 Every vessel((~~or watercraft~~)) approaching or passing any vessel((~~or watercraft~~)) engaged in the  
18 transfer of explosives and from which is displayed the red powder flag shall slow down to a no wake  
19 speed((~~of not exceeding six (6) nautical miles an hour~~)) before coming abreast of such vessel((~~or~~  
20 ~~watercraft~~)) and in time to prevent accident by reason of swells.

21 Section 57. Sections 16.20.230 and 16.20.240 of the Seattle Municipal Code are repealed.  
22  
23  
24



1 Section 58. Section 16.24.010 of the Seattle Municipal Code is amended as follows:

2 **16.24.010 Information and assistance.**

3 The operator of any vessel~~((watercraft))~~ involved in an accident resulting ~~((in injury or death to~~  
4 ~~any person or))~~ in damage to property who knows or should know of the accident shall immediately stop  
5 such vessel~~((watercraft))~~ at the scene of such accident and shall give his name, address, the name and/or  
6 number of his vessel~~((watercraft))~~, and the name and address of the owner, to the person struck or the  
7 operator or occupants of the vessel~~((or watercraft))~~ collided with or property damaged, and shall render  
8 to any person injured in such an accident reasonable assistance.

9 Section 59. Section 16.24.020 of the Seattle Municipal Code is amended as follows:

10 **16.24.020 Filing of report.**

11 The master, owner or operator of any vessel~~((watercraft))~~ shall file a report within forty-eight  
12 (48) hours with the ~~((Port Warden))~~ Chief of Police of any accident involving death or personal injury  
13 requiring medical treatment beyond first aid in which such vessel shall have been involved in Seattle  
14 Harbor. ~~((or))~~ The master or owner of any vessel shall file a report within ten (10) days of any accident  
15 if damage to the vessel and other property totals more than ~~((property damage in excess of))~~  
16 ~~((Two))~~ Five Hundred Dollars (\$((2))500.00) or there is a complete loss of the vessel ~~((in which such~~  
17 ~~watercraft shall have been involved in Seattle Harbor))~~.

18 Section 60. Section 16.28.010 of the Seattle Municipal Code is amended as follows:

19 **16.28.010 - Swimming.**

20 Swimming in the harbor shall be ~~((confined to))~~ prohibited except:

21 A. ~~((Restricted))~~ In designated swimming areas; or

22 B. ~~((To))~~ ~~((w))~~ Within a distance of fifty feet (50') from the shore or a pier unless the swimmer is  
23 accompanied by a ~~((watercraft))~~ vessel and within twenty five feet of a vessel that has aboard a personal  
24



1 flotation device for each occupant of said vessel and for each accompanied swimmer. No swimming  
2 shall be permitted in the United States Government locks, Montlake Cut, Fremont Cut, under any bridge,  
3 within the confines of any guidewall or within Three Hundred (300) feet of a ferry slip or boat launch  
4 ramp.

5 Section 61. Section 16.28.020 of the Seattle Municipal Code is amended as follows:

6 **16.28.020 - Skin diving or scuba diving permit-Areas required.**

7 A. It shall be unlawful to engage in skin diving or scuba diving in the following areas of the  
8 harbor without a written permit issued by the ~~((Port Warden))~~ Chief of Police therefor:

9 1. To the east of a line from the northwest corner of Harbor Island to the westernmost corner of  
10 the U.S. Naval property located in Smith Cove, in the waters of the Lake Washington Ship Canal from  
11 the mid-channel buoy in Shilshole Bay to Webster Point light, including the waters of Lake Union and  
12 Portage Bay, all of the inner moorage area of the Port of Seattle moorings at Shilshole Bay Marina,  
13 Elliott Bay Marina or any established marina moorage area other than within the confines of the  
14 individual slip while working on a specific vessel and within three hundred feet (300') of the perimeter  
15 of the United States National Oceanic and Atmospheric Administration facility at Sand Point; or

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

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

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



1 Section 62. Section 16.28.025 of the Seattle Municipal Code is amended as follows:

2 **16.28.025 - Skin diving or scuba diving permit-issuance.**

3 A. The ~~((Port Warden))~~Chief of Police may issue permits authorizing skin diving and scuba  
4 diving for commercial or instructional purposes in harbor areas where skin diving or scuba diving would  
5 otherwise be prohibited.

6 B. Permits may be issued for a particular occasion up to thirty (30) days in duration or for a year.  
7 Every permit shall describe the activity authorized and its location; each permit may contain such other  
8 terms and conditions as the ~~((Port Warden))~~Chief of Police deems to be in the public interest, including  
9 provisions for marking or lighting, for accommodating passage of vessels ~~((and watercraft,))~~ and for  
10 providing insurance or an indemnity in event of accident or injury. Diving permits shall be supplemental  
11 to waterway use permits when required by Chapter 16.60, and use permits for submerged street area  
12 when required by Ordinance 90047.

13 C. Except for emergencies to save life or prevent injury, no skin diving or scuba diving shall  
14 occur sooner than one-half (1/2) hour before sunrise or later than one-half (1/2) hour after sunset except  
15 by permit from the Chief of Police.

