

Ordinance No. 87983
~~87983~~

AN ORDINANCE relating to the waters within the City of Seattle, providing for the control thereof; prescribing the powers and duties of the Port Warden and other persons in connection therewith; declaring certain things to be nuisances and authorizing the abatement thereof; defining offenses; providing penalties and repealing Ordinances 34379; 34746; 34995; 40555 and 42337, and section 52 through 56 of Ordinance 48022, and all other ordinances or parts of ordinances in conflict herewith.

FILE NO. 235797
 FILE NO. 235331
 FILE NO. 235408

Council Bill No. 79438

INTRODUCED: FEB 16 1959	BY: Public Safety
REFERRED: FEB 16 1959	TO: Public Safety
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See Back Cover

28028

M.S.

C.F. 243234 - Request of Mayor for amendment of Harbor Code as recommended by Harbor Adv. Comm.

Ord 99653 - Amends Sec. 2, 7, 13, 18, 19, 22 & 23.

245328 - Harbor debris permit agreement - Great Northern RR -
B. 149 528 1/2 Tide Lands.

Ord. 91513 Amends Sec. 23

- Ord. 91819 TRANSFERRING THE DEBRIS COLLECTION BARGE OPERATION ON WATERS ADJACENT TO THE CITY TO THE ENG. DEPT., ESTABLISHING POSITIONS, ETC.
- Ord. 92887 RE. TO HARBOR AND WATERFRONT USES; PROHIBITING BLDGS AND STRUCTURES IN PORTIONS OF LAKE UNION AND WATERS IN THE VICINITY THEREOF; ETC.
- Ord. 94587 AMENDING SECTIONS 2, 3, 19, 27, 28 & 31 TO PERMIT TESTING OF EXPERIMENTAL AND PRODUCTION WATER CRAFT AND VESSELS UNDER CERTAIN CONDITIONS.
- Ord. 95675 AMENDING SEC. 7 TO CHANGE SPEED REGULATIONS ON LAKE UNION.
- Ord. 95775 RE. RESTRICTING THE POWER CAPACITY OF WATERCRAFT & ADDING A NEW SECTION - 19-A
- Ord. 92988 DECLARING THE POLICY OF CITY OF SEATTLE WITH RESPECT TO BLDGS & STRUCTURES OUTWARD FROM THE SEATTLE CONSTRUCTION LIMIT LINE IN LK UNION & PORTAGE BAY & REQUESTING COOPERATION OF CITY ENG. & OTHER CITY OFFICERS IN SUCH CONNECTION.
- Ord 100171 AMENDS SECTIONS 2, 3, 5, 6, 7, 8, 10 & 28; & ADDING SECTIONS THERETO, TO REGULATE AIRCRAFT ON THE WATER & THE USE OF WATERWAYS & SUBMERGED STREETS UNDER PERMIT; TO PROVIDE FOR REGULATION OF MOVEMENT OF & THE IMPOUNDING OF VESSELS, WATERCRAFT & OBSTRUCTIONS & CHARGES THEREFOR, TO REVISE THE DEFINITION OF FAIRWAY, AND ADD DEFINITIONS THERETO; CREATING A WATERWAY OPERATION & MAINTENANCE FUND, AND PROVIDING FOR DEPOSITS IN & EXPENDITURES FROM SUCH FUND. (ADDS NEW SECTIONS 65 THRU 74 INCL. TO Ord. 87983).
- Ord 101820 AMENDS SECTIONS 68(E) & 70 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 FURTHER AMENDS SEC 7 TO CHANGE SPEED TEST AREA IN LAKE UNION.
- Ord 102301 " " " "

HAIRPORT ORDINANCE

NO. 87983

1 AN ORDINANCE relating to the waters within the City of Seattle, providing for
2 the control thereof; prescribing the powers and duties of the Port Captain
3 and other persons in connection therewith; declaring certain bridges to be
4 nuisances and authorizing the abatement thereof; defining offenses; providing
5 penalties and repealing Ordinances 54376; 54746; 34895; 40555 and 42337, and
6 sections 52 through 55 of Ordinance 48022, and all other ordinances or parts
7 of ordinances in conflict herewith.

8 BE IT ORDAINED BY THE CITY OF SEATTLE:

9 Section 1. AUTHORIZATION:

10 The City of Seattle in the exercise of its police power hereby assumes control and
11 jurisdiction over all waters within its limits, and such waters shall, for the
12 purpose of this ordinance, be known as "The Harbor."

13 Section 2. DEFINITIONS: AMENDED ORD. 90653, 94597, 100171,

14 For the purpose of this ordinance:

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

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

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

25 "City" shall mean the City of Seattle.

26 "Diver's Flag" shall mean a red flag 5 units of measurement on the hoist by

1 6 units of measurement on the fly with a white stripe of 1 unit crossing the
2 red diagonally with the flag having a stiffener. This flag shall only pertain
3 to skin and SCUBA (Self Contained Underwater Breathing Apparatus) diving and
4 shall supplement any nationally recognized divers' flag or marking.

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

7 "Obstruction" shall mean any vessel or watercraft or any matter which may
8 in any way blockade, interfere with or endanger any vessel or watercraft or
9 impede navigation, or which cannot comply with the "Pilot Rules for Certain
10 Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf
11 of Mexico." (C. F. 236479).

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

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

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

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

25 "Restricted area" shall mean an area that has been marked in accordance with
26 and as authorized by the laws or regulations of the City to be used for, or

1 closed to, certain designated purposes such as swimming, skin-diving, ferry
2 landings, and aquatic events, the method of marking and designation of which
3 shall have been made by the Port Warden in accordance with the provisions of
4 this Ordinance.

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

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

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

AMENDED ORD.
94587
100171

Section 3. DUTIES OF PORT WARDEN:

16 The duties of the Port Warden as head of the Harbor Department shall be:

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

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

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

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

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

1 regulations of the United States, the State of Washington and its political
2 subdivisions.

3 6. To designate, indicate the location of, and to patrol anchorage locations
4 for watercraft or vessels within areas set forth by the ordinances of the city.

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

7 8. To designate restricted areas.

8 Section 4. APPLICATION AND JUSTIFICATION:

9 The provisions of this ordinance shall be applicable to all vessels and water-
10 craft operating in the harbor of this city. The provisions of this ordinance
11 shall as construed to supplement United States laws and State laws and regula-
12 tions when not expressly inconsistent therewith in the harbor, where such
13 United States and State Laws and regulations are applicable.

14 Section 5. NEGLIGENCE OPERATION: AMENDED ORD. 100171,

15 Any person who shall operate any watercraft in a ~~reckless~~ manner so as to
16 endanger or be likely to endanger any person or property or at a rate of speed
17 greater than will permit him in the exercise of reasonable care to bring the
18 watercraft to a stop within the assured clear distance ahead, shall be guilty
19 ~~of negligent operation~~ of negligent operation and a violation of this ordinance.

20 Section 6. RECKLESS OPERATION: AMENDED ORD. 100171,

21 Any person who shall operate any watercraft or vessel in a reckless manner so
22 as to endanger the life or limb, or damage the property of any person, shall be
23 guilty of the crime of reckless operation and a violation of this ordinance.

24 Section 7. SPEED REGULATIONS: AMENDED ORD. 90653, 96875, 100171, 101866, 102301,

25 (a) From the west entrance of the Lake Washington Ship Canal to the western end
26 of the west guide pier of the Blinn M. Chittenden Locks, and from the east end

1 of the easternmost guide pier of said Locks to the white flashing dolphin located
2 south of Webster Point on Lake Washington, including all of Salmon Bay, Lake
3 Union, Portage Bay and Union Bay, it shall be unlawful for any person to operate
4 any watercraft or vessel at a speed in excess of 7 nautical miles per hour
5 within 200 feet of any shoreline, pier, restricted area or shore installation.

6 (b) From the western end of the aforesaid west guide pier to the eastern end of the
7 aforesaid east guide pier at said Locks, it shall be unlawful for any person to
8 operate any watercraft or vessel at a speed in excess of 4 nautical miles per hour.

