

Ordinance No. 100170

AN ORDINANCE relating to the Harbor Code, amending Sections 2, 3, 5, 6, 7, 8, 10 and 28 of Ordinance 87983, as amended, and adding sections thereto, to regulate aircraft on the water and the use of waterways and submerged streets under permit; to provide for the regulation of the movement of and the mooring of vessels, watercraft and obstructions and charges therefor, to revise the definition of Fairway, and add definitions thereto; creating a Waterway Operation and Maintenance fund, and providing for deposits in and expenditures from such fund.

8-4-71 *pass comment*

CONTROLLER

FILE NUMBER 269673

ENCLOSURE BILL

Council Bill No. 91702

INTRODUCED: July 6, 1971	BY: Public Safety Planning
REFERRED: July 6, 1971	TO: Finance Public Safety Planning Finance
LETTERED:	
REPORTED: AUG 5 1971	SECOND READING: AUG 9 1971
THIRD READING: AUG 9 1971	ADOPTED: AUG 9 1971
FORWARDED TO MAYOR: AUG 10 1971	APPROVED: AUG 11 1971
SENT TO CITY CLERK: AUG 13 1971	PUBLISHED: AUG 20 1971
VETOED BY MAYOR:	VETO RETURNED:
PASSED OVER VETO:	VETO SUSTAINED:

See Back Cover

Unanimous Vote

YES..... NO.....

PUB (BC)
BLDG.
ENG.
R. O.
A. C.
S. E.
C. O.
LIGHT

RES 23695 -APPROVING A FEE SCHEDULE ADOPTED BY THE BRD OF PUBLIC WORKS TO GOVERN THE AMOUNT OF FEES FOR CERTAIN PERMITS.

ORD 01820 -AMENDS SECTIONS 68(E) & 70 OF THE HARBOR CODE--ORD 87983 -TO PERMIT WAIVER OF PERMIT FEES, BONDING, INSURANCE & PUBLIC HEARINGS WITH REGARD TO APPLICATIONS FOR PERMITS FOR USE & OCCUPATION OF WATERWAYS BY MUNICIPAL CORPORATIONS.

ORD 101866 -AMENDS SEC 7, ORD 87983 (HARBOR CODE) TO CHANGE SPEED TEST AREA IN LA UNION.

*B.P.C.
Police
File*

PUB (BC)
BLDG.
ENG.
R. O.
A. C.
S. E.
C. O.
LIGHT

ORDINANCE 100171

AN ORDINANCE relating to the Harbor Code, amending Sections 2, 3, 5, 6, 7, 8, 10 and 28 of Ordinance 87983, as amended, and adding sections thereto, to regulate aircraft on the water and the use of waterways and submerged streets under permit; to provide for the regulation of the movement of and the impounding of vessels, watercraft and obstructions and charges therefor, to revise the definition of Fairway, and add definitions thereto; creating a Waterway Operation and Maintenance Fund, and providing for deposits in and expenditures from such fund.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 2 of Ordinance 87983, as amended by Ordinance 94587, be further amended to read as follows:

Section 2. Definitions. The words and phrases herein used shall have the following meanings, except where the same shall be clearly contrary to or inconsistent with the context of the ordinance or the section in which used:

"Anchorage" shall mean a designated position where vessels or watercraft may anchor or moor.

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

"Authorized emergency vessel" shall mean any authorized vessel or watercraft of the City Harbor Department, City Police Department, City Fire Department, King County Sheriff's Department, the United States Government, and State of Washington authorized patrol vessels or watercraft.

"City" shall mean The City of Seattle.

"Diver's Flag" shall mean a red flag 5 units of measurement on the hoist by 6 units of measurement on the fly with a white stripe of 1 unit crossing the red diagonally, "The flag to have a stiffener

to make it stand out from the pole or mast." This flag shall only pertain to skin and SCUBA (Self Contained Underwater Breathing Apparatus) diving and shall supplement any nationally recognized diver's flag or marking.

"Fairway" shall mean all navigable waters within the corporate limits or within the jurisdiction and control of the city, except waters over privately-owned or privately-controlled property, and shall include but not be limited to the navigable portions of the following described waters and all submerged street area and waterways therein:

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

All of the East and West Waterways.

All of the Duwamish River.

All of the Duwamish Waterway Project.

All of Salmon Bay.

All of Portage Bay.

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

All of Lake Union.

All of Lake Washington lying or being within the corporate limits of The City of Seattle or within the jurisdiction and control of the City.

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

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

"Master" shall mean the captain, skipper, pilot or any person having charge of any vessel or watercraft.

"Obstruction" shall mean any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any

vessel or watercraft, or impede navigation, or which cannot comply with the "Pilot" Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico. (C. F. 236479).

"Oil" shall mean any oil or liquid, whether of animal, vegetable or mineral origin, or a mixture, compound or distillation thereof.

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

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

"Pier" shall mean any pier, wharf, dock, float, gridiron or other structure to promote the convenient loading or unloading or other discharge of vessels or watercraft, or the repair thereof.

"Port Warden" shall mean the Chief of Police and duly authorized deputies and assistants acting in his behalf.

"Privately-controlled Property" shall mean publicly owned harbor area between the inner and outer harbor lines, privately owned shoreland and publicly owned tidelands and shorelands, which publicly owned harbor area, tidelands and shorelands have been leased to private individuals, associations, corporations or other entities.

"Restricted area" shall mean an area that has been marked in accordance with and as authorized by the laws or regulations of the City to be used for, or closed to, certain designated purposes such as swimming, skin-diving, ferry landings, and aquatic events,

the method of marking and designation of which shall have been made by the Fort Warden in accordance with the provisions of this ordinance.

"Submerged Street Area" shall mean any platted street area occupied by navigable water.

"Testing Course" shall mean a course or area on waters subject to the jurisdiction of the City of Seattle, designated in accordance with this ordinance or pursuant to other applicable laws and regulations, for use in industrial development and testing of experimental and production watercraft and vessels.

"Towboat" shall mean any vessel or watercraft engaged in towing or pushing another vessel or watercraft or anything other than a vessel or watercraft.

"Vessel" means any contrivance 110 feet or more in length overall, used or capable of being used as a means of transportation on water.

"Watercraft" means any contrivance less than 110 feet in length overall, used or capable of being used as a means of transportation on water. Cribbs or piles, shinglebolts, booms of logs, rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or "vessel," but shall be included within the term "obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

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

Section 2. That Section 3 of Ordinance 87983, as amended by Ordinance 94587, be further amended to read as follows:

Section 3. Duties of Port Warden: The duties of the Port Warden shall be:

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

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

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

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

5. To cooperate with the authorities of the United States, the State of Washington and its political subdivisions in the enforcement of the laws and regulations of the United States, the State of Washington and its political subdivisions.

6. To designate, indicate the location of, and to patrol anchorage locations for watercraft or vessels within areas set forth by the ordinances of the City, and to designate, indicate the location of and to patrol take-off and landing areas for aircraft on the water within areas permitted by the ordinances of the City.