16 D. All diving permits shall be subject to revocation upon noncompliance with the terms or  
17 conditions of the permit or the Harbor Code, and to immediate suspension whenever the activities  
18 conducted interfere with free and proper navigation within the harbor.

19 Section 63. There is added to the Seattle Municipal Code Chapter 16.28 a new Section  
20 16.28.040 as follows:

21 **16.28.040 - Water sport craft.**

22 No person shall engage in the operation of or ride upon a water sport craft that is over fifty feet  
23 from shore or a pier without wearing a personal flotation device. No person shall engage in the  
24



1 operation of or ride upon a water sport craft upon the waters of the United States government locks,  
2 Montlake Cut, Fremont Cut or under any bridge or within the confines of any guidewall or similar  
3 structure.

4 Section 64. Section 16.32.020 of the Seattle Municipal Code is amended as follows:

5 **16.32.020 - Removal of obstructing vessels.**

6 A. Other than as provided in Sections 16.40.010 and 16.60.020 , or as authorized by the  
7 Superintendent of Parks and Recreation at a Park and Recreation Department facility, no master or  
8 person having charge of any vessel(~~(-watercraft)~~) or obstruction shall anchor the same in any anchorage  
9 or fairway nor make the same fast to any buoy, pier or other structure owned by or under the authority  
10 and control of the City without first obtaining a permit therefor from the City.

11 B. No master, owner or other person in charge of any towboat shall while towing any vessel,  
12 water sport craft or obstruction obstruct any channel or fairway.

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

17 D. The (~~(Port Warden))~~ Chief of Police shall have the power to order the removal of:

18 1. Any vessel, water sport craft or obstruction anchored in any anchorage or fairway or made  
19 fast to any buoy, pier or other structure owned by or under the authority and control of the City;

20 2. Any towboat and/or its tow obstructing navigation in any channel or fairway; and

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



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

9           Section 65. Section 16.32.030 of the Seattle Municipal Code is amended as follows:

10           **16.32.030 - Sunken vessels.**

11           When any vessel(~~or watercraft~~) or obstruction has been sunk or grounded, or has been delayed  
12 in such manner as to stop or seriously interfere with or endanger navigation, the (~~Port Warden~~) Chief  
13 of Police may order the same immediately removed and if the owner, or other person in charge thereof,  
14 after being so ordered, does not proceed immediately with such removal, the (~~Port Warden~~) Chief of  
15 Police may take immediate possession thereof and remove the same, using such methods as in his  
16 judgment will prevent unnecessary damage to such vessel (~~or watercraft~~) or obstruction, and the  
17 expense incurred by the (~~Port Warden~~)Chief of Police in such removal shall be paid by the owner or  
18 master of such vessel (~~or watercraft~~) or obstruction (~~or the owner or other person in charge thereof~~);  
19 and in case of failure to pay the same, the City may maintain an action for the recovery thereof.

20           Section 66. Section 16.32.040 of the Seattle Municipal Code is amended as follows:

21           **16.32.040 - Floating objects.**

22           All vessels, water sport craft, logs, piling, building material, scows, houseboats or any other  
23 article of value found adrift in Seattle Harbor, may be taken in charge by the (~~Port Warden~~)Chief of  
24



1 Police and shall be subject to reclamation by the owner thereof, on payment by him to the City of any  
2 expenses incurred by the City and in case of failure to reclaim may be sold or disposed of according to  
3 law.

4 Section 67. Section 16.32.050 of the Seattle Municipal Code is amended as follows:

5 **16.32.050 - Unseaworthy craft.**

6 A. It shall be unlawful for a master, owner or other person without a permit from the ((~~Port~~  
7 ~~Warden~~))Chief of Police to tow or move in any fairway any vessel((~~watercraft~~)) or obstruction which  
8 prior to movement or tow:

9 1. Has been used as a permanent place of abode and was not engaged in navigation under its  
10 own power within ninety (90) days; or

11 2. Appears or exists in an unseaworthy condition, uses or needs support from another vessel((~~or~~  
12 ~~watercraft~~)) to remain afloat, or otherwise appears to lack the capacity for safe movement through and  
13 across navigable waters, other than the following: (a) barges, scows, log booms, or disabled but buoyant  
14 aircraft in tow by a towage company authorized to do business in the state, (b) vessels ((~~or watercraft~~))  
15 temporarily disabled by accident, collision, or other malfunction but otherwise seaworthy and capable of  
16 safe movement, and (c) vessels((~~watercraft~~)) or obstructions being towed or moved by or under the  
17 control of the ((~~Port Warden~~))Chief of Police or the Director of Transportation.