9 Section 8. INTERFERENCE WITH NAVIGATION: AMENDED ORD. 126171,

10 No person shall operate any watercraft or vessel in a manner which shall
11 unreasonably or unnecessarily interfere with other watercraft or vessels or
12 with the free and proper navigation of the waterways of the city. Anchoring
13 or mooring under bridges or in heavily travelled channels shall constitute such
14 interference if unreasonable under the prevailing circumstances.

15 Section 9. TOWNS:

16 No tow boat shall tow any raft or boom of logs or piles or other tow within
17 the Lake Washington Ship Canal from Shilshole Bay to Webster Point nor in the
18 Duwamish Waterway including the East and West Waterways in excess of eighty (80)
19 feet in width nor twelve hundred (1200) feet in length, and no tow shall, in
20 any event, exceed twelve hundred (1200) feet in length.

21 Section 10. OBSTRUCTIONS AND THE MOVING OF SAME: AMENDED ORD. 100171,

22 (a) No master or person having charge of any vessel, watercraft or obstruction shall
23 anchor the same in any anchorage or fairway nor make the same fast to any buoy,
24 pier or other structure owned by or under the authority and control of the City
25 without obtaining permission therefor from the Port Warden.

26 (b) No master, owner or other person in charge of any towboat shall while

1 towing any vessel, watercraft or obstruction obstruct any channel or fairway.

2 (c) The Port Warden shall have the power to order

3 (1) any vessel, watercraft or obstruction anchored in any anchorage
4 or fairway or made fast to any buoy, pier or other structure owned by
5 or under the authority and control of the City

6 (2) any towboat and/or its tow obstructing navigation in any channel
7 or fairway, and

8 (3) any vessel, watercraft or obstruction lying at any pier in the
9 harbor which is obstructing any slip, fairway or other vessel
10 or watercraft

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

12 Section 11. SUNKEN VESSELS:

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

24 Section 12. FLOATING OBJECTS:

25 All vessels, watercraft, logs, piling, building material, scows, houseboats or any
26 other article of value found adrift in Seattle Harbor, may be taken in charge by
27 the Port Warden and shall be subject to reclamation by the owner thereof, on pay-
28 ment by him to the City of any expenses incurred by the City and in case of failure
29 to reclaim, may be sold or disposed of according to law.

1 Section 13. INTOXICATION: AMENDED ORD. 90653

2 (a) It shall be unlawful for any person who is under the influence of
3 intoxicating liquor or narcotic or habit-forming drugs to operate or be in
4 actual physical control of any vessel or watercraft.

5 (b) It shall be unlawful for the owner of any vessel or watercraft or any person
6 having such in charge or in control to authorize or knowingly permit the same to be
7 operated by any person who is under the influence of intoxicating liquor, narcotic
8 or habit-forming drugs.

9 Section 14. INCAPACITY OF OPERATOR:

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

14 Section 15. ACCIDENTS:

15 The operator of any watercraft involved in an accident resulting in injury or
16 death to any person or in damage to property shall immediately stop such watercraft
17 at the scene of such accident and shall give his name, address, the name and/or
18 number of his watercraft, and the name and address of the owner, to the person
19 struck or the operator or occupants of the vessel or watercraft collided with or
20 property damaged, and shall render to any person injured in such an accident
21 reasonable assistance.

22 Section 16. ACCIDENT REPORTS:

23 The master, owner or operator of any watercraft shall file a report within 48
24 hours with the port warden of any accident involving death or personal injury
25 requiring medical treatment or property damage in excess of \$200.00 in which
26 such watercraft shall have been involved in Seattle Harbor.

1 Section 17. REPORTS CONFIDENTIAL. INADMISSABLE AS EVIDENCE.

2 All required accident reports and supplemental reports and copies thereof shall
3 be without prejudice to the individual so reporting and shall be for the confi-
4 dential use of the Port Warden, Corporation Counsel, or other peace and enforce-
5 ment officer as provided herein, except that any such officer may disclose the
6 identity of a person reported as involved in an accident when such identity is
7 not otherwise known or when such person denies his presence at such accident.
8 No such accident report or copy thereof shall be used as evidence in any trial,
9 civil or criminal, arising out of an accident, except that any officer above
10 named for receiving accident reports shall furnish, upon demand of any person
11 who has, or who claims to have, made such a report, or, upon demand of any
12 court, a certificate showing that a specified accident report has or has not been
13 made to the Port Warden, solely to prove a compliance or a failure to comply
14 with the requirement that such a report be made in the manner required by law.

15 Section 18. OVERLOADING. AMENDED ORD. 90653

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

19 Section 19. EXCESSIVE POWER. AMENDED ORD. 90653, 94587

20 No watercraft shall be equipped with any motor or other propulsion machinery
21 beyond its safe power capacity, taking into consideration the type and construction
22 of such watercraft and other existing operating conditions.

23 Section 20. RESTRICTED AREAS.

24 In the interests of safe navigation, life safety and the protection of property,
25 the Port Warden shall designate restricted areas and the purpose for which same
26 shall be used. No person shall operate a vessel or watercraft within a restricted
27 area: PROVIDED, that this section shall not apply to vessels or watercraft en-
28 gaged in or accompanying the activity to which the area is restricted, nor to patrol
29 or rescue craft or in the case of an emergency.

1 Section 21. SWIMMING.

2 Swimming in the harbor shall be confined to (a) restricted swimming areas or
3 (b) to within a distance of fifty feet from the shore or a pier unless the
4 swimmer is accompanied by a watercraft.

5 Section 22. SKIN-DIVING. AMENDED ORD. 70653

6 Skin-diving shall be prohibited in the harbor

7 (a) to the east of a line from the northwest corner of Harbor Island to the
8 westernmost point of the U.S. Naval property located in Smith Cove or

9 (b) within 500 feet of any ferry slip, except pursuant to permit therefor issued
10 by the Port Warden and except for commercial diving. Whenever any diver is in the
11 water he shall be accompanied by a watercraft or the area in which he is diving shall
12 be marked by an adequately displayed diver's flag.

13 Section 23. WATER SKIING. AMENDED ORD. 90653, 91513,

14 (a) No watercraft which shall have in tow or shall be otherwise assisting a person
15 on water skis, aqua-plane, surf-board or similar contrivances shall be operated or
16 propelled in the harbor unless such watercraft shall be occupied by at least two
17 competent persons: PROVIDED, that this subsection shall not apply to watercraft
18 used in duly authorized water ski tournaments, competitions, expositions, or trials
19 therefore.

20 (b) No watercraft shall have in tow or shall otherwise be assisting a person on
21 water skis, aqua-plane, surf-board or similar contrivance from sunset to sunrise:
22 PROVIDED, that this sub-section shall not apply to watercraft used in duly authorized
23 water ski tournaments, competitions, expositions, or trials therefore.

24 (c) All watercraft having in tow or otherwise assisting a person on water skis,
25 aqua-plane, surf-board or similar contrivance, shall be operated in a careful and
26 prudent manner and at a reasonable distance from persons and property so as not
27 to endanger the life or property of any person.

1 Section 24. MUFFLERS:

2 It shall be unlawful to use or operate any engine in or on Seattle Harbor unless
3 said engine is operated with and connected to a muffler or silencer of sufficient
4 size and capacity effectually to muffle and prevent excessive or unusual noise
5 from the exhaust of said engine.

6 Section 25. WHISTLES AND LIGHTS:

7 It shall be unlawful for the master, owner or any other person in charge of any
8 watercraft or vessel, while lying at any pier, or while navigating in Seattle
9 Harbor, unnecessarily to cause any whistle or siren to be blown or sounded, nor
10 shall any person flash the rays of a searchlight or other blinding light onto the
11 bridge or into the pilot house of any vessel or watercraft under way for any
12 purpose other than those authorized by law.

13 Section 26. EQUIPMENT AND NUMBERING:

14 All watercraft or vessels shall carry the equipment required by any applicable
15 United States laws as now or hereafter amended, and shall be numbered or designated
16 in accordance with any applicable United States laws as now or hereafter amended.

17 Section 27. RACING:

18 Nothing in the provisions of this ordinance shall be construed to mean that the
19 operator of a watercraft competing in a race or regatta, or trials therefor, which
20 has been duly authorized by an appropriate governmental agency or authority, shall
21 be prohibited from attempting to attain high speeds on a duly designated and indi-
22 cated racing course nor, while so engaged, shall such watercraft be required to
23 comply with sections 24, 25 or 26 of this ordinance.