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

8. To designate restricted areas and testing courses.

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

10. To remove, impound or sell any vessel, watercraft or obstruction anchored or moored in violation of this ordinance deemed a public nuisance or a hazard to navigation or operated or afloat under conditions deemed unsafe for water transportation.

Section 3. That Section 5 of Ordinance 87983 be amended to read as follows:

Section 5. Negligent Operation: Any person who shall operate any watercraft, vessel or aircraft on the water in a manner so as to endanger or be likely to endanger any person or property or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft or vessel to a stop within the assured clear distance ahead, shall be guilty of negligent operation and a violation of this ordinance.

Section 4. That Section 6 of Ordinance 87983 be amended to read as follows:

Section 6. Reckless operation. Any person who shall operate any watercraft, vessel or aircraft on the water in a reckless manner so as to endanger the life or limb, or damage the property of any person, shall be guilty of the crime of reckless operation and a violation of this ordinance.

Section 5. That Section 7 of Ordinance 87983, as amended, be further amended to read as follows:

Section 7. Speed Regulation.

AMENDED - ORD.
101866

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

An area three hundred yards wide and twelve hundred yards long marked by buoys and bounded by the following coordinates: Starting at a point 47°37'51.3" north 122°20'06.3" west; thence in a direction 000° true 1200 yards to a point 47°38'27" north 122°20'06.3" west; thence in a direction 090° true 300 yards to a point 47°38'27" north 122°19'53.5" west; thence in a direction 180° true 1200 yards to a point 47°37'51.3" north 122°19'53.5" west; thence in a direction 270° true 300 yards to the starting position; and provided further, that in the waters of Lake Washington easterly of Webster Point light, it shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of seven nautical miles per hour within one hundred yards of any shoreline, pier, restricted area or shore installation; and provided further that from the western end of the west guide pier of the Hiram M. Chittenden Locks of the Lake Washington Ship Canal to the eastern end of the east guide pier at said Locks, it shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of four nautical miles per hour.

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

(1) In Lake Union and Portage Bay except for an area three hundred yards wide and twelve hundred yards long marked by buoys and bounded by the following coordinates:

Starting at a point 47°37'51.3" north 122°20'06.3" west; thence in a direction 000° true 1200 yards to a point 47°38'27" north 122°20'06.3" west; thence in a direction 090° true 300 yards to a point 47°38'27" north 122°19'53.5" west; thence in a direction 180° true 1200 yards to a point 47°37'51.3" north 122°19'53.5" west; thence in a direction 270° true 300 yards to the starting position.

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

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

(4) Within a designated anchorage or restricted area;

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

Section 6. That Section 8 of Ordinance 8 33 be amended to read as follows:

Section 8. Interference with navigation. No person shall operate any watercraft or vessel or aircraft on the water in a manner which shall unreasonably or unnecessarily interfere with other watercraft, vessels or aircraft on the water or with the free and proper navigation of the waterways of the city. Anchoring or mooring under bridges or in heavily traveled channels shall constitute such interference if unreasonable under the prevailing circumstances.

Section 7. That Section 10 of Ordinance 87983 be amended to read as follows:

Section 10. (a) Other than as provided in Sections 28 and 67, no master or person having charge of any vessel, watercraft or obstruction shall anchor the same in any anchorage or fairway nor make the same fast to any buoy, pier or other structure owned by or under the authority and control of the City without first obtaining a permit therefor from the City.

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

(c) The Port Warden shall ^{have} the power to order:

- (1) any vessel, watercraft or obstruction anchored in any anchorage or fairway or made fast to any buoy, pier or other structure owned by or under the authority and control of the City,
- (2) any towboat and/or its tow obstructing navigation in any channel or fairway, and
- (3) any vessel, watercraft or obstruction lying at any pier in the harbor which is obstructing any slip, fairway or other vessel or watercraft.

to be removed, and it shall be unlawful to fail, neglect or refuse to do so.

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

Section 8. That Section 28 of Ordinance 87983, as amended by Ordinance 94587, be further amended to read as follows:

Section 28. Submerged Street Area:

It shall be unlawful for the master or other person in charge of any vessel, watercraft or obstruction to anchor, tie or make fast the same

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

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

(c) in any other submerged street area for a longer period of time than reasonably sufficient to load, unload, repair

or temporarily store the same, and in no event in excess of fourteen days;

other than as authorized by a written permit granted by the Board of Public Works pursuant to Section 66 hereof or as authorized as anchorage for a vessel, watercraft or obstruction by the Port Warden pursuant to Section 29.

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

Section 9. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 65 and to read as follows:

Section 65. Use of land portions of Waterways: It shall be unlawful for anyone to use or occupy the land portion of a waterway for private purposes without a written permit from the Board of Public Works so to do other than for access to or immediate loading and unloading of vessels, watercraft or obstructions then in the navigable portions thereof or launching or landing the same.

Section 10. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 66 and to read as follows:

Section 66. Use Permits -- Submerged Street Area: The Board of Public Works may authorize the use and occupation of all or any portion of a submerged street area by use and occupation permit processed and issued in accordance with Ordinance 90047, as now or hereafter amended. Such a permit may authorize use of either a specific area of a submerged street or use of submerged street area by certain specific vessels, watercraft or obstructions.

Section 11. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 67 and to read as follows:

Section 67. Use of Waterways:

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

- (1) An unobstructed channel of at least fifty feet width must be preserved at all times; Provided, that the Board of Public Works may authorize a lesser unobstructed channel when both sides of a waterway are owned or controlled through lease by the same person, firm, or corporation and the Board finds it to be in the public interest;
 - (2) All vessels, watercraft or obstructions shall be anchored, moored or secured in such a manner as to minimize interference with navigation in the waterway, and shall be promptly removed upon order of the Port Warden in the event clearance of the waterway be necessary for navigation or in an emergency;
 - (3) The owner or master of any vessel, watercraft or obstruction anchored or moored in the navigable portions of any waterway shall be responsible for the safe anchorage and fastening of the same, and for any actions necessary to prevent sinking;
 - (4) It shall be unlawful to use any vessel, watercraft or obstruction as a place of abode while moored or anchored in the navigable portions of a waterway, unless so authorized by permit from the City;
 - (5) No use of a waterway shall unreasonably restrict water access to adjacent privately owned or controlled property; or conflict with a use of a waterway permitted by any public body pursuant to the terms of RCW 79.01.540 or RCW 79.16.190.
- (b) The public or abutting property owners may use the navigable portions of waterways for the loading, unloading and repair of

vessels and watercraft in connection with commerce or navigation for reasonable period of time for the activity and waterway involved without prior written permission from The City of Seattle, PROVIDED THAT

- (1) If the Port Warden has established by regulation or posted notice a maximum time limit for uses of any particular waterway or part thereof, no vessel or watercraft shall occupy such waterway or part thereof for a longer period of time;
- (2) The period of use and occupation of any and all of the navigable portions of waterways by such vessel or watercraft shall not exceed twenty-one (21) consecutive days; and
- (3) No more than one use and occupancy of waterways in excess of seven (7) consecutive days by such vessel or watercraft may occur in any sixty (60) day period.