18 B. Any person seeking a permit to tow or move any vessel((~~watercraft~~)) or obstruction  
19 identified in subsection A shall apply to the ((~~Port Warden~~))Chief of Police therefor, and shall,  
20 irrespective of the distance to be moved, post a surety bond with the City in an amount that the Director  
21 of Transportation shall determine reflects the estimated expense of the removal of such vessel((~~water~~  
22 ~~craft~~)) or obstruction in event of its breakup or sinking, provided the ((~~Port Warden~~))Chief of Police  
23 may accept in lieu thereof an indemnity agreement by a towage company agreeing to remove the vessel  
24



1 ((~~watercraft~~)) or obstruction within ten (10) days in event of breakup or sinking; and if not so removed,  
2 to reimburse the City any expense incurred by removal thereof by the City. In addition, the person  
3 seeking the permit shall specify the destination of the vessel((~~watercraft~~)) or obstruction to be towed  
4 and, if the destination is a waterway, fairway, submerged street end or other area which requires a permit  
5 or other governmental approval for occupancy, shall secure and present such permit or approval to the  
6 ((~~Port Warden~~))Chief of Police when applying for the permit. An anchorage as defined in Chapter 16.04  
7 of this title shall not be considered a permitted destination. The ((~~Port Warden~~))Chief of Police shall not  
8 issue a towing permit until all required permits, leases and occupancy agreements whether public or  
9 private, and other needed approvals have been issued.

10 Section 68. There is added to the Seattle Municipal Code Chapter 16.32 a new Section  
11 16.32.060 as follows:

12 **16.32.060 - Floats and buoys.**

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

15 Section 69. Section 16.36.010 of the Seattle Municipal Code is amended as follows:

16 **16.36.010 - Authority to impound.**

17 The ((~~Port Warden~~))Chief of Police may take immediate possession and/or impound and remove  
18 any vessel, water sport craft, or obstruction, when:

19 A. The operator or master of the same reasonably appears incapable of safely operating the same  
20 or appears incapable of directing the disposition of the same;

21 B. The operator or master of the same refuses to sign a citation, or refuses or neglects to obey an  
22 order of the ((~~Port Warden~~))Chief of Police to proceed from or to an area following a citation or in an  
23 emergency;



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

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

7 E. The vessel, water sport craft or obstruction appears abandoned, or is anchored or moored in  
8 an anchorage, waterway or submerged street area after expiration, cancellation, or violation of a permit,  
9 or in violation of this title without a permit seventy-two (72) hours after an order to remove the same has  
10 been given by the (~~(Port Warden))~~Chief of Police as provided in Section 16.32.020 C or D; or

11 F. The vessel, water sport craft or obstruction is obstructing a launch ramp area or public dock,  
12 or has remained at a facility under the jurisdiction of the Department of Parks and Recreation for one (1)  
13 hour longer than the maximum mooring or anchoring time; and remove the same, using such methods as  
14 in his judgment will prevent unnecessary damage to said vessel, water sport craft or obstruction and/or  
15 assign the removal and impounding of the vessel, water sport craft or obstruction to a private  
16 corporation.

17 Section 70. Section 16.36.020 of the Seattle Municipal Code is amended as follows:

18 **16.36.020 - Expenses.**

19 In the event possession is taken of any vessel, water sport craft or obstruction as authorized in  
20 Section 16.36.010 or in Section 16.32.020 (~~(D)~~), the expenses incurred by the (~~(Port Warden))~~Chief of  
21 Police in the removal, towing, impounding, and moorage of the same shall be paid by the owner of such  
22 vessel, water sport craft or obstruction or the owner's designee (~~(or other person in charge thereof)~~).

23 When a vessel, water sport craft or obstruction is moored or impounded at a City facility, the (~~(Port~~  
24



1 ~~Warden~~) Chief of Police shall assess a reasonable moorage charge therefor, which shall be paid by the  
2 owner of such vessel, water sport craft or obstruction or the owner's designee (~~or other person in charge~~  
3 thereof). The (~~Port Warden~~) Chief of Police may decline to release possession of any vessel, water  
4 sport craft, or obstruction until all charges are paid.

5 Section 71. Section 16.36.030 of the Seattle Municipal Code is amended as follows:

6 **16.36.030 - Sale of impounded craft-Collection of charges.**

7 In the event a vessel, water sport craft or obstruction shall remain impounded for ninety (90)  
8 days and the charges of towing and impounding remain unpaid, the (~~Port Warden~~) Chief of Police may  
9 sell the same at public auction. The City may maintain an action against the owner or person in charge of  
10 the vessel, water sport craft or obstruction for the recovery of the expenses of towing and impounding, or  
11 the remaining balance thereof, in the event of sale of the same.

12 Section 72. Section 16.36.040 of the Seattle Municipal Code is amended as follows:

13 **16.36.040 - Impounding-in-place.**

14 When taking possession as authorized in Section 16.36.010 or in Section 16.32.020(~~D~~), the  
15 (~~Port Warden~~) Chief of Police may impound the vessel, water sport craft or obstruction in place by  
16 posting the same with one (1) or more signs or notices in conspicuous places stating "POLICE  
17 IMPOUND-KEEP OFF" and notifying the owner(~~;~~) or master (~~or person in charge~~) of the  
18 impound(~~ing~~). The (~~Port Warden~~) Chief of Police may in his discretion appoint as custodian the  
19 owner or master, the owner or operator of the facility or property where the vessel is moored or  
20 anchored. Upon the posting of such signs, it shall be unlawful for any person:

21 A. To move, load or unload, rebuild, or enter upon such vessel, water sport craft, or obstruction  
22 without written permission from the (~~Port Warden~~) Chief of Police, other than for necessary  
23 maintenance and repair to prevent deterioration of the same or sinking;



1 B. To remove, mutilate, destroy or conceal any notice or sign posted by the ((Port Warden))  
2 Chief of Police or the Director of Transportation pursuant to the provisions of this title.