24 Section 28. FAIRWAYS:

25 All waters herein specified, subject to reservations for anchorage and restricted
26 areas, shall be known as "FAIRWAY", and shall not be obstructed in any manner whereby
27 navigation may be endangered or impeded, and shall include, subject to such reser-
28 vations, the following described waters:

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

3 All of the East and West Waterways.

4 All of the Duwamish River.

5 All of the Duwamish Waterway Project.

6 All of Salmon Bay.

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

9 All of Lake Washington and Lake Union lying or being within the corporate limits
10 of the City of Seattle or within the jurisdiction and control of the city.

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

14 All navigable waters in the projection of public streets, lying on the landward
15 side of the outer harbor line shall be fairway. It shall be unlawful for the master,
16 or other person in charge of any vessel, watercraft or obstruction to anchor, tie
17 or make fast the same in any such fairway for a longer period of time than reasonably
18 sufficient to load or unload the same, except that the port warden may, in his
19 discretion, grant any permit for the use of any such fairway for a longer period
20 of time whenever in his judgment such use will not interfere with the use of the
21 fairway by any other vessel.

22 Section 29. ANCHORAGES:

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

25 Elliott Bay Anchorage: Beginning at the northeast corner of Harbor Island;
26 thence northerly and in a straight line to a point intersecting a line drawn along
27 the south side of King Street; thence west on said line to a point intersecting the
28 east line of the West Waterway; thence along said east line to the northwest corner

1 of Harbor Island; also, beginning at a point of intersection of the outer harbor
2 line with a straight line drawn along the west line of the West Waterway; thence
3 north to a point intersecting a straight line drawn along the south side of Dearborn
4 Street; thence in a westerly direction to a junction with a line along the south
5 side of California Place.

6 Smith Cove Anchorage: Beginning at a point at the junction of the outer harbor
7 line and a line drawn along the north side of Denny Way; thence westerly on said line
8 for a distance of approximately two thousand (2000) feet; thence in a northwesterly
9 direction paralleling the outer harbor line to a point intersecting a straight
10 line drawn along the east side of Pier 88.

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

14 Salmon Bay Anchorage: Beginning at a point at the junction of the outer
15 harbor line and a straight line drawn along the south side of Sheridan Street,
16 thence in a southeasterly direction in a straight line to a point at the inter-
17 section of the outer harbor line and the Great Northern bridge.

18 Portage Bay Anchorage: East and South of a line extending approximately
19 600 feet westerly in extension of the south channel line of the Lake Washington
20 Ship Canal which is immediately west of the Montlake Cut, thence southerly in
21 extension of the east side of Fourteenth Avenue North to the south shore line of
22 Portage Bay.

23 Provided, That in addition to the above described anchorages, whenever deemed
24 advisable by the port warden he may grant a written permit to the master or owner
25 of any vessel, watercraft or obstruction for the anchorage or mooring of the same
26 outside of the outer harbor line, or in any waterway or in any street and on
27 Lake Union at such locations as he shall determine will not interfere with or
28 impede navigation.

1 Lake Washington Anchorage: Whenever deemed advisable by the port warden, he
2 may grant a written permit to the master or owner of any vessel or watercraft for
3 the anchorage or mooring of said vessel or watercraft outside of the outer harbor
4 line, or in any unused slip, or in any street end, on Lake Washington, at such
5 locations as he shall determine will not interfere with or impede navigation.

6 Section 30. AIRCRAFT ON THE WATER:

7 All vessels or watercraft shall keep clear of aircraft landing within any area now
8 or hereafter set aside by law for such purpose. Aircraft on the water shall keep
9 clear of all vessels and watercraft and avoid impeding their navigation.

10 Section 31. RULES OF THE ROAD:

11 Except as herein otherwise specified, vessels or watercraft shall be subject to the
12 "Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of
13 the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico", (C. F. 236479)
14 by the United States Coast Guard, pursuant to act of Congress, as such rules are
15 now or may hereafter from time to time be adopted.

16 Section 32. CITY BUOYS:

17 The Port Warden 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 33. PROPELLERS:

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

24 Section 34. EXPLOSIVES:

25 Every vessel or watercraft approaching or passing any vessel or watercraft engaged
26 in the transfer of explosives and from which is displayed the red powder flag
27 shall slow down to a speed of not exceeding six (6) nautical miles an hour before
28 coming abreast of such vessel or watercraft and in time to prevent accident by
29 reason of swells.

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1 Section 35. UNSAFE PIERS:

2 Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear
3 to the Port Warden to become unsafe so as to render the same, or any portion
4 thereof, unsafe for life or property, the Port Warden shall report the matter to
5 the City Superintendent of Buildings who shall inspect the same and shall order any
6 unsafe portion thereof barricaded with proper fencing until such time as necessary
7 repairs thereto shall be made, and if the owner, agent or lessee of such pier shall
8 fail to comply with the orders of the City Superintendent of Buildings immediately,
9 the City Superintendent of Buildings shall prohibit the use of the unsafe portion
10 of such pier and may erect the necessary fencing or barricade and the expense thereof
11 shall be paid by and recoverable from the owner, agent or lessee of such pier to
12 the City.

13 Section 36. PIER LIGHTS:

14 In the interests of safe navigation and the protection of property the Port Warden
15 shall establish standards for the lighting of piers in the harbor. Between the
16 hours of sunset and sunrise all piers shall be kept lighted in accordance with the
17 requirements of the Port Warden. All walks, passageways, openings or gangways upon
18 any pier upon or through which passengers may pass shall be kept adequately lighted
19 between sunset and sunrise.

20 Section 37. SAFETY DEVICES:

21 Every owner, agent or lessee having charge of any commercial pier shall furnish and
22 keep for use on such pier at least one (1) serviceable thirty-inch ring life buoy,
23 and one (1) serviceable thirty-inch ring life buoy for every three hundred (300)
24 lineal feet of berthing space to each of which shall be attached at least two hundred
25 (200) feet of suitable line, one end of which shall be fastened to the ring buoy.
26 Each ring buoy and line attached thereto shall be kept in a suitable box on the
27 pier for the use of the public in case of accident, which box shall be properly
28 labeled and be at all times kept clear of obstructions, and it shall be unlawful
29 to take away, molest, injure or destroy the same, or either of them or to disturb

1 the same, or either of them, except for use in saving life and property.

2 Section 38. PIER BARRIERS:

3 Every owner, lessee or agent of any pier open to public use to or from vessels
4 or watercraft or for any other purpose, shall guard the frontage on any highway
5 by substantial and adequate fences or other barriers and shall guard the sides
6 and face thereof in a similar manner if used as a thoroughfare to or from any
7 vessel or watercraft. All necessary openings or passages in such fences or
8 barriers shall be provided with substantial gates which shall be closed and securely
9 fastened when not in use.

10 Section 39. ROADWAY BARRIERS:

11 Any person owning or operating or having control of any trestle, road or roadway or
12 spur track over or upon the Harbor which is open to the public as a way for travel,
13 shall guard the same by adequate fences or barriers along the side or sides thereof,
14 and at any or all other exposed or dangerous places, and where not open as a way
15 for travel, substantial and adequate fences or barriers shall be provided to pre-
16 vent the use of the same by the public, and upon failure so to do, the port warden
17 shall order such facility closed, or may close the same until the same shall be made
18 to conform to the requirements hereof, and any expense incurred in so doing shall be
19 paid to, and recoverable by, the City of Seattle from the person owning or operating
20 the same.

21 Section 40. DANGEROUS GANGWAYS:

22 Wherever any gangway devoted to public use shall appear to be dangerous to the port
23 warden for such use, he shall report the matter to the City Superintendent of Buildings
24 who shall inspect the same and shall forbid the use of such gangway for such pur-
25 pose until the same shall have been repaired or reconstructed so as to render the
26 same safe for such use and until the same as so reconstructed or repaired has been
27 inspected by the City Superintendent of Buildings and its use for such purpose
28 approved by him.