Section 12. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 68 and to read as follows:

AMENDED-ORD.
101820

Section 68. Permits for Use of Waterways:

(a) Authorization: The Board of Public Works may authorize the use and occupancy of all of or any portion of a waterway, including land and water parts, by a written use and occupation permit as hereinafter provided, and may authorize the City Engineer to issue in its name an interim permit pending the final determination of the Board. Such a permit may authorize use of either a specific area of waterway or use of a particular waterway by specified vessels, watercraft or obstructions, and shall be processed in the same manner as permits pursuant to Ordinance 90047, as now existing or hereafter amended, unless otherwise specified herein.

(b) Application: Any person seeking the use and occupation of a waterway or a portion thereof for a period in excess of twenty-one (21) consecutive days, a longer period than that allowed by regulations or posted notice of the Port Warden for a particular waterway, or an occupancy for a vessel, watercraft or obstruction in excess of seven (7) consecutive days within sixty (60) days of a prior occupancy, shall apply in writing to the Board of Public Works therefor. The application shall be accompanied by a deposit to cover the cost of publishing notice when required by sub-section (d) below. If the application be for a specific vessel, watercraft or obstruction, the application shall state the owner and master's name, address and telephone number, the type and size of vessels or watercraft, the waterway(s) in which anchorage or moorage is requested, the reason for the application, and the length of time for which the permit is desired.

(c) Processing: The City Engineer shall investigate the application; give notice to the owner, managing agent or principal lessee of property, which may have water access affected by the use sought by the application; and make his recommendation to the Board of Public Works. In the event that the application shall request a use for a period in excess of three hundred sixty-five (365) days, the application shall be referred to the Department of Community Development, which shall make its recommendations thereon.

(d) Notice: In the event that the application shall seek a usage in excess of three-hundred sixty-five (365) days the City Engineer shall mail notice of the application and the date, time and place at which the Board of Public Works will consider such application at least ten (10) days prior thereto to the State of Washington, Commissioner of Public Lands, and the Port of Seattle,

publish such notice in a newspaper of general circulation in the county and post a copy of the same in prominent places in the immediate vicinity of the waterway. The cost of such publication shall be borne by the applicant.

AMENDED - ORS
101820

(e) Permit Issuance: The Board of Public Works may issue a permit for the use and occupancy of a waterway with appropriate terms and conditions upon finding that the use and occupation sought is compatible with use of the waterway as public ways for watercraft and the convenience of commerce, is consistent with the City's land use planning in the immediate vicinity, and does not deprive adjacent properties of reasonable water access. The Board may waive compliance with the terms and conditions of Section 68 with permit applications by the United States of America and its agencies and by the State of Washington. Among other terms and conditions, the Board may, but need not require that the vessel or watercraft connect its plumbing system to the nearest available City sanitary sewers; that the vessel or watercraft permit the anchorage or fastening of vessels or watercraft alongside and access thereto; or that the vessel or watercraft be removed as soon as privately-owned or privately-controlled moorage space becomes available. The applicant shall comply with the terms and conditions of the permit, shall pay the fees prescribed in advance of each month, and shall cease the use and occupation of the waterway on expiration of the permit, unless an additional permit be issued.

(f) Insurance: An applicant for a permit shall, prior to issuance of the permit, provide and maintain in full force and effect while the permit is in force, public liability insurance in an amount specified by the City Engineer or the Board of Public Works sufficient

to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the applicant's use of the waterway, naming the City as an additional insured;

(g) Bond: An applicant for a permit shall prior to issuance of the permit provide and maintain during the period of the permit a bond or cash deposit in an amount specified by the City Engineer or the Board of Public Works sufficient to cover the potential cost of removal of watercraft, vessel(s), or obstruction(s) to be located therein in the event of sinking, and in the event of adjacent publicly-owned structures, the cost of repair thereof in event of collision; and in the event of fixed structures, the estimated cost of removal upon expiration of the permit;

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

Section 13. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 69 and to read as follows:

Section 69. Fixed Structure in Waterway: No fixed structure of any kind shall be built or placed in any waterway unless approved by the Board of Public Works, the State of Washington Commissioner of Public Lands, the Port of Seattle and the United States of America, Department of Army, Corps of Engineers, or approved by the Board of Public Works and the other agencies have declined jurisdiction or expressed in writing no objection to the erection of such a structure.

Section 14. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 70 and to read as follows:

AMENDED ORD
101920

Section 70. Revocation and Fees: All permits granted under the provisions of this ordinance for the use of any waterways shall be wholly of a temporary nature, shall vest no permanent right; and may be revoked without notice in case:

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

(b) The permit holder shall refuse to comply with the provisions of this ordinance or fail to correct a condition within ten (10) days after written notice that the same violates this ordinance.

Permits of sixty (60) days or more may be revoked upon thirty (30) days notice; and all other permits upon ten (10) days notice.

In order to cover the costs of administration, inspection, and policing involved in the issuance and continuance of such permits and to avert unnecessary, unauthorized or unduly prolonged use and occupation of waterways the Board of Public Works of The City of Seattle is further authorized and directed to prepare and adopt a schedule of fees applicable to all such permits which shall be commensurate with fees established by ordinance for the use and occupation of public places of similar character in the vicinity, provided no fees shall be charged the United States and its agencies, and the State of Washington; and any such schedule, when approved by the City Council of The City of Seattle by resolution shall govern the amount

of the fee for any such permit which shall be collected as a condition to the issuance or continuance of any such permit other than permits issued to the United States and its agencies or the State of Washington. Fees shall be computed according to the area actually included in the permit or area obstructed by the vessel, watercraft or obstruction and shall not include any charge for the area within an unobstructed fifty foot channel maintained pursuant to Section 67 herein.

Section 15. That Ordinance 87933 be amended by adding thereto a new section to be designated Section 71 and to read as follows:

Section 71. Unseaworthy Craft:

(a) It shall be unlawful for a master, owner or other person without a permit from the Port Warden to tow or move in any fairway any vessel, watercraft or obstruction which prior to movement or tow:

- (1) Has been used as a permanent place of abode and was not engaged in navigation under its own power within ninety (90) days; or
- (2) Appears or exists in an unseaworthy condition, uses or needs support from another vessel or watercraft to remain afloat, or otherwise appears to lack the capacity for safe movement through and across navigable waters, other than the following: (a) barges, scows, log booms, or disabled but buoyant aircraft in tow by a towage company authorized to do business in the State of Washington; (b) vessels or watercraft temporarily disabled by accident, collision, or other malfunction but otherwise seaworthy and capable of safe movement; and (c) vessels, watercraft or obstructions being towed or moved by or under the control of the Port Warden or the City Engineer.

(b) Any person seeking a permit to tow or move any vessel, watercraft or obstruction identified in subsection (a) above shall apply to the Port Warden therefor, and shall, irrespective of the distance to be moved, post a surety bond with the City in an amount that the City Engineer shall determine reflects the estimated expense of the removal of such vessel, watercraft, or obstruction in event of its break-up or sinking, provided the Port Warden may accept in lieu thereof an indemnity agreement by a towage company agreeing to remove the vessel, watercraft or obstruction within ten (10) days in event of break-up or sinking; and if not so removed, to reimburse the City any expense incurred by removal thereof by the city.