3 Section 73. Section 16.36.050 of the Seattle Municipal Code is amended as follows:

4 **16.36.050 - Liability.**

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

8 Section 74. Section 16.40.010 of the Seattle Municipal Code is amended as follows:

9 **16.40.010 - Submerged street area-unlawful uses.**

10 A. It shall be unlawful for the master or other person in charge of any vessel, water sport craft or  
11 obstruction to anchor, tie or make fast the same:

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

15 2. In any portion of a submerged street area designated by written permit for the use of another  
16 without the written consent of the permit holder; or

17 3. In any other submerged street area for a longer period of time than reasonably sufficient to  
18 load, unload, or repair the same other than as authorized in advance by a written permit granted by the  
19 Director of Transportation((Board of Public Works)) pursuant to Section 16.40.020 or as authorized as  
20 anchorage for a vessel((,-watercraft)) or obstruction by the ((Port Warden))Chief of Police pursuant to  
21 Section 16.40.030.

22 B. No use of a submerged street area shall be made by permit or otherwise which unreasonably  
23 restricts water access to adjacent privately owned or controlled property.



1 Section 75. Section 16.40.020 of the Seattle Municipal Code is amended as follows:

2 **16.40.020 - Submerged street area-use permit.**

3 The Director of Transportation~~((Board of Public Works))~~ may authorize the use and occupation  
4 of all or any portion of a submerged street area by use and occupation permit processed and issued in  
5 accordance with Ordinance 90047, as now or hereafter amended. Such a permit may authorize use of  
6 either a specific area of a submerged street or use of submerged street area by certain vessels(~~;~~  
7 ~~watercraft~~) or obstructions.

8 Section 76. Section 16.40.030 of the Seattle Municipal Code is amended as follows:

9 **16.40.030 - Anchorages designated.**

10 Recreational anchorage is authorized only pursuant to Subsection F below. In aid of commerce  
11 and navigation anchorage for vessels(~~(,watercraft)~~) or obstructions is authorized in the following  
12 described waters:

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

20 B. Smith Cove Anchorage. Beginning at a point at the junction of the outer harbor line and a line  
21 drawn along the north side of Denny Way, thence westerly on said line for a distance of approximately  
22 two thousand feet (2,000'); thence in a northwesterly direction paralleling the outer harbor line to a point  
23 intersecting a straight line drawn along the east side of Pier 88.

24



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

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

7 E. Portage Bay Anchorage. East and south of a line extending approximately six hundred feet  
8 (600') westerly in extension of the south channel line of the Lake Washington Ship Canal which is  
9 immediately west of the Montlake Cut, thence southerly in extension of the east side of Fourteenth  
10 Avenue North to the south shoreline of Portage Bay.

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

16 F. Lake Washington Andrews Bay Anchorage. Within an area marked by buoys or, in the  
17 eastern shore of the bay, by stakes or signs, which shall be set within an area bounded on the north by a  
18 straight line which is drawn between a point on the west coast of the Bailey Peninsula that is one  
19 hundred (100) yards south of the fishing pier (the "northeast corner") and a point one hundred fifty (150)  
20 yards easterly of the western shore of Andrews Bay along a straight line drawn from the northeast corner  
21 to the surfaced boat ramp at the foot of Ferdinand Street on the western shore of Andrews Bay (the  
22 "northwest corner"): on the south by a straight line which is drawn between a point on the west coast of  
23 the Bailey Peninsula that is a straight line extension of South Dawson Street (the "southeast corner") and  
24



1 a point one hundred fifty (150) yards easterly of the western shore of Andrews Bay along a straight line  
2 extension of South Brandon Street (the "southwest corner"): and on the west by a straight line drawn  
3 between the northwest corner and the southwest corner described above, limited to a period not to  
4 exceed seventy-two (72) hours within any one week period.

5 In addition to the Andrews Bay anchorage, whenever deemed advisable by the ~~((Port Warden))~~  
6 Chief of Police, he or she may grant a written permit to the master or owner of any vessel~~((or~~  
7 ~~watercraft))~~ for the anchorage or mooring of said vessel~~((or watercraft))~~ outside of the outer harbor line,  
8 or in any unused slip, or in any street end on Lake Washington at such locations as he shall determine  
9 will not interfere with or impede navigation.

10 Section 77. Section 16.44.010 of the Seattle Municipal Code is amended as follows:

11 **16.44.010 -Testing courses.**

12 The ~~((Port Warden))~~Chief of Police may from time to time establish and designate such portion  
13 or portions of waters, within the City, as may be appropriate for special use as a testing course in  
14 connection with the operational testing of experimental and production ~~((watercraft and))~~vessels. Such  
15 areas when established and maintained as a testing course shall not be available for use by the general  
16 public except by permit issued by the ~~((Port Warden))~~Chief of Police and upon the terms and conditions  
17 set forth therein. The ~~((Port Warden))~~Chief of Police shall have power to adopt rules and regulations not  
18 inconsistent with the provisions of this title for the use and control of such special use areas and for the  
19 protection of water users, recreational or otherwise. A copy of such rules and regulations shall be filed  
20 and available for public examination in the office of the City Clerk.