1 Section 41. BOILERS:

2 It shall be unlawful for the master of any vessel or watercraft or the engineer
3 or person in charge of any engine or fire room thereof, to blow down boilers and/or
4 tubes or emit soot therefrom or cause or allow the same to be done while lying at
5 any pier, except through an underwater exhaust or outlet.

6 Section 42. DRIFTING DEBRIS:

7 It shall be unlawful for the owner, agent or lessee in charge of any pier to allow
8 the whole, or any part thereof, to fall into or remain adrift in the navigable waters
9 or to drift away. Fender piles, broken or loose, shall be removed by the owner,
10 agent or lessee of any pier, and upon failure so to do, the same may be removed by
11 the port warden and the expense thereof shall be paid by and recoverable from the
12 owner, agent, or lessee of such pier to the city.

13 Section 43. OIL:

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

25 Section 44. NUISANCES:

26 Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any
27 structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof,
28 timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any

1 kind floating uncontrolled on the water, and all other substances or articles of
2 a similar nature, are hereby declared to be public nuisances and it shall be unlawful
3 for any person to throw or place in, or cause or permit to be thrown or placed any
4 of the above named articles or substances in Seattle Harbor, or upon the shores thereof,
5 or in such position that the same may or can be washed into said harbor, either by
6 high tides, storms, floods or otherwise. Any person causing or permitting said
7 nuisances to be placed as aforesaid shall remove the same and upon his failure so to
8 do, the same may be removed by the Port Warden and the expense thereof shall be paid
9 by and recoverable from the person creating said nuisance. In all cases such
10 nuisances may be abated in the manner provided by law. The abatement of any such
11 public nuisances shall not excuse the person responsible therefor from prosecution
12 hereunder.

13 Section 45. CITY FLOATS

14 All City floats or piers now or hereafter established, except as hereinafter speci-
15 fied, may be used by watercraft for dockage purposes, other than the handling of
16 freight, free of charge for lying time not to exceed 48 consecutive hours at any
17 one time. After such period the use of such facilities shall be only with the
18 written permission and at the sole discretion of the port warden.

19 Section 46. OBSTRUCTING TRAFFIC

20 The determination of the port warden shall be final and conclusive as to all questions
21 relating to the handling of freight or merchandise or as to the position of any
22 vessel or watercraft at any pier or other structure belonging to the City of Seattle,
23 and all persons handling or in charge of freight or merchandise or vessels or water-
24 craft, shall handle the same expeditiously and without interference with or blocking
25 general traffic and without interfering with commerce and navigation.

1 Section 47. FIRE PIERS:

2 No passengers, freight or merchandise shall be handled over any location designated
3 for the use of the fire boats of the fire department, nor shall such location be
4 used for any purpose whatever other than municipal purposes.

5 Section 48. PATROL FLOATS:

6 The port warden shall designate locations for such floats as may be necessary for
7 patrol boats and shall prescribe rules and regulations for the use of such floats.

8 Section 49. ACCOUNTING:

9 The port warden shall keep accurate and detailed account of all moneys received or
10 disbursed by him in the performance of his duties, which books of account shall be
11 furnished by and be the property of the City of Seattle which shall at all times,
12 within office hours be open to inspection by the public and at all times to inspec-
13 tion and audit by the proper department or departments of the city.

14 Section 50. PUBLIC HEALTH:

15 All watercraft and vessels entering or in the harbor shall comply with the applicable
16 public health laws and regulations of the United States, the State of Washington and
17 its political subdivisions.

18 Section 51. BOAT LIVERY RECORDS:

19 The owner or proprietor of a boat livery shall cause to be kept a record of the name
20 and address of the person or persons hiring any watercraft, the identification number
21 of such watercraft, the departure date and time and the date and time of the return
22 of such watercraft. Such record shall be preserved for not less than six months after
23 the departure date of such watercraft and shall be kept available for inspection
24 by any duly authorized agency or authority. Prior to departure from the premises
25 of such boat livery any such watercraft shall carry the equipment required by this
26 ordinance.

1 Section 52. LIABILITY FOR DAMAGES:

2 Nothing in this ordinance shall be construed so as to release any person owning or
3 controlling any vessel, watercraft, pier, obstruction or other structure, from any
4 liability for damages, and the safeguards to life and property required in this
5 ordinance shall not be construed as relieving any person from installing and main-
6 taining all other safeguards that may be required by law.

7 Section 53. ENFORCEMENT.

8 The Port Warden and any of his authorized deputies or employees ~~XXXXXXXXXX~~
9 ~~XXXXXX~~ and authorized personnel of the governments of the United States, the State
10 of Washington or its political subdivisions by virtue of their election or appoint-
11 ment shall have authority to enter upon and inspect any vessel or watercraft in the
12 harbor and are hereby charged with the enforcement of the provisions of this ordi-
13 nance ~~XX~~, except as the enforcement
14 thereof is herein otherwise specified. It shall be the duty of the Port Warden to
15 make complaints for any violation of the same, or any part hereof, in the name of
16 the City; Provided, That this provision shall not operate to preclude the making
17 of such complaint by any other person legally authorized so to do.

18 Section 54. RELEASE FROM ARREST ON NOTICE TO APPEAR:

19 Whenever any person is arrested for any violation of this Ordinance the arresting
20 officer may serve upon him a citation and notice to appear in court. The arrested
21 person, in order to secure release, and when permitted by the arresting officer, must
22 give his written promise to appear in court, as required by the citation and notice,
23 by signing in the appropriate place the written citation and notice served by the
24 arresting officer. Upon the arrested person's failing or refusing to sign such
25 written promise, he may be taken into the custody of such arresting officer and so
26 remain or be placed in confinement.

1 Section 55. PUBLIC EMPLOYEES TO OBEY HARBOR ORDINANCE:

2 The provisions of this Ordinance shall apply to the operator of any vessel or
3 watercraft owned by or used in the service of the United States government, or of
4 this State, or of any political subdivision thereof.

5 Section 56. EXEMPTION TO AUTHORIZED EMERGENCY VESSELS AND WATERCRAFT:

6 The provisions of this Ordinance shall be applicable to the operation of any and
7 all vessels or watercraft in the Harbor of the City, except that they shall not
8 apply in the following cases:

9 (1) To any authorized emergency vessel or watercraft actually responding to
10 an emergency call or in immediate pursuit of an actual or suspected violator of the
11 law, within the purpose for which such emergency vessel or watercraft has been
12 authorized: Provided, that the provisions of this section shall not relieve the
13 operator of an authorized emergency vessel or watercraft of the duty to operate
14 with due regard for the safety of all persons using the City Harbor, nor shall it
15 protect the operator of any such emergency vessel or watercraft from the conse-
16 quence of a reckless disregard for the safety of others: Provided, further, The
17 provisions of this section shall in no event extend any special privilege or immunity
18 in operation of an authorized emergency vessel or watercraft for any purpose other
19 than for which the same has been authorized.

20 Section 57. AIDING AND ABETTING VIOLATION:

21 It is unlawful to counsel, aid, or abet the violation of, or failure to comply with,
22 any of the provisions of this ordinance.

23 Section 58. EMERGENCY POWERS:

24 The port warden and the officers of the Harbor Department are hereby authorized to
25 direct all waterborne traffic, either in person or by means of visible or audible
26 signal in conformance with the provisions of this ordinance: Provided, that where
27 necessary to expedite waterborne traffic, or to prevent or eliminate congestion, or
28 to safeguard persons or property, such officers, or in the event of a fire or other

1 emergency, such officers and other authorized officers of appropriate governmental
2 agencies or authorities, may direct waterborne traffic as conditions may require,
3 notwithstanding the provisions of this ordinance.

4 Section 59. PENALTY:

5 Any person who shall violate or fail to comply with any provision of this ordinance,
6 or any lawful order or direction of the port warden or any person or officer charged
7 with the enforcement hereof, shall, on conviction thereof, be punished by a fine in
8 any sum not exceeding Five Hundred Dollars (\$500), or by imprisonment in the city
9 jail for a term not to exceed six (6) months, or both such fine and imprisonment.

10 Section 60. HARBOR ADVISORY COMMISSION.

11 (a) There is hereby established a Harbor Advisory Commission of not less
12 than twelve persons to meet with and advise the Port Warden. The Harbor Advisory
13 Commission shall serve without compensation as such and shall be appointed by the
14 Mayor of the City so as to give proper representation to governmental agencies,
15 business and labor interests, recreational organizations and civic groups concerned
16 with the control and regulation of the harbor.