Section 16. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 72 and to read as follows:

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

- (1) The operator or master of the same reasonably appears incapable of safely operating the same or appears incapable of directing the disposition of the same;
- (2) The operator or master of the same refuses to sign a citation, or refuses or neglects to obey an order of the Port Warden to proceed from or to an area following a citation or in an emergency;
- (3) The operator or master operates a vessel, watercraft or obstruction in a negligent, reckless or other manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other watercraft and vessels, and the Port Warden believes such operation of the vessel,

watercraft or obstruction would continue unless possession be taken of the same;

- (4) The vessel, watercraft or obstruction appears unsafe for water transportation; or
- (5) The vessel, watercraft or obstruction appears abandoned, or is anchored or moored in an anchorage, waterway or submerged street area after expiration, cancellation, or violation of a permit, or in violation of this ordinance without a permit seventy-two (72) hours after an order to remove the same has been given by the Port Warden as provided in Section 10 (c) (d),

and remove the same, using such methods in his judgment will prevent unnecessary damage to said vessel, watercraft or obstruction and/or assign the removal and impounding of said vessel, watercraft or obstruction to a private corporation.

(b) EXPENSES: In the event possession is taken of any vessel, watercraft or obstruction as authorized in subsection (a) above or in Section 10 (d), the expenses incurred by the Port Warden in the removal, towing, impounding, and moorage of the same shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. When a vessel, watercraft or obstruction is moored or impounded at a City facility, the Port Warden shall assess a reasonable moorage charge therefor, which shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. The Port Warden may decline to release possession of any vessel, watercraft, or obstruction until all charges are paid.

(c) SALE OF IMPOUNDED CRAFT; COLLECTION OF CHARGES: In the event a vessel, watercraft or obstruction shall remain impounded for ninety (90) days and the charges of towing and impounding remain unpaid, the Port Warden may sell the same at public auction. The City may maintain an action against the owner or person in charge of the

vessel, watercraft or obstruction for the recovery of the expenses of towing and impounding, or the remaining balance thereof, in the event of sale of the same;

(d) **IMPOUNDING--IN-PLACE:** When taking possession as authorized in subsection (a) above or in section 10(d), the Port Warden may impound the vessel, watercraft or obstruction in place by posting the same with one or more signs or notices in conspicuous places stating "POLICE IMPOUND--KEEP OFF" and notifying the owner, master or person in charge of the impounding. The Port Warden may in his discretion appoint as custodian the owner or master, the owner or operator of the facility or property where the vessel is moored or anchored. Upon the posting of such signs, it shall be unlawful for any person:

- (1) To move, load or unload, rebuild, or enter upon such vessel, watercraft, or obstruction without written permission from the Port Warden, other than for necessary maintenance and repair to prevent deterioration of the same or sinking;
- (2) To remove, mutilate, destroy or conceal any notice or sign posted by the Port Warden or the City Engineer pursuant to the provisions of this ordinance.

(e) **LIABILITY:** The Port Warden shall not be held responsible for damages incurred as a result of impound of a vessel or watercraft so long as all reasonable and safe practices are employed in said operation.

Section 17. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 73 and to read as follows:

Section 73. **TRANSFER:** No permit issued pursuant to this ordinance or right or privilege granted under such permit may be assigned, sublet or transferred between persons or from a vessel,

watercraft or obstruction to another by operation of law or otherwise, without the written consent of the City.

Section 18. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 74 and to read as follows:

Section 74. A special fund designated the "Waterway Operation and Maintenance Fund" is hereby established in the City Treasury to which fund shall be deposited all fees collected from waterway use and occupation permits issued hereunder; reimbursements of expenses incurred by the Port Warden in removal, towing, impounding of vessels, watercraft or obstructions in waterways and receipts from sale of such vessels, watercraft or obstructions; and any other moneys accruing from activities under this ordinance in waterways or appropriated to or budgeted to such fund. The Waterway Operation and Maintenance Fund shall be charged with the cost of administration, inspection and policing involved in the issuance and continuance of such permits; activities of the City in maintaining waterways as public ways for watercraft and for commerce and navigation; and for maintaining a reserve to clear waterways of vessels that may sink therein and for emergency activities related to waterways and navigation.

Section 19. SAVING CLAUSE: Nothing in this ordinance shall apply to an offense committed or done before the date when this ordinance shall take effect. Any pending proceedings for violation of Ordinance No. 87983 shall be governed by the provisions of Ordinance 87983 existing when the offense was committed or done, in the same manner as if this amendatory ordinance had not been passed.

THE CITY OF SEATTLE - LEGISLATIVE DEPARTMENT

Date Reported
and Adopted

AUG 9 1971

MR. PRESIDENT:

Your Committees on PUBLIC SAFETY, PLANNING and FINANCE

to which was referred C. B. 91702,

relating to the Harbor Code, amending Sections 2, 3, 5, 6, 7, 8, 10 and 28 of Ordinance 27983, as amended, and adding sections thereto, to regulate aircraft on the water and the use of waterways and submerged streets under permit; to provide for the regulation of the movement of and the impounding of vessels, watercraft and obstructions and charges therefor, to revise the definition of Fairway, and add definitions thereto; creating a Waterway Operation and Maintenance Fund, and providing for deposits in and expenditures from such fund,

RECOMMENDS THAT THE SAME BE AS AMENDED AS FOLLOWS:

Page 3, Section 1

That Section 2 (Definitions) "Privately-controlled Property" be further amended as follows:
in line 2 after the words "outer harbor lines," insert the words "privately owned shorelands"
in line 3 after the word "which" and before the word "harbor" insert the words "publicly owned"

Page 8, Section 5

That Section 7 (b) be further amended as follows:
in line 2 after the word "landing" and before the ",," (comma) preceding the word "it" in line 4 delete the words "in areas designated by the United States, the State of Washington or the Port Warden for such purposes"

in Section 7 (b) (2) line 3 after the ";," (semicolon) delete the word "and"

in Section 7 (b) (3) line 3 after the ";," (semicolon) ending subsection 3 add the word "and"

also that a fourth subsection be added to Section 7 (b) as follows:
"(4) Within a designated anchorage or restricted area:"

Page 12, Section 11

That Section 67 (a) (5) be further amended as follows:
in line 4 after the words "RCW 79.01.540" delete the ".," (period) and add the words "or RCW 79.16.190."

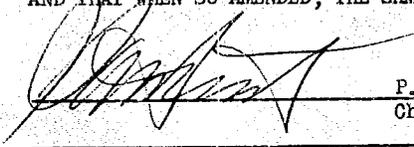
Page 16, Section 12

That Section 68 (h) be further amended as follows:
in line 7 after the word "waterway" delete the ".," (period) and add the words "by the permit holder."