1 Section 78. Section 16.44.020 of the Seattle Municipal Code is amended as follows:

2 **16.44.020 - Restricted areas-designation.**

3 In the interests of safe navigation, life safety and the protection of property, motor-powered  
4 vessels~~((watercraft))~~ shall be prohibited on Haller Lake, ~~((and))~~Bitter Lake, Greenlake and those waters  
5 which are contiguous to the Washington Park Arboretum (as designated at SMC 18.12.190) and the  
6 ~~((Port Warden))~~Chief of Police shall also designate restricted areas and the purpose for which same shall  
7 be used. No person shall operate any such vessel ~~((or watercraft))~~ within a restricted area; provided, that  
8 this section shall not apply to vessels~~((or watercraft))~~ engaged in or accompanying the activity to which  
9 an area is restricted, nor to patrol or rescue craft or in the case of an emergency.

10 Section 79. Section 16.48.010 of the Seattle Municipal Code is amended as follows:

11 **16.48.010 - Exemption to authorized emergency vessels~~((and watercraft))~~.**

12 The provisions of this title shall be applicable to the operation of any and all vessels~~((or~~  
13 ~~watercraft))~~ in the harbor of the City except that they shall not apply in the following cases:

14 To any authorized emergency vessel~~((or watercraft))~~ actually responding to an emergency call or  
15 in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such  
16 emergency vessel~~((or watercraft))~~ has been authorized; provided, that the provisions of this section shall  
17 not relieve the operator of an authorized emergency vessel~~((or watercraft))~~ of the duty to operate with  
18 due regard for the safety of all persons using the City harbor, nor shall it protect the operator of any such  
19 emergency vessel~~((or watercraft))~~ from the consequence of a reckless disregard for the safety of others;  
20 provided further, the provisions of this section shall in no event extend any special privilege or immunity  
21 in operation of an authorized emergency vessel~~((or watercraft))~~ for any purpose other than for which the  
22 same has been authorized.



1 Section 80. Section 16.48.020 of the Seattle Municipal Code is amended as follows:

2 **16.48.020 - Emergency powers.**

3 The ~~((Port Warden))~~ Chief of Police and the officers of the ~~((Harbor))~~ Police Department are  
4 authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in  
5 conformance with the provisions of this title; provided, that where necessary to expedite waterborne  
6 traffic, or to prevent or eliminate congestion or to safeguard persons or property, such officers, or in the  
7 event of a fire or other emergency such officers and other authorized officers of appropriate  
8 governmental agencies or authorities, may direct waterborne traffic as conditions may require,  
9 notwithstanding the provisions of this title. Vessels authorized to anchor pursuant to this Section shall  
10 comply with applicable navigation rules, and no vessel so anchored shall be left without some person on  
11 board and in charge of it by day and by night.

12 Section 81. Section 16.52.010 of the Seattle Municipal Code is amended as follows:

13 **16.52.010 Unsafe piers.**

14 Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the  
15 ~~((Port Warden))~~ Chief of Police to become unsafe so as to render the same, or any portion thereof,  
16 unsafe for life or property, the ~~((Port Warden))~~ Chief of Police shall report the matter to the Director of  
17 Construction and Land Use~~((City Superintendent of Buildings))~~ who shall inspect the same and shall  
18 order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs  
19 thereto shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders  
20 of the Director of Construction and Land Use~~((City Superintendent of Buildings immediately))~~, the  
21 Director of Construction and Land Use~~((City Superintendent of Buildings))~~ shall direct the owner, agent  
22 or lessee to prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or



1 barricade and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of  
2 such pier to the City.

3 Section 82. Section 16.52.020 of the Seattle Municipal Code is amended as follows:

4 **16.52.020 - Pier lights.**

5 In the interests of safe navigation and the protection of property the ~~((Port Warden))~~Chief of  
6 Police shall establish standards for the lighting of piers in the harbor. Between the hours of sunset and  
7 sunrise all piers shall be kept lighted in accordance with the requirements of the ~~((Port Warden))~~Chief of  
8 Police. All walks, passageways, openings or gangways upon any pier upon or through which passengers  
9 may pass shall be kept adequately lighted between sunset and sunrise.

10 Section 83. Sections 16.52.040 and 16.52.050 of the Seattle Municipal Code are repealed.

11 Section 84. Section 16.52.060 of the Seattle Municipal Code is amended as follows:

12 **16.52.060 - Dangerous gangways.**

13 Whenever any gangway devoted to public use shall appear to be dangerous to the~~((Port Warden))~~  
14 Chief of Police for such use, he shall report the matter to the Director of Construction and Land Use  
15 ~~((City Superintendent of Buildings))~~ who shall inspect the same and ~~((shall))~~may forbid the use of such  
16 gangway for such purpose until the same shall have been repaired or reconstructed so as to render the  
17 same safe for such use and until the same as so reconstructed or repaired has been inspected by the  
18 Director of Construction and Land Use~~((City Superintendent of Buildings))~~ and its use for such purpose  
19 approved by him.