17 (b) It shall be the duty of the Harbor Advisory Commission to recommend
18 to the regularly constituted city officials ways and means for improving harbor
19 conditions. The Commission shall meet not less than once each six months, or more
20 often upon the call of the Port Warden or any seven members of the Commission at a
21 time and place to be decided upon by the Commission.

22 (c) The Port Warden shall be the Chairman of the Commission and he shall
23 furnish from his regular staff the necessary secretarial and stenographic services
24 and materials required by the Commission.

1 Section 61. PRESERVATION OF ACTIONS:

2 This ordinance shall not affect pending actions or proceedings, civil or criminal,
3 or defenses thereto, but the same may be prosecuted or defended with the same effect
4 as though this ordinance had not been passed. No cause of action or defense thereto,
5 heretofore arising under any of the ordinances hereby repealed shall abate by reason
6 of the passage of this ordinance whether such action has been commenced or such
7 defense interposed or not, but all such actions may be brought and such defenses
8 interposed with the same effect as though said ordinance had not been repealed.

9 Section 62. REPEAL:

10 This ordinance repeals Ordinance Nos. 34375, 34746, 34995, 40555 and 42337, and
11 sections 52 through 56 of Ordinance 48022, and all other ordinances or parts of
12 ordinances in conflict herewith.

13 Section 63. SAVING CLAUSE:

14 In the event any section or provision of this ordinance shall be held invalid or
15 of no effect, such decision shall not affect the validity of any other section or
16 provision thereof.

- Ord. 100171 adds sections 65 thru 74 inclusive.
- Ord. 151820 amends sections 68(e) & 70.

(To be used for all Ordinances except Emergency.)

Section 64. 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 24 day of February, 1959, and signed by me in open session in authentication of its passage this 24 day of February, 1959.

David L. Clinton
President of the City Council.

Approved by me this 25 day of February, 1959.

David L. Clinton
Mayor.

Filed by me this 25 day of February, 1959.

W. A. Perine
City Comptroller and City Clerk.

(SEAL)

Published MAR 7 1959

By *W. A. Perine*
Deputy Clerk.

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THE CITY OF SEATTLE
LAW DEPARTMENT

500 COUNTY-CITY BUILDING
A. C. VAN SOELEN, CORPORATION COUNSEL

February 16, 1959

CITY PROSECUTOR
BRUCE MACDOUGALL

JUNIOR ASSISTANTS
THOMAS J. OWENS
ARTHUR T. LANE
C. D. FRANSEN
PETER K. STEERE

SECRETARY
FAVE FORDE

CLAIM AGENT
JOHN F. COOPER

Re: C. F. 235331

City Council
City of Seattle

Honorable Members:

Pursuant to the request of your Special Committee dated February 9, 1959, we have prepared in proper form for introduction a proposed ordinance providing for the control of the waters within the city limits, prescribing the powers and duties of the Port Warden and others in connection therewith and repealing the old Harbor Code. For such purpose we have adopted in toto the language of the final draft recommended by the Mayor's Harbor Patrol Committee as contained in Comptroller's File 235331, which file together with Comptroller's Files 235408 and 235794 are returned herewith.

We note, that although additional duties and responsibilities of administration and enforcement are imposed upon various city departments and particularly the Harbor Department, said ordinance includes no appropriation therefor.

Yours very truly,

A. C. VAN SOELEN,
Corporation Counsel



ALN-MM
Enc.

BY: A. L. NEWBOULD,
Assistant

STATE OF WASHINGTON)
COUNTY OF KING) SS
CITY OF SEATTLE)

E. L. KIDD

I, ~~REDACTED~~ Comptroller and City Clerk of the

City of Seattle, do hereby certify that the within and foregoing
is a true and correct COPY OF ORDINANCE No. 87983, AN ORDINANCE
RELATING TO THE WATERS WITHIN THE CITY OF SEATTLE, PROVIDING FOR
THE CONTROL THEREOF; PRESCRIBING THE POWERS AND DUTIES OF THE
PORT WARDEN AND OTHER PERSONS IN CONNECTION THEREWITH; DECLARING
CERTAIN THINGS TO BE NUISANCES AND AUTHORIZING THE ABATEMENT
THEREOF; DEFINING OFFENSES; PROVIDING PENALTIES AND REPEALING
ORDINANCES 34379; 34746; 34995; 40555 AND 42337, AND SECTION 52
THROUGH 56 OF ORDINANCE 48022, AND ALL OTHER ORDINANCES OR PARTS
OF ORDINANCES IN CONFLICT HERewith.

as the same appears on file, and of record in this Department.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of The City of Seattle, this APRIL 23, 1976

E. L. KIDD

~~REDACTED~~
Comptroller and City Clerk

By *John B. Vallum*
Chief Deputy

(SEAL)

HARBOR ORDINANCE

NO. 87983

1 AN ORDINANCE RELATING TO THE WATERS WITHIN THE CITY OF SEATTLE, PROVIDING FOR
2 THE CONTROL THEREOF; PRESCRIBING THE POWERS AND DUTIES OF THE PORT WARDEN
3 AND OTHER PERSONS IN CONNECTION THEREWITH; DECLARING CERTAIN THINGS TO BE
4 NUISANCES AND AUTHORIZING THE ABATEMENT THEREOF; DEFINING OFFENSES; PROVIDING
5 PENALTIES AND REPEALING ORDINANCES 34379; 34746; 34995; 40555 AND 42337, AND
6 SECTION 52 THROUGH 56 OF ORDINANCE 48022, AND ALL OTHER ORDINANCES OR PARTS
7 OF ORDINANCES IN CONFLICT HEREWITH.

8 BE IT ORDAINED BY THE CITY OF SEATTLE:

9 SECTION 1. AUTHORIZATION:

10 THE CITY OF SEATTLE IN THE EXERCISE OF ITS POLICE POWER HEREBY ASSUMES CONTROL AND
11 JURISDICTION OVER ALL WATERS WITHIN ITS LIMITS, AND SUCH WATERS SHALL, FOR THE
12 PURPOSE OF THIS ORDINANCE, BE KNOWN AS "THE HARBOR."

13 SECTION 2. DEFINITIONS: (AMENDED ORD: 90653, 94597, 100171,)

14 FOR THE PURPOSE OF THIS ORDINANCE:

15 "ANCHORAGE" SHALL MEAN A DESIGNATED POSITION WHERE VESSELS OR WATERCRAFT MAY
16 ANCHOR OR MOOR.

17 "AQUATIC EVENT" MEANS ANY ORGANIZED WATER EVENT OF LIMITED DURATION WHICH IS
18 DULY SANCTIONED AT LEAST SEVEN DAYS IN ADVANCE BY DULY CONSTITUTED AUTHORITY AND
19 WHICH IS CONDUCTED ACCORDING TO A PREARRANGED SCHEDULE AND IN WHICH GENERAL PUBLIC
20 INTEREST IS MANIFESTED.

21 "AUTHORIZED EMERGENCY VESSEL" SHALL MEAN ANY AUTHORIZED VESSEL OR WATERCRAFT
22 OF THE CITY HARBOR DEPARTMENT, CITY POLICE DEPARTMENT, CITY FIRE DEPARTMENT,
23 KING COUNTY SHERIFF'S DEPARTMENT, THE UNITED STATES GOVERNMENT, AND STATE OF
24 WASHINGTON AUTHORIZED PATROL VESSELS OR WATERCRAFT.

25 "CITY" SHALL MEAN THE CITY OF SEATTLE.

26 "DIVER'S FLAG" SHALL MEAN A RED FLAG 5 UNITS OF MEASUREMENT ON THE HOIST BY

1 6 UNITS OF MEASUREMENT ON THE FLY WITH A WHITE STRIPE OF 1 UNIT CROSSING THE
2 RED DIAGONALLY WITH THE FLAG HAVING A STIFFENER. THIS FLAG SHALL ONLY PERTAIN
3 TO SKIN AND SCUDA (SELF CONTAINED UNDERWATER BREATHING APPARATUS) DIVING AND
4 SHALL SUPPLEMENT ANY NATIONALLY RECOGNIZED DIVERS' FLAG OR MARKING.