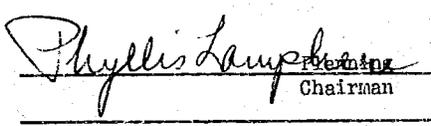
Page 20, Section 16

That Section 72 (a) (5) be amended as follows:
in line 1 after the word "abandoned" and before the word "or" insert a ",," (comma)
also in line 4 after the second word "permit" delete the ",," (comma) and add the words "seventy-two (72) hours after an order to remove the same has been given by the Port Warden as provided in Section 10 (c) (d),"

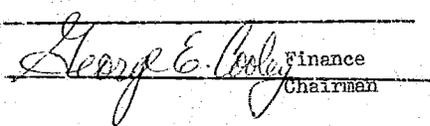
AND THAT WHEN SO AMENDED, THE SAME DO PASS.



P. S.
Chairman



Phyllis L. Lempert
Chairman



George E. Cook
Finance
Chairman

(To be used for all Ordinances except Emergency.)

Section 20. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 9 day of August, 1971,
and signed by me in open session in authentication of its passage this 9 day of
August, 1971. *Maynard Larkin*

President Pro Tem of the City Council.

Approved by me this 13 day of August, 1971.
Wm. Uhlman Mayor.

Filed by me this 13 day of August, 1971.

Attest: *C. H. Glendon*
City Comptroller and City Clerk.

(SEAL)

Published AUG 20 1971

By *J. F. Fenton*
Deputy Clerk.

Affidavit of Publication

STATE OF WASHINGTON,
KING COUNTY—SS.

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.....

ORDINANCE NO 100171

was published on August 14, 1971

M. E. Brown

Subscribed and sworn to before me on

August 14, 1971

[Signature]
Notary Public for the State of Washington,
residing in Seattle.

(Note: RCW 42.12.020 states: "It shall not be necessary for a notary public in carrying an oath to be read in any of the courts in this state, to append an impression of his official seal.")

CITY NOTICES

ORDINANCE NO. 40071 AN ORDINANCE relating to the Harbor Code, as amended, and adding sections 17.01.010 through 17.01.020 to the Harbor Code, and providing for the use of waterways and submerged streets within the harbor of the City of Seattle...

CITY NOTICES

being used as a means of transportation on any of the public highways, streets, alleys, sidewalks, or public places, and shall not be included within the meaning of the term "vehicle" as defined in this ordinance...

CITY NOTICES

YARDS TO THE STARTING POINTS OF THE HARBOUR AND WASHINGTON EASTSIDE BRIDGE AND THE WEST SIDE BRIDGE AND THE NORTH AND SOUTH BRIDGES AND THE BRIDGE OVER THE LAKE WASHINGTON...

CITY NOTICES

obstructions shall be anchored, secured in any manner as to minimize injury to the waterway, and shall be placed in the waterway and shall be removed as soon as possible...

CITY NOTICES

(b) Indemnity: The applicant shall indemnify and hold the City of Seattle harmless from and against all claims, damages, losses, and expenses...

CITY NOTICES

watercraft or obstruction to a waterway, or obstruction to a waterway...

**Addition to
Ordinance 100171**

**NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.**

C.B. 91702

Ordinance No. _____

AN ORDINANCE relating to the Harbor Code, amending Sections 2, 3, 5, 6, 7, 8, 10 and 28 of Ordinance 87983, as amended, and adding sections thereto, to regulate aircraft on the water and the use of waterways and submerged streets under permit; to provide for the regulation of the movement of and the impounding of vessels, watercraft and obstructions and charges therefor, to revise the definition of Fairway, and add definitions thereto; creating a Waterway Operation and Maintenance Fund, and providing for deposits in and expenditures from such fund.

COMPTROLLER ^{7-24-71 Pass as Amended} 8-4-71 Pass as Amended
FILE NUMBER 269670

ORIGINAL BILL

Council Bill No. 91702

INTRODUCED: JUL 6 1971	BY: Finance Planning
REFERRED: JUL 6 1971	TO: Planning Finance
REFERRED:	
REFERRED:	
REPORTED:	SECOND READING:
THIRD READING:	SIGNED:
PRESENTED TO MAYOR:	APPROVED:
RETD. TO CITY CLERK:	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

CS 6-1-67

MH

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE _____

AN ORDINANCE relating to the Harbor Code, amending Sections 2, 3, 5, 6, 7, 8, 10 and 28 of Ordinance 87983, as amended, and adding sections thereto, to regulate aircraft on the water and the use of waterways and submerged streets under permit; to provide for the regulation of the movement of and the impounding of vessels, watercraft and obstructions and charges therefor, to revise the definition of Fairway, and add definitions thereto; creating a Waterway Operation and Maintenance Fund, and providing for deposits in and expenditures from such fund.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 2 of Ordinance 87983, as amended by Ordinance 94587, be further amended to read as follows:

Section 2. Definitions. The words and phrases herein used shall have the following meanings, except where the same shall be clearly contrary to or inconsistent with the context of the ordinance or the section in which used:

"Anchorage" shall mean a designated position where vessels or watercraft may anchor or moor.

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

"Authorized emergency vessel" shall mean any authorized vessel or watercraft of the City Harbor Department, City Police Department, City Fire Department, King County Sheriff's Department, the United States Government, and State of Washington authorized patrol vessels or watercraft.

"City" shall mean The City of Seattle.

"Diver's Flag" shall mean a red flag 5 units of measurement on the hoist by 6 units of measurement on the fly with a white stripe of 1 unit crossing the red diagonally, "The flag to have a stiffener

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to make it stand out from the pole or mast." This flag shall only pertain to skin and SCUBA (Self Contained Underwater Breathing Apparatus) diving and shall supplement any nationally recognized diver's flag or marking.

"Fairway" shall mean all navigable waters within the corporate limits or within the jurisdiction and control of the city, except waters over privately-owned or privately-controlled property, and shall include but not be limited to the navigable portions of the following described waters and all submerged street area and waterways therein:

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

All of the East and West Waterways.

All of the Duwamish River.

All of the Duwamish Waterway Project.

All of Salmon Bay.

All of Portage Bay.

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

All of Lake Union.

All of Lake Washington lying or being within the corporate limits of The City of Seattle or within the jurisdiction and control of the City.

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

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

"Master" shall mean the captain, skipper, pilot or any person having charge of any vessel or watercraft.

"Obstruction" shall mean any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any

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vessel or watercraft or impede navigation, or which cannot comply with the "Pilot" Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico. (C. F. 236479).

"Oil" shall mean any oil or liquid, whether of animal, vegetable or mineral origin, or a mixture, compound or distillation thereof.

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

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

"Pier" shall mean any pier, wharf, dock, float, gridiron or other structure to promote the convenient loading or unloading or other discharge of vessels or watercraft, or the repair thereof.

"Port Warden" shall mean the Chief of Police and duly authorized deputies and assistants acting in his behalf.

"Privately-controlled Property" shall mean publicly owned harbor area between the inner and outer harbor lines, and publicly owned tidelands and shorelands, which harbor area, tidelands and shorelands have been leased to private individuals, associations, corporations or other entities.

"Restricted area" shall mean an area that has been marked in accordance with and as authorized by the laws or regulations of the City to be used for, or closed to, certain designated purposes such as swimming, skin-diving, ferry landings, and aquatic events,

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the method of marking and designation of which shall have been made by the Port Warden in accordance with the provisions of this ordinance.