20 Section 85. Section 16.52.070 of the Seattle Municipal Code is amended as follows:

21 **16.52.070 Drifting debris.**

22 It shall be unlawful for the owner, agent or lessee in charge of any pier to allow the whole, or any  
23 part thereof, to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or  
24



1 loose, shall be removed by the owner, agent or lessee of any pier, and upon failure so to do, the same  
2 may be removed by the ~~((Port Warden))~~ Chief of Police and the expense thereof shall be paid by and  
3 recoverable from the owner, agent or lessee of such pier to the City.

4 Section 86. Section 16.52.080 of the Seattle Municipal Code is repealed.

5 Section 87. Section 16.52.090 of the Seattle Municipal Code is amended as follows:

6 **16.52.090 - Obstructing traffic.**

7 The determination of the ~~((Port Warden))~~ Chief of Police shall be final and conclusive as to all  
8 questions relating to the handling of freight or merchandise or as to the position of any vessel ~~((or~~  
9 ~~watercraft))~~ at any pier or other structure belonging to the City, and all persons handling or in charge of  
10 freight or merchandise or vessels ~~((or watercraft))~~, shall handle the same expeditiously and without  
11 interference with or blocking general traffic and without interfering with commerce and navigation.

12 Section 88. Section 16.52.110 of the Seattle Municipal Code is amended as follows:

13 **16.52.110 Patrol floats.**

14 The ~~((Port Warden))~~ Chief of Police shall designate locations for such floats as may be necessary  
15 for patrol boats and shall prescribe rules and regulations for the use of such floats.

16 Section 89. Section 16.56.010 of the Seattle Municipal Code is amended as follows:

17 **16.56.010 - Nuisances designated-removal.**

18 Sunken vessels or water sport craft, refuse of all kinds, structures or pieces of any structure, dock  
19 sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks,  
20 lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other  
21 substances or articles of a similar nature, are declared to be public nuisances and it shall be unlawful for  
22 any person to throw or place in, or cause or permit to be thrown or placed any of the above named  
23 articles or substances in Seattle Harbor, or upon the shores thereof or in such position that the same may  
24



1 or can be washed into the harbor, either by high tides, storms, floods or otherwise. Any person causing  
2 or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to  
3 do, the same may be removed by the ~~((Port Warden))~~ Chief of Police and the expense thereof shall be  
4 paid by and recoverable from the person creating the nuisance. In all cases such nuisances may be abated  
5 in the manner provided by law. The abatement of any such public nuisances shall not excuse the person  
6 responsible therefor from prosecution under this section.

7 Section 90. Section 16.56.020 of the Seattle Municipal Code is repealed.

8 Section 91. Section 16.56.030 of the Seattle Municipal Code is amended as follows:

9 **16.56.030 - Oil.**

10 No owner, master or other person in charge of any vessel~~((or watercraft))~~, and no engineer, or  
11 other person in charge of any engine room or machinery of any vessel~~((or watercraft))~~, and no owner,  
12 lessee, agent, employee, or other person in charge of or employed in or about any pier, or other structure,  
13 and no person along or upon the shore of the harbor, shall spill, throw, pump or otherwise cause oil of  
14 any description to be or float upon the waters of the harbor. Any person causing oil to be upon the  
15 waters of the harbor as aforesaid shall remove the same and upon his failure so to do, the same may be  
16 removed by the ~~((Port Warden))~~ Chief of Police and the expense thereof shall be paid by and recoverable  
17 from the person causing the oil to be upon the water. The payment of such sum, or the maintenance of an  
18 action therefor, shall not be deemed to exempt such person from prosecution for causing such oil  
19 spillage.

20 Section 92. Section 16.60.010 of the Seattle Municipal Code is amended as follows:

21 **16.60.010 - Use of land portions of waterways.**

22 It shall be unlawful for anyone to use or occupy the land portion of a waterway for private  
23 purposes without a written permit from the Director of Transportation so to do other than for access to or  
24



1 immediate loading and unloading of vessels(~~(-, watercraft)~~) or obstructions then in the navigable portions  
2 thereof or launching or landing the same.

3 Section 93. Section 16.60.020 of the Seattle Municipal Code is amended as follows:

4 **16.60.020 - Use of waterways.**

5 A. All use and occupation of waterways, whether by permit or otherwise, shall be subject to the  
6 following terms and conditions:

7 1. An unobstructed channel of at least fifty feet (50') width must be preserved at all times;  
8 provided, that the Director of Transportation may authorize a lesser unobstructed channel when both  
9 sides of a waterway are owned or controlled through lease by the same person, firm, or corporation and  
10 said official finds it to be in the public interest.

11 2. All vessels(~~(-, watercraft)~~) or obstructions shall be anchored, moored or secured in such a  
12 manner as to minimize interference with navigation in the waterway, and shall be promptly removed  
13 upon order of the (~~(Port Warden)~~) Chief of Police in the event clearance of the waterway be necessary for  
14 navigation or in an emergency.