5 "MASTER" SHALL MEAN THE CAPTAIN, SKIPPER, PILOT OR ANY PERSON HAVING CHARGE
6 OF ANY VESSEL OR WATERCRAFT.

7 "OBSTRUCTION" SHALL MEAN ANY VESSEL OR WATERCRAFT OR ANY MATTER WHICH MAY
8 IN ANY WAY BLOCKADE, INTERFERE WITH OR ENDANGER ANY VESSEL OR WATERCRAFT OR
9 IMPEDE NAVIGATION, OR WHICH CANNOT COMPLY WITH THE "PILOT RULES FOR CERTAIN
10 INLAND WATERS OF THE ATLANTIC AND PACIFIC COASTS AND OF THE COAST OF THE GULF
11 OF MEXICO." (C.F. 236479)

12 "OIL" SHALL MEAN ANY OIL OR LIQUID, WHETHER OF ANIMAL, VEGETABLE OR MINERAL
13 ORIGIN, OR A MIXTURE, COMPOUND OR DISTILLATION THEREOF.

14 "OWNER" MEANS THE PERSON WHO HAS LAWFUL POSSESSION OF A VESSEL OR WATERCRAFT
15 OR OBSTRUCTION BY VIRTUE OF LEGAL TITLE OR EQUITABLE INTEREST THEREIN WHICH ENTITLES
16 HIM TO SUCH POSSESSION.

17 "PERSON" SHALL, WHEN NECESSARY, BE HELD AND CONSTRUED TO MEAN AND INCLUDE
18 NATURAL PERSONS, ASSOCIATIONS, COPARTNERSHIPS AND CORPORATIONS, WHETHER ACTING
19 BY THEMSELVES OR BY A SERVANT, AGENT OR EMPLOYEE; THE SINGULAR NUMBER SHALL, WHEN
20 NECESSARY, BE HELD TO MEAN AND INCLUDE THE PLURAL, AND THE MASCULINE PRONOUN TO
21 INCLUDE THE FEMININE.

22 "PIER" SHALL MEAN ANY PIER, WHARF, DOCK, FLOAT, GRIDIRON OR OTHER STRUCTURE
23 TO PROMOTE THE CONVENIENT LOADING OR UNLOADING OR OTHER DISCHARGE OF VESSELS OR
24 WATERCRAFT, OR THE REPAIR THEREOF.

25 "RESTRICTED AREA" SHALL MEAN AN AREA THAT HAS BEEN MARKED IN ACCORDANCE WITH
26 AND AS AUTHORIZED BY THE LAWS OR REGULATIONS OF THE CITY TO BE USED FOR, OR

1 CLOSED TO, CERTAIN DESIGNATED PURPOSES SUCH AS SWIMMING, SKIN-DIVING, FERRY
2 LANDINGS, AND AQUATIC EVENTS, THE METHOD OF MARKING AND DESIGNATION OF WHICH
3 SHALL HAVE BEEN MADE BY THE PORT WARDEN IN ACCORDANCE WITH THE PROVISIONS OF
4 THIS ORDINANCE.

5 "TOWBOAT" SHALL MEAN ANY VESSEL OR WATERCRAFT ENGAGED IN TOWING OR PUSHING
6 ANOTHER VESSEL OR WATERCRAFT OR ANYTHING OTHER THAN A VESSEL OR WATERCRAFT.

7 "VESSEL" MEANS ANY CONTRIVANCE 110 FEET OR MORE IN LENGTH OVERALL, USED OR
8 CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER.

9 "WATERCRAFT" MEANS ANY CONTRIVANCE LESS THAN 110 FEET IN LENGTH OVERALL,
10 USED OR CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER. CRIBS OR
11 PILES, SHINGLEBOLTS, BOOMS OF LOGS, RAFTS OF LOGS, AND RAFTS OF LUMBER SHALL
12 NOT BE INCLUDED WITHIN THE TERMS "WATERCRAFT" OR "VESSEL", BUT SHALL BE INCLUDED
13 WITHIN THE TERM "OBSTRUCTION" WHEN THEY SHALL BE FLOATING LOOSE AND NOT UNDER
14 CONTROL OR WHEN UNDER CONTROL AND OBSTRUCTING ANY NAVIGABLE CHANNEL.

15 SECTION 3. DUTIES OF PORT WARDEN: (AMENDED ORD: 94587, 100171)

16 THE DUTIES OF THE PORT WARDEN AS HEAD OF THE HARBOR DEPARTMENT SHALL BE:

17 1. TO ENFORCE THE ORDINANCES AND REGULATIONS OF THE CITY UPON THE WATERS
18 OF THE HARBOR AND ADJACENT THERETO WHEN THE HARBOR IS AFFECTED.

19 2. TO MAINTAIN REGULAR PATROLS IN THE HARBOR FOR THE PROTECTION OF LIFE
20 AND PROPERTY INCLUDING, BUT NOT LIMITED TO, THE REMOVAL AND DISPOSITION OF OIL
21 POLLUTION, DRIFTING DEBRIS AND NUISANCES FROM THE WATERS OF THE HARBOR.

22 3. TO INVESTIGATE AND REPORT UPON MARINE AND MARITIME ACCIDENTS IN THE
23 HARBOR.

24 4. TO PERFORM ALL NECESSARY FUNCTIONS IN CONNECTION WITH SEARCH AND RESCUE
25 IN THE HARBOR.

26 5. TO COOPERATE WITH THE AUTHORITIES OF THE UNITED STATES, THE STATE OF
27 WASHINGTON AND ITS POLITICAL SUBDIVISIONS IN THE ENFORCEMENT OF THE LAWS AND

1 REGULATIONS OF THE UNITED STATES, THE STATE OF WASHINGTON AND ITS POLITICAL
2 SUBDIVISIONS.

3 6. TO DESIGNATE, INDICATE THE LOCATION OF, AND TO PATROL ANCHORAGE LOCATIONS
4 FOR WATERCRAFT OR VESSELS WITHIN AREAS SET FORTH BY THE ORDINANCES OF THE CITY.

5 7. TO ESTABLISH, MAINTAIN AND REGULATE THE USE OF MOORAGE BUOYS IN THE HARBOR
6 FOR THE CONVENIENCE OF WATERCRAFT AND VESSELS.

7 8. TO DESIGNATE RESTRICTED AREAS.

8 SECTION 4. APPLICATION AND JUSTIFICATION:

9 THE PROVISIONS OF THIS ORDINANCE SHALL BE APPLICABLE TO ALL VESSELS AND WATER-
10 CRAFT OPERATING IN THE HARBOR OF THIS CITY. THE PROVISIONS OF THIS ORDINANCE
11 SHALL BE CONSTRUED TO SUPPLEMENT UNITED STATES LAWS AND STATE LAWS AND REGULA-
12 TIONS WHEN NOT EXPRESSLY INCONSISTENT THEREWITH IN THE HARBOR WHERE SUCH
13 UNITED STATES AND STATE LAWS AND REGULATIONS ARE APPLICABLE.

14 SECTION 5. NEGLIGENT OPERATION: (AMENDED ORD: 100171)

15 ANY PERSON WHO SHALL OPERATE ANY WATERCRAFT IN A MANNER SO AS TO
16 ENDANGER OR BE LIKELY TO ENDANGER ANY PERSON OR PROPERTY OR AT A RATE OF SPEED
17 GREATER THAN WILL PERMIT HIM IN THE EXERCISE OF REASONABLE CARE TO BRING THE
18 WATERCRAFT TO A STOP WITHIN THE ASSURED CLEAR DISTANCE AHEAD, SHALL BE GUILTY
19 OF NEGLIGENT OPERATION AND A VIOLATION OF THIS ORDINANCE.

20 SECTION 6. RECKLESS OPERATION: (AMENDED ORD: 100171)

21 ANY PERSON WHO SHALL OPERATE ANY WATERCRAFT OR VESSEL IN A RECKLESS MANNER SO
22 AS TO ENDANGER THE LIFE OR LIMB, OR DAMAGE THE PROPERTY OF ANY PERSON, SHALL BE
23 GUILTY OF THE CRIME OF RECKLESS OPERATION AND A VIOLATION OF THIS ORDINANCE.