"Submerged Street Area" shall mean any platted street area occupied by navigable water.

"Testing Course" shall mean a course or area on waters subject to the jurisdiction of the City of Seattle, designated in accordance with this ordinance or pursuant to other applicable laws and regulations, for use in industrial development and testing of experimental and production watercraft and vessels.

"Towboat" shall mean any vessel or watercraft engaged in towing or pushing another vessel or watercraft or anything other than a vessel or watercraft.

"Vessel" means any contrivance 110 feet or more in length overall, used or capable of being used as a means of transportation on water.

"Watercraft" means any contrivance less than 110 feet in length overall, used or capable of being used as a means of transportation on water. Cribbs or piles, shinglebolts, booms of logs, rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or "vessel," but shall be included within the term "obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

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

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Section 2. That Section 3 of Ordinance 87983, as amended by Ordinance 94587, be further amended to read as follows:

Section 3. Duties of Port Warden: The duties of the Port Warden shall be:

1. To enforce the ordinances and regulations of the City upon the waters of the harbor and adjacent thereto when the harbor is affected.
2. To maintain regular patrols in the harbor for the protection of life and property including, but not limited to, the removal and disposition of oil pollution, drifting debris and nuisances from the waters of the harbor.
3. To investigate and report upon marine and maritime accidents in the harbor.
4. To perform all necessary functions in connection with search and rescue in the harbor.
5. To cooperate with the authorities of the United States, the State of Washington and its political subdivisions in the enforcement of the laws and regulations of the United States, the State of Washington and its political subdivisions.
6. To designate, indicate the location of, and to patrol anchorage locations for watercraft or vessels within areas set forth by the ordinances of the City, and to designate, indicate the location of and to patrol take-off and landing areas for aircraft on the water within areas permitted by the ordinances of the City.
7. To establish, maintain and regulate the use of moorage buoys in the harbor for the convenience of watercraft and vessels.
8. To designate restricted areas and testing courses.

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

10. To remove, impound or sell any vessel, watercraft or obstruction anchored or moored in violation of this ordinance deemed a public nuisance or a hazard to navigation or operated or afloat under conditions deemed unsafe for water transportation.

Section 3. That Section 5 of Ordinance 87983 be amended to read as follows:

Section 5. Negligent Operation: Any person who shall operate any watercraft, vessel or aircraft on the water in a manner so as to endanger or be likely to endanger any person or property or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft or vessel to a stop within the assured clear distance ahead, shall be guilty of negligent operation and a violation of this ordinance.

Section 4. That Section 6 of Ordinance 87983 be amended to read as follows:

Section 6. Reckless operation. Any person who shall operate any watercraft, vessel or aircraft on the water in a reckless manner so as to endanger the life or limb, or damage the property of any person, shall be guilty of the crime of reckless operation and a violation of this ordinance.

Section 5. That Section 7 of Ordinance 87983, as amended, be further amended to read as follows:

Section 7. Speed Regulation.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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

An area three hundred yards wide and twelve hundred yards long marked by buoys and bounded by the following coordinates: Starting at a point 47°37'51.3" north 122°20'06.3" west; thence in a direction 000° true 1200 yards to a point 47°38'27" north 122°20'06.3" west; thence in a direction 090° true 300 yards to a point 47°38'27" north 122°19'53.5" west; thence in a direction 180° true 1200 yards to a point 47°37'51.3" north 122°19'53.5" west; thence in a direction 270° true 300 yards to the starting position; and provided further, that in the waters of Lake Washington easterly of Webster Point light, it shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of seven nautical miles per hour within one hundred yards of any shoreline, pier, restricted area or shore installation; and provided further that from the western end of the west guide pier of the Hiram M. Chittenden Locks of the Lake Washington Ship Canal to the eastern end of the east guide pier at said Locks, it shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of four nautical miles per hour.

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b) Aircraft on the water: Except for aircraft in the process of taking off or landing in areas designated by the United States, the State of Washington or the Port Warden for such purposes, it shall be unlawful for any person to operate any aircraft on the water or step-taxiing over the water in excess of seven nautical miles per hour within the jurisdiction of The City of Seattle:

(1) In Lake Union and Portage Bay except for an area three hundred yards wide and twelve hundred yards long marked by buoys and bounded by the following coordinates:

Starting at a point 47°37'51.3" north 122°20'06.3" west; thence in a direction 000° true 1200 yards to a point 47°38'27" north 122°20'06.3" west; thence in a direction 090° true 300 yards to a point 47°38'27" north 122°19'53.5" west; thence in a direction 180° true 1200 yards to a point 47°37'51.3" north 122°19'53.5" west; thence in a direction 270° true 300 yards to the starting position.

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

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

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

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Section 6. That Section 8 of Ordinance 87983 be amended to read as follows:

Section 8. Interference with navigation. No person shall operate any watercraft or vessel or aircraft on the water in a manner which shall unreasonably or unnecessarily interfere with other watercraft, vessels or aircraft on the water or with the free and proper navigation of the waterways of the city. Anchoring or mooring under bridges or in heavily traveled channels shall constitute such interference if unreasonable under the prevailing circumstances.

Section 7. That Section 10 of Ordinance 87983 be amended to read as follows:

Section 10. (a) Other than as provided in Sections 28 and 67, no master or person having charge of any vessel, watercraft or obstruction shall anchor the same in any anchorage or fairway nor make the same fast to any buoy, pier or other structure owned by or under the authority and control of the City without first obtaining a permit therefor from the City.

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

(c) The Port Warden shall ^{have} the power to order:

- (1) any vessel, watercraft or obstruction anchored in any anchorage or fairway or made fast to any buoy, pier or other structure owned by or under the authority and control of the City,
- (2) any towboat and/or its tow obstructing navigation in any channel or fairway, and
- (3) any vessel, watercraft or obstruction lying at any pier in the harbor which is obstructing any slip, fairway or other vessel or watercraft

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to be removed, and it shall be unlawful to fail, neglect or refuse to do so.

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

Section 8. That Section 28 of Ordinance 87983, as amended by Ordinance 94587, be further amended to read as follows:

Section 28. Submerged Street Area:

It shall be unlawful for the master or other person in charge of any vessel, watercraft or obstruction to anchor, tie or make fast the same

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

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

(c) in any other submerged street area for a longer period of time than reasonably sufficient to load, unload, repair

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or temporarily store the same, and in no event in excess of fourteen days;

other than as authorized by a written permit granted by the Board of Public Works pursuant to Section 66 hereof or as authorized as anchorage for a vessel, watercraft or obstruction by the Port Warden pursuant to Section 29.

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

Section 9. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 65 and to read as follows:

Section 65. Use of land portions of Waterways: It shall be unlawful for anyone to use or occupy the land portion of a waterway for private purposes without a written permit from the Board of Public Works so to do other than for access to or immediate loading and unloading of vessels, watercraft or obstructions then in the navigable portions thereof or launching or landing the same.