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

18 4. It shall be unlawful to use any vessel(~~(-, watercraft)~~) or obstruction as a place of abode while  
19 moored or anchored in the navigable portions of a waterway, unless so authorized by permit from the  
20 City.

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

24



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

5 1. If the (~~Port Warden~~)Chief of Police has established by regulation or posted notice a  
6 maximum time limit for uses of any particular waterway or part thereof, no vessel(~~or watercraft~~) shall  
7 occupy such waterway or part thereof for a longer period of time;

8 2. The period of use and occupation of any and all of the navigable portions of waterways by  
9 such vessel(~~or watercraft~~) shall not exceed twenty-one (21) consecutive days; and

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

12 Section 94. Section 16.60.030 of the Seattle Municipal Code is amended as follows:

13 **16.60.030 - Permits for use of waterways.**

14 A. Authorization. The Director of Transportation may authorize the use and occupancy of all of  
15 or any portion of a waterway, including land and water parts, by a written use and occupation permit as  
16 provided in this section, and may issue an interim permit pending the final determination regarding the  
17 permit application. Such a permit may authorize use of either a specific area of waterway or use of a  
18 particular waterway by specified vessels(~~or watercraft~~) or obstructions, and shall be processed in the  
19 same manner as permits pursuant to SMC Title 15 , Subtitle I unless otherwise specified in this chapter.  
20 The issuance or denial of any such permit shall be appealable to the Street Use Appeals Board.

21 B. Application. Any person seeking the use and occupation of a waterway or a portion thereof  
22 for a period in excess of twenty-one (21) consecutive days, a longer period than that allowed by  
23 regulations or posted notice of the (~~Port Warden~~)Chief of Police for a particular waterway, or an  
24



1 occupancy for a vessel(~~(, watercraft)~~) or obstruction in excess of seven (7) consecutive days within sixty  
2 (60) days of a prior occupancy, shall apply in writing to the Director of Transportation therefor. The  
3 application shall be accompanied by a deposit to cover the cost of publishing notice when required by  
4 subsection D of this section. If the application be for a specific vessel(~~(, watercraft)~~) or obstruction, the  
5 application shall state the owner and master's name, address and telephone number, the type and size of  
6 vessels or obstruction(~~(or watercraft)~~), the waterway(s) in which anchorage or moorage is requested, the  
7 reason for the application, and the length of time for which the permit is desired.

8 C. Processing. The Director of Transportation shall investigate the application; give notice to  
9 the owner, managing agent or principal lessee of property, which may have water access affected by the  
10 use sought by the application; and make his recommendation to the Director of Administrative Services.  
11 In the event that the application shall request a use for a period in excess of three hundred sixty-five  
12 (365) days, the application shall be referred to the Department of Construction and Land Use, which  
13 shall make its recommendations thereon.

14 D. Notice. In the event that the application shall seek a usage in excess of three hundred sixty-  
15 five (365) days the Director of Transportation shall mail notice of the application and the date, time and  
16 place at which such official will consider such application, at least ten (10) days prior thereto to the State  
17 of Washington, Commissioner of Public Lands, and the Port of Seattle, publish such notice in a  
18 newspaper of general circulation in the county and post a copy of the same in prominent places in the  
19 immediate vicinity of the waterway. The cost of such publication shall be borne by the applicant.

20 E. Issuance. The Director of Transportation may issue a permit for the use and occupancy of a  
21 waterway with appropriate terms and conditions upon finding that the use and occupation sought is  
22 compatible with use of the waterway as public ways for vessels(~~(watercraft)~~) and the convenience of  
23 commerce, is consistent with the City's land use planning in the immediate vicinity, and does not deprive  
24



1 adjacent properties of reasonable water access. The Director of Transportation may waive compliance  
2 with the terms and conditions of this section with permit applications by the United States of America  
3 and its agencies, by the state and by municipal corporations, and in the case of an application for  
4 moorage of a vessel listed upon the national historic register maintained by the United States, with the  
5 bond requirements in subsection G of this section.

6 Among other terms and conditions, the Director of Transportation may, but need not require that  
7 the vessel(~~(or watercraft)~~) connect its plumbing system to the nearest available City sanitary sewers; that  
8 the vessel(~~(or watercraft)~~) permit the anchorage or fastening of vessels(~~(or watercraft)~~) alongside and  
9 access thereto; or that the vessel(~~(or watercraft)~~) be removed as soon as privately owned or privately  
10 controlled moorage space becomes available. The applicant shall comply with the terms and conditions  
11 of the permit, shall pay the fees prescribed in advance of each month, and shall cease the use and  
12 occupancy of the waterway on expiration of the permit, unless an additional permit be issued.

13 F. Insurance. An applicant for a permit shall, prior to issuance of the permit, provide and  
14 maintain in full force and effect while the permit is in force, public liability insurance in an amount  
15 specified by the Director of Transportation sufficient to cover potential claims for bodily injury, death or  
16 disability and for property damage, which may arise from or be related to the applicant's use of the  
17 waterway, naming the City as an additional insured.