24 SECTION 7. SPEED REGULATIONS: (AMENDED ORD: 90653, 96875, 100171, 101866,
102301)

25 (A) FROM THE WEST ENTRANCE OF THE LAKE WASHINGTON SHIP CANAL TO THE WESTERN END
26 OF THE WEST GUIDE PIER OF THE HIRAM M. CHITTENDEN LOCKS, AND FROM THE EAST END

1 OF THE EASTERNMOST GUIDE PIER OF SAID LOCKS TO THE WHITE FLASHING DOLPHIN LOCATED
2 SOUTH OF WEBSTER POINT ON LAKE WASHINGTON, INCLUDING ALL OF SALMON BAY, LAKE
3 UNION, PORTAGE BAY AND UNION BAY, IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE
4 ANY WATERCRAFT OR VESSEL AT A SPEED IN EXCESS OF 7 NAUTICAL MILES PER HOUR
5 WITHIN 200 FEET OF ANY SHORELINE, PIER, RESTRICTED AREA OR SHORE INSTALLATION.

6 (B) FROM THE WESTERN END OF THE AFORESAID WEST GUIDE PIER TO THE EASTERN END OF THE
7 AFORESAID EAST GUIDE PIER AT SAID LOCKS, IT SHALL BE UNLAWFUL FOR ANY PERSON TO
8 OPERATE ANY WATERCRAFT OR VESSEL AT A SPEED IN EXCESS OF 4 NAUTICAL MILES PER HOUR.

9 SECTION 8. INTERFERENCE WITH NAVIGATION: (AMENDED ORD: 100171)

10 NO PERSON SHALL OPERATE ANY WATERCRAFT OR VESSEL IN A MANNER WHICH SHALL
11 UNREASONABLY OR UNNECESSARILY INTERFERE WITH OTHER WATERCRAFT OR VESSELS OR
12 WITH THE FREE AND PROPER NAVIGATION OF THE WATERWAYS OF THE CITY. ANCHORING
13 OR MOORING UNDER BRIDGES OR IN HEAVILY TRAVELLED CHANNELS SHALL CONSTITUTE SUCH
14 INTERFERENCE IF UNREASONABLE UNDER THE PREVAILING CIRCUMSTANCES.

15 SECTION 9. TOWS:

16 NO TOW BOAT SHALL TOW ANY RAFT OR BOOM OF LOGS OR PILES OR OTHER TOW WITHIN
17 THE LAKE WASHINGTON SHIP CANAL FROM SHILSHOLE BAY TO WEBSTER POINT NOR IN THE
18 DUWAMISH WATERWAY INCLUDING THE EAST AND WEST WATERWAYS IN EXCESS OF EIGHTY (80)
19 FEET IN WIDTH NOR TWELVE HUNDRED (1200) FEET IN LENGTH, AND NO TOW SHALL, IN
20 ANY EVENT, EXCEED TWELVE HUNDRED (1200) FEET IN LENGTH.

21 SECTION 10. OBSTRUCTIONS AND THE MOVING OF SAME: (AMENDED ORD: 100171)

22 (A) NO MASTER OR PERSON HAVING CHARGE OF ANY VESSEL, WATERCRAFT OR OBSTRUCTION SHALL
23 ANCHOR THE SAME IN ANY ANCHORAGE OR FAIRWAY NOR MAKE THE SAME FAST TO ANY BUOY,
24 PIER OR OTHER STRUCTURE OWNED BY OR UNDER THE AUTHORITY AND CONTROL OF THE CITY
25 WITHOUT OBTAINING PERMISSION THEREFOR FROM THE PORT WARDEN.

26 (B) NO MASTER, OWNER OR OTHER PERSON IN CHARGE OF ANY TOWBOAT SHALL WHILE

1 TOWING ANY VESSEL, WATERCRAFT OR OBSTRUCTION OBSTRUCT ANY CHANNEL OR FAIRWAY.

2 (c) THE PORT WARDEN SHALL HAVE THE POWER TO ORDER

3 (1) ANY VESSEL, WATERCRAFT OR OBSTRUCTION ANCHORED IN ANY ANCHORAGE
4 OR FAIRWAY OR MADE FAST TO ANY BUOY, PIER OR OTHER STRUCTURE OWNED BY
5 OR UNDER THE AUTHORITY AND CONTROL OF THE CITY

6 (2) ANY TOWBOAT AND/OR ITS TOW OBSTRUCTING NAVIGATION IN ANY CHANNEL
7 OR FAIRWAY, AND

8 (3) ANY VESSEL, WATERCRAFT OR OBSTRUCTION LYING AT ANY PIER IN THE
9 HARBOR WHICH IS OBSTRUCTING ANY SLIP, FAIRWAY OR OTHER VESSEL
10 OR WATERCRAFT

11 TO BE REMOVED, AND IT SHALL BE UNLAWFUL TO FAIL, NEGLECT OR REFUSE TO DO SO.

12 SECTION 11. SUNKEN VESSELS:

13 WHEN ANY VESSEL OR WATERCRAFT OR OBSTRUCTION HAS BEEN SUNK OR GROUND, OR HAS
14 BEEN DELAYED IN SUCH MANNER AS TO STOP OR SERIOUSLY INTERFERE WITH OR ENDANGER
15 NAVIGATION, THE PORT WARDEN MAY ORDER THE SAME IMMEDIATELY REMOVED AND IF THE
16 OWNER, OR OTHER PERSON IN CHARGE THEREOF, AFTER BEING SO ORDERED, DOES NOT
17 PROCEED IMMEDIATELY WITH SUCH REMOVAL, THE PORT WARDEN MAY TAKE IMMEDIATE
18 POSSESSION THEREOF AND REMOVE THE SAME, USING SUCH METHODS AS IN HIS JUDGMENT
19 WILL PREVENT UNNECESSARY DAMAGE TO SUCH VESSEL OR WATERCRAFT OR OBSTRUCTION,
20 AND THE EXPENSE INCURRED BY THE PORT WARDEN IN SUCH REMOVAL SHALL BE PAID BY
21 SUCH VESSEL OR WATERCRAFT OR OBSTRUCTION OR THE OWNER OR OTHER PERSON IN CHARGE
22 THEREOF; AND IN CASE OF FAILURE TO PAY THE SAME, THE CITY MAY MAINTAIN AN ACTION
23 FOR THE RECOVERY THEREOF.

24 SECTION 12. FLOATING OBJECTS:

25 ALL VESSELS, WATERCRAFT, LOGS, PILING, BUILDING MATERIAL, SCOWS, HOUSEBOATS OR ANY
26 OTHER ARTICLE OF VALUE FOUND ADRIFT IN SEATTLE HARBOR, MAY BE TAKEN IN CHARGE BY
27 THE PORT WARDEN AND SHALL BE SUBJECT TO RECLAMATION BY THE OWNER THEREOF, ON PAY-
28 MENT BY HIM TO THE CITY OF ANY EXPENSES INCURRED BY THE CITY AND IN CASE OF FAILURE
29 TO RECLAIM, MAY BE SOLD OR DISPOSED OF ACCORDING TO LAW.

1 SECTION 13. INTOXICATION: (AMENDED ORD: 90653)

2 (A) IT SHALL BE UNLAWFUL FOR ANY PERSON WHO IS UNDER THE INFLUENCE OF
3 INTOXICATING LIQUOR OR NARCOTIC OR HABIT-FORMING DRUGS TO OPERATE OR BE IN
4 ACTUAL PHYSICAL CONTROL OF ANY VESSEL OR WATERCRAFT.

5 (B) IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY VESSEL OR WATERCRAFT OR ANY PERSON
6 HAVING SUCH IN CHARGE OR IN CONTROL TO AUTHORIZE OR KNOWINGLY PERMIT THE SAME TO BE
7 OPERATED BY ANY PERSON WHO IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR, NARCOTIC
8 OR HABIT-FORMING DRUGS.