Section 10. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 66 and to read as follows:

Section 66. Use Permits -- Submerged Street Area: The Board of Public Works may authorize the use and occupation of all or any portion of a submerged street area by use and occupation permit processed and issued in accordance with Ordinance 90047, as now or hereafter amended. Such a permit may authorize use of either a specific area of a submerged street or use of submerged street area by certain specific vessels, watercraft or obstructions.

Section 11. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 67 and to read as follows:

Section 67. Use of Waterways:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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

- (1) An unobstructed channel of at least fifty feet width must be preserved at all times; Provided, that the Board of Public Works may authorize a lesser unobstructed channel when both sides of a waterway are owned or controlled through lease by the same person, firm, or corporation and the Board finds it to be in the public interest;
 - (2) All vessels, watercraft or obstructions shall be anchored, moored or secured in such a manner as to minimize interference with navigation in the waterway, and shall be promptly removed upon order of the Port Warden in the event clearance of the waterway be necessary for navigation or in an emergency;
 - (3) The owner or master of any vessel, watercraft or obstruction anchored or moored in the navigable portions of any waterway shall be responsible for the safe anchorage and fastening of the same, and for any actions necessary to prevent sinking;
 - (4) It shall be unlawful to use any vessel, watercraft or obstruction as a place of abode while moored or anchored in the navigable portions of a waterway, unless so authorized by permit from the City;
 - (5) No use of a waterway shall unreasonably restrict water access to adjacent privately owned or controlled property; or conflict with a use of a waterway permitted by any public body pursuant to the terms of RCW 79.01.540.
- (b) The public or abutting property owners may use the navigable portions of waterways for the loading, unloading and repair of

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vessels and watercraft in connection with commerce or navigation for a reasonable period of time for the activity and waterway involved without prior written permission from The City of Seattle, PROVIDED THAT

- (1) If the Port Warden has established by regulation or posted notice a maximum time limit for uses of any particular waterway or part thereof, no vessel or watercraft shall occupy such waterway or part thereof for a longer period of time;
- (2) The period of use and occupation of any and all of the navigable portions of waterways by such vessel or watercraft shall not exceed twenty-one (21) consecutive days; and
- (3) No more than one use and occupancy of waterways in excess of seven (7) consecutive days by such vessel or watercraft may occur in any sixty (60) day period.

Section 12. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 68 and to read as follows:

Section 68. Permits for Use of Waterways:

(a) Authorization: The Board of Public Works may authorize the use and occupancy of all of or any portion of a waterway, including land and water parts, by a written use and occupation permit as hereinafter provided, and may authorize the City Engineer to issue in its name an interim permit pending the final determination of the Board. Such a permit may authorize use of either a specific area of waterway or use of a particular waterway by specified vessels, watercraft or obstructions, and shall be processed in the same manner as permits pursuant to Ordinance 90047, as now existing or hereafter amended, unless otherwise specified herein.

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(b) Application: Any person seeking the use and occupation of a waterway or a portion thereof for a period in excess of twenty-one (21) consecutive days, a longer period than that allowed by regulations or posted notice of the Port Warden for a particular waterway, or an occupancy for a vessel, watercraft or obstruction in excess of seven (7) consecutive days within sixty (60) days of a prior occupancy, shall apply in writing to the Board of Public Works therefor. The application shall be accompanied by a deposit to cover the cost of publishing notice when required by sub-section (d) below. If the application be for a specific vessel, watercraft or obstruction, the application shall state the owner and master's name, address and telephone number, the type and size of vessels or watercraft, the waterway(s) in which anchorage or moorage is requested, the reason for the application, and the length of time for which the permit is desired.

(c) Processing: The City Engineer shall investigate the application; give notice to the owner, managing agent or principal lessee of property, which may have water access affected by the use sought by the application; and make his recommendation to the Board of Public Works. In the event that the application shall request a use for a period in excess of three hundred sixty-five (365) days, the application shall be referred to the Department of Community Development, which shall make its recommendations thereon.

(d) Notice: In the event that the application shall seek a usage in excess of three-hundred sixty-five (365) days the City Engineer shall mail notice of the application and the date, time and place at which the Board of Public Works will consider such application at least ten (10) days prior thereto to the State of Washington, Commissioner of Public Lands, and the Port of Seattle,

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publish such notice in a newspaper of general circulation in the county and post a copy of the same in prominent places in the immediate vicinity of the waterway. The cost of such publication shall be borne by the applicant.

(e) Permit Issuance: The Board of Public Works may issue a permit for the use and occupancy of a waterway with appropriate terms and conditions upon finding that the use and occupation sought is compatible with use of the waterway as public ways for watercraft and the convenience of commerce, is consistent with the City's land use planning in the immediate vicinity, and does not deprive adjacent properties of reasonable water access. The Board may waive compliance with the terms and conditions of Section 68 with permit applications by the United States of America and its agencies and by the State of Washington. Among other terms and conditions, the Board may, but need not require that the vessel or watercraft connect its plumbing system to the nearest available City sanitary sewers; that the vessel or watercraft permit the anchorage or fastening of vessels or watercraft alongside and access thereto; or that the vessel or watercraft be removed as soon as privately-owned or privately-controlled moorage space becomes available. The applicant shall comply with the terms and conditions of the permit, shall pay the fees prescribed in advance of each month, and shall cease the use and occupation of the waterway on expiration of the permit, unless an additional permit be issued.

(f) Insurance: An applicant for a permit shall, prior to issuance of the permit, provide and maintain in full force and effect while the permit is in force, public liability insurance in an amount specified by the City Engineer or the Board of Public Works sufficient

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to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the applicant's use of the waterway, naming the City as an additional insured;

(g) Bond: An applicant for a permit shall prior to issuance of the permit provide and maintain during the period of the permit a bond or cash deposit in an amount specified by the City Engineer or the Board of Public Works sufficient to cover the potential cost of removal of watercraft, vessel(s), or obstruction(s) to be located therein in the event of sinking, and in the event of adjacent publicly-owned structures, the cost of repair thereof in event of collision; and in the event of fixed structures, the estimated cost of removal upon expiration of the permit;

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

Section 13. That Ordinance 37983 be amended by adding thereto a new section to be designated Section 69 and to read as follows:

Section 69. Fixed Structure in Waterway: No fixed structure of any kind shall be built or placed in any waterway unless approved by the Board of Public Works, the State of Washington Commissioner of Public Lands, the Port of Seattle and the United States of America, Department of Army, Corps of Engineers, or approved by the Board of Public Works and the other agencies have declined jurisdiction or expressed in writing no objection to the erection of such a structure.

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Section 14. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 70 and to read as follows:

Section 70. Revocation and Fees: All permits granted under the provisions of this ordinance for the use of any waterways shall be wholly of a temporary nature, shall vest no permanent right; and may be revoked without notice in case:

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

(b) The permit holder shall refuse to comply with the provisions of this ordinance or fail to correct a condition within ten (10) days after written notice that the same violates this ordinance.

Permits of sixty (60) days or more may be revoked upon thirty (30) days notice; and all other permits upon ten (10) days notice.