18 G. Bond. An applicant for a permit shall provide prior to issuance of the permit and thereafter  
19 maintain during the period of the permit, a bond or cash deposit in an amount specified by the Director  
20 of Transportation sufficient to cover the potential cost of removal of (~~(watercraft,)~~)vessel(s), or  
21 obstruction(s) to be located therein in the event of sinking, and in the event of adjacent publicly owned  
22 structures, to cost of repair thereof in event of collision; and in the event of fixed structures, the  
23 estimated cost of removal upon expiration of the permit.

24



1 H. Indemnity. The applicant shall execute and deliver to the City upon a form supplied by the  
2 Director of Transportation an agreement in writing and acknowledged by the applicant to hold and save  
3 harmless the City from any and all claims, actions or damages of every kind and description which may  
4 accrue to, or be suffered by, any persons by reason of or related to the use and occupation of the  
5 waterway by the permit holder.

6 Section 95. Section 16.60.060 of the Seattle Municipal Code is amended as follows:

7 **16.60.060 Transfer of permit.**

8 No permit issued pursuant to this title or right or privilege granted under such permit may be  
9 assigned, sublet or transferred between persons or from a vessel(~~(, watercraft))~~) or obstruction to another  
10 by operation of law or otherwise, without the written consent of the City.

11 Section 96. Section 16.64.010 of the Seattle Municipal Code is amended as follows:

12 **16.64.010 - Enforcement authority.**

13 The (~~Port Warden~~)Chief of Police and any of his authorized deputies or employees and  
14 authorized personnel of the governments of the United States, the state or its political subdivisions by  
15 virtue of their election or appointment shall have authority to enter upon and inspect any vessel or  
16 obstruction(~~(watercraft))~~) in the harbor and are charged with the enforcement of the provisions of this  
17 title except as the enforcement thereof is otherwise specified in this title. It shall be the duty of the (~~Port~~  
18 ~~Warden~~)Chief of Police to make complaints for any violation of the same, or any part hereof in the  
19 name of the City; provided, that this provision shall not operate to preclude the making of such  
20 complaint by any other person legally authorized so to do.



1 Section 97. Section 16.64.040 of the Seattle Municipal Code is amended as follows:

2 **16.64.040 - Violation-penalty.**

3 Except as provided in this title, failure to perform any act required or the performance of any act  
4 prohibited by this title is designated as a civil infraction and may not be classified as a criminal offense.

5 The provisions of the Seattle Municipal Code Chapter 11.31.020 through 11.31.070 shall apply to the  
6 disposition of such civil infractions.

7 ~~((Any person who shall violate or fail to comply with any provision of this title other than Sections~~  
8 ~~16.20.200, 16.20.210 or 16.20.230, or any order or direction of the Port Warden, or any person or~~  
9 ~~officer charged with the enforcement of this title, shall, on conviction thereof, be punished by a fine in~~  
10 ~~any sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a term~~  
11 ~~not to exceed six (6) months, or both such fine and imprisonment. It shall be a defense that the order or~~  
12 ~~direction of the Port Warden or enforcing officer exceeds his or her authority, or that the Port Warden or~~  
13 ~~enforcing officer was not acting lawfully in a governmental function in giving the order or direction.))~~

14 Section 98. There is added to the Seattle Municipal Code a new Section 16.64.050 as follows:

15 **16.64.050 - Penalties for criminal offenses.**

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

- 18 1. Section 16.20.100 - Reckless operation;  
19 2. Section 16.20.110 - Intoxication;  
20 3. Section 16.20.140 - Failure to obey; and  
21 4. Section 16.20.150 - Failure to obey.

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



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

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

5 ~~(D.)~~ 3. Within a designated anchorage or restricted area;

6 Provided, such speed limits shall not apply to aircraft during emergency conditions or on rescue  
7 operations where time is of the essence.

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

10 Section 50. Section 16.20.132 of the Seattle Municipal Code is amended as follows:

11 **16.20.132 Speed regulations-Liability not affected.**

12 Nothing in Sections 16.20.082 or 16.20.130~~((or 16.20.131))~~ shall be construed as exempting any  
13 person from liability caused by wake action from operation of any vessel, water sport craft~~((,-vessel))~~ or  
14 aircraft in the areas designated therein nor shall Sections 16.20.082 or 16.20.130 ~~((or 16.20.131))~~ be  
15 construed as exempting any person from liability for negligent or reckless operation of any vessel, water  
16 sport craft~~((,-vessel))~~ or aircraft.

17 Section 51. Section 16.20.140 of the Seattle Municipal Code is amended as follows:

18 **16.20.140 - Overloading.**

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

22 B. No person shall operate a vessel while a passenger is situated on the bow or gunwale of the  
23 vessel in a manner which unduly or unreasonably endangers life or limb, taking into account the



**STATE OF WASHINGTON - KING COUNTY**

120493  
City of Seattle, City Clerk

—ss.

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120023/ORDINANCE

was published on

07/19/00

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

*H. Patterson*

Subscribed and sworn to before me on

07/19/00

*M. Schvartz*

Notary Public for the State of Washington,  
residing in Seattle