In order to cover the costs of administration, inspection, and policing involved in the issuance and continuance of such permits and to avert unnecessary, unauthorized or unduly prolonged use and occupation of waterways the Board of Public Works of The City of Seattle is further authorized and directed to prepare and adopt a schedule of fees applicable to all such permits which shall be commensurate with fees established by ordinance for the use and occupation of public places of similar character in the vicinity, provided no fees shall be charged the United States and its agencies, and the State of Washington; and any such schedule, when approved by the City Council of The City of Seattle by resolution shall govern the amount

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of the fee for any such permit which shall be collected as a condition to the issuance or continuance of any such permit other than permits issued to the United States and its agencies or the State of Washington. Fees shall be computed according to the area actually included in the permit or area obstructed by the vessel, watercraft or obstruction and shall not include any charge for the area within an unobstructed fifty foot channel maintained pursuant to Section 67 herein.

Section 15. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 71 and to read as follows:

Section 71. Unseaworthy Craft:

(a) It shall be unlawful for a master, owner or other person without a permit from the Port Warden to tow or move in any fairway any vessel, watercraft or obstruction which prior to movement or tow:

- (1) Has been used as a permanent place of abode and was not engaged in navigation under its own power within ninety (90) days; or
- (2) Appears or exists in an unseaworthy condition, uses or needs support from another vessel or watercraft to remain afloat, or otherwise appears to lack the capacity for safe movement through and across navigable waters, other than the following: (a) barges, scows, log booms, or disabled but buoyant aircraft in tow by a towage company authorized to do business in the State of Washington; (b) vessels or watercraft temporarily disabled by accident, collision, or other malfunction but otherwise seaworthy and capable of safe movement; and (c) vessels, watercraft or obstructions being towed or moved by or under the control of the Port Warden or the City Engineer.

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(b) Any person seeking a permit to tow or move any vessel, watercraft or obstruction identified in subsection (a) above shall apply to the Port Warden therefor, and shall, irrespective of the distance to be moved, post a surety bond with the City in an amount that the City Engineer shall determine reflects the estimated expense of the removal of such vessel, watercraft, or obstruction in event of its break-up or sinking, provided the Port Warden may accept in lieu thereof an indemnity agreement by a towage company agreeing to remove the vessel, watercraft or obstruction within ten (10) days in event of break-up or sinking; and if not so removed, to reimburse the City any expense incurred by removal thereof by the city.

Section 16. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 72 and to read as follows:

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

- (1) The operator or master of the same reasonably appears incapable of safely operating the same or appears incapable of directing the disposition of the same;
- (2) The operator or master of the same refuses to sign a citation, or refuses or neglects to obey an order of the Port Warden to proceed from or to an area following a citation or in an emergency;
- (3) The operator or master operates a vessel, watercraft or obstruction in a negligent, reckless or other manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other watercraft and vessels, and the Port Warden believes such operation of the vessel,

watercraft or obstruction would continue unless possession be taken of the same;

- (4) The vessel, watercraft or obstruction appears unsafe for water transportation; or
- (5) The vessel, watercraft or obstruction appears abandoned or is anchored or moored in an anchorage, waterway or submerged street area after expiration, cancellation, or violation of a permit, or in violation of this ordinance without a permit,

and remove the same, using such methods in his judgment will prevent unnecessary damage to said vessel, watercraft or obstruction and/or assign the removal and impounding of said vessel, watercraft or obstruction to a private corporation.

(b) EXPENSES: In the event possession is taken of any vessel, watercraft or obstruction as authorized in subsection (a) above or in Section 10(d), the expenses incurred by the Port Warden in the removal, towing, impounding, and moorage of the same shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. When a vessel, watercraft or obstruction is moored or impounded at a City facility, the Port Warden shall assess a reasonable moorage charge therefor, which shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. The Port Warden may decline to release possession of any vessel, watercraft, or obstruction until all charges are paid.

(c) SALE OF IMPOUNDED CRAFT; COLLECTION OF CHARGES: In the event a vessel, watercraft or obstruction shall remain impounded for ninety (90) days and the charges of towing and impounding remain unpaid, the Port Warden may sell the same at public auction. The City may maintain an action against the owner or person in charge of the

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vessel, watercraft or obstruction for the recovery of the expenses of towing and impounding, or the remaining balance thereof, in the event of sale of the same;

(d) IMPOUNDING-IN-PLACE: When taking possession as authorized in subsection (a) above or in section 10(d), the Port Warden may impound the vessel, watercraft or obstruction in place by posting the same with one or more signs or notices in conspicuous places stating "POLICE IMPOUND--KEEP OFF" and notifying the owner, master or person in charge of the impounding. The Port Warden may in his discretion appoint as custodian the owner or master, the owner or operator of the facility or property where the vessel is moored or anchored. Upon the posting of such signs, it shall be unlawful for any person:

- (1) To move, load or unload, rebuild, or enter upon such vessel, watercraft, or obstruction without written permission from the Port Warden, other than for necessary maintenance and repair to prevent deterioration of the same or sinking;
- (2) To remove, mutilate, destroy or conceal any notice or sign posted by the Port Warden or the City Engineer pursuant to the provisions of this ordinance.

(e) LIABILITY: The Port Warden shall not be held responsible for damages incurred as a result of impound of a vessel or watercraft so long as all reasonable and safe practices are employed in said operation.

Section 17. That Ordinance 67983 be amended by adding thereto a new section to be designated Section 73 and to read as follows:

Section 73. TRANSFER: No permit issued pursuant to this ordinance or right or privilege granted under such permit may be assigned, sublet or transferred between persons or from a vessel,

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watercraft or obstruction to another by operation of law or otherwise, without the written consent of the City.

Section 18. That Ordinance 87983 be amended by adding thereto a new section to be designated Section 74 and to read as follows:

Section 74. A special fund designated the "Waterway Operation and Maintenance Fund" is hereby established in the City Treasury to which fund shall be deposited all fees collected from waterway use and occupation permits issued hereunder; reimbursements of expenses incurred by the Port Warden in removal, towing, impounding of vessels, watercraft or obstructions in waterways and receipts from sale of such vessels, watercraft or obstructions; and any other moneys accruing from activities under this ordinance in waterways or appropriated to or budgeted to such fund. The Waterway Operation and Maintenance Fund shall be charged with the cost of administration, inspection and policing involved in the issuance and continuance of such permits; activities of the City in maintaining waterways as public ways for watercraft and for commerce and navigation; and for maintaining a reserve to clear waterways of vessels that may sink therein and for emergency activities related to waterways and navigation.

Section 19. SAVING CLAUSE: Nothing in this ordinance shall apply to an offense committed or done before the date when this ordinance shall take effect. Any pending proceedings for violation of Ordinance No. 87983 shall be governed by the provisions of Ordinance 87983 existing when the offense was committed or done, in the same manner as if this amendatory ordinance had not been passed.

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(To be used for all Ordinances except Emergency.)

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Section 20. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the day of, 19 ..,
and signed by me in open session in authentication of its passage this day of, 19 ..

President of the City Council.

Approved by me this day of, 19 ..

Mayor.

Filed by me this day of, 19 ..

Attest:
City Comptroller and City Clerk.

(SEAL)

Published.....

By
Deputy Clerk.