9 SECTION 14. INCAPACITY OF OPERATOR:

10 IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY VESSEL OR WATERCRAFT OR ANY PERSON
11 HAVING SUCH IN CHARGE OR IN CONTROL TO AUTHORIZE OR KNOWINGLY PERMIT THE SAME
12 TO BE OPERATED BY ANY PERSON WHO BY REASON OF PHYSICAL OR MENTAL DISABILITY IS
13 INCAPABLE OF OPERATING SUCH VESSEL OR WATERCRAFT UNDER THE PREVAILING CIRCUMSTANCES.

14 SECTION 15. ACCIDENTS:

15 THE OPERATOR OF ANY WATERCRAFT INVOLVED IN AN ACCIDENT RESULTING IN INJURY OR
16 DEATH TO ANY PERSON OR IN DAMAGE TO PROPERTY SHALL IMMEDIATELY STOP SUCH WATERCRAFT
17 AT THE SCENE OF SUCH ACCIDENT AND SHALL GIVE HIS NAME, ADDRESS, THE NAME AND/OR
18 NUMBER OF HIS WATERCRAFT, AND THE NAME AND ADDRESS OF THE OWNER, TO THE PERSON
19 STRUCK OR THE OPERATOR OR OCCUPANTS OF THE VESSEL OR WATERCRAFT COLLIDED WITH OR
20 PROPERTY DAMAGED, AND SHALL RENDER TO ANY PERSON INJURED IN SUCH AN ACCIDENT
21 REASONABLE ASSISTANCE.

22 SECTION 16. ACCIDENT REPORTS:

23 THE MASTER, OWNER OR OPERATOR OF ANY WATERCRAFT SHALL FILE A REPORT WITHIN 48
24 HOURS WITH THE PORT WARDEN OF ANY ACCIDENT INVOLVING DEATH OR PERSONAL INJURY
25 REQUIRING MEDICAL TREATMENT OR PROPERTY DAMAGE IN EXCESS OF \$200.00 IN WHICH
26 SUCH WATERCRAFT SHALL HAVE BEEN INVOLVED IN SEATTLE HARBOR.

1 SECTION 17. REPORTS CONFIDENTIAL. INADMISSABLE AS EVIDENCE.

2 ALL REQUIRED ACCIDENT REPORTS AND SUPPLEMENTAL REPORTS AND COPIES THEREOF SHALL
3 BE WITHOUT PREJUDICE TO THE INDIVIDUAL SO REPORTING AND SHALL BE FOR THE CONFIDENTIAL
4 USE OF THE PORT WARDEN, CORPORATION COUNSEL, OR OTHER PEACE AND ENFORCE-
5 MENT OFFICER AS PROVIDED HEREIN, EXCEPT THAT ANY SUCH OFFICER MAY DISCLOSE THE
6 IDENTITY OF A PERSON REPORTED AS INVOLVED IN AN ACCIDENT WHEN SUCH IDENTITY IS
7 NOT OTHERWISE KNOWN OR WHEN SUCH PERSON DENIES HIS PRESENCE AT SUCH ACCIDENT.
8 NO SUCH ACCIDENT REPORT OR COPY THEREOF SHALL BE USED AS EVIDENCE IN ANY TRIAL,
9 CIVIL OR CRIMINAL, ARISING OUT OF AN ACCIDENT, EXCEPT THAT ANY OFFICER ABOVE
10 NAMED FOR RECEIVING ACCIDENT REPORTS SHALL FURNISH, UPON DEMAND OF ANY PERSON
11 WHO HAS, OR WHO CLAIMS TO HAVE, MADE SUCH A REPORT, OR, UPON DEMAND OF ANY
12 COURT, A CERTIFICATE SHOWING THAT A SPECIFIED ACCIDENT REPORT HAS OR HAS NOT BEEN
13 MADE TO THE PORT WARDEN, SOLELY TO PROVE A COMPLIANCE OR A FAILURE TO COMPLY
14 WITH THE REQUIREMENT THAT SUCH A REPORT BE MADE IN THE MANNER REQUIRED BY LAW.

15 SECTION 18. OVERLOADING. (AMENDED ORD; 90653)

16 NO WATERCRAFT SHALL BE LOADED WITH PASSENGERS OR CARGO BEYOND ITS SAFE CARRYING
17 CAPACITY NOR CARRY PASSENGERS IN AN UNSAFE MANNER TAKING INTO CONSIDERATION
18 WEATHER AND OTHER EXISTING OPERATING CONDITIONS.

19 SECTION 19. EXCESSIVE POWER. (AMENDED ORD: 90653, 94587)

20 NO WATERCRAFT SHALL BE EQUIPPED WITH ANY MOTOR OR OTHER PROPULSION MACHINERY
21 BEYOND ITS SAFE POWER CAPACITY, TAKING INTO CONSIDERATION THE TYPE AND CONSTRUCTION
22 OF SUCH WATERCRAFT AND OTHER EXISTING OPERATING CONDITIONS.

23 SECTION 20. RESTRICTED AREAS

24 IN THE INTERESTS OF SAFE NAVIGATION, LIFE SAFETY AND THE PROTECTION OF PROPERTY,
25 THE PORT WARDEN SHALL DESIGNATE RESTRICTED AREAS AND THE PURPOSE FOR WHICH SAME
26 SHALL BE USED. NO PERSON SHALL OPERATE A VESSEL OR WATERCRAFT WITHIN A RESTRICTED
27 AREA: PROVIDED, THAT THIS SECTION SHALL NOT APPLY TO VESSELS OR WATERCRAFT EN-
28 GAGED IN OR ACCOMPANYING THE ACTIVITY TO WHICH THE AREA IS RESTRICTED, NOR TO PATROL
29 OR RESCUE CRAFT OR IN THE CASE OF AN EMERGENCY.

1 SECTION 21. SWIMMING.

2 SWIMMING IN THE HARBOR SHALL BE CONFINED TO (A) RESTRICTED SWIMMING AREAS OR
3 (B) TO WITHIN A DISTANCE OF FIFTY FEET FROM THE SHORE OR A PIER UNLESS THE
4 SWIMMER IS ACCOMPANIED BY A WATERCRAFT.

5 SECTION 22. SKIN-DIVING. (AMENDED ORD: 90653)

6 SKIN-DIVING SHALL BE PROHIBITED IN THE HARBOR

7 (A) TO THE EAST OF A LINE FROM THE NORTHWEST CORNER OF HARBOR ISLAND TO THE
8 WESTERNMOST POINT OF THE U.S. NAVAL PROPERTY LOCATED IN SMITH COVE OR

9 (B) WITHIN 300 FEET OF ANY FERRY SLIP, EXCEPT PURSUANT TO PERMIT THEREFOR ISSUED
10 BY THE PORT WARDEN AND EXCEPT FOR COMMERCIAL DIVING. WHENEVER ANY DIVER IS IN THE
11 WATER HE SHALL BE ACCOMPANIED BY A WATERCRAFT OR THE AREA IN WHICH HE IS DIVING SHALL
12 BE MARKED BY AN ADEQUATELY DISPLAYED DIVER'S FLAG.

13 SECTION 23. WATER SKIING. (AMENDED ORD: 90653, 91513)

14 (A) NO WATERCRAFT WHICH SHALL HAVE IN TOW OR SHALL BE OTHERWISE ASSISTING A PERSON
15 ON WATER SKIIS, AQUA-PLANE, SURF-BOARD OR SIMILAR CONTRIVANCES SHALL BE OPERATED OR
16 PROPELLED IN THE HARBOR UNLESS SUCH WATERCRAFT SHALL BE OCCUPIED BY AT LEAST TWO
17 COMPETENT PERSONS: PROVIDED, THAT THIS SUBSECTION SHALL NOT APPLY TO WATERCRAFT
18 USED IN DULY AUTHORIZED WATER SKI TOURNAMENTS, COMPETITIONS, EXPOSITIONS, OR TRIALS
19 THEREFOR.

20 (B) NO WATERCRAFT SHALL HAVE IN TOW OR SHALL OTHERWISE BE ASSISTING A PERSON ON
21 WATER SKIIS, AQUA-PLANE, SURF-BOARD OR SIMILAR CONTRIVANCE FROM SUNSET TO SUNRISE;
22 PROVIDED, THAT THIS SUB-SECTION SHALL NOT APPLY TO WATERCRAFT USED IN DULY AUTHORIZED
23 WATER SKI TOURNAMENTS, COMPETITIONS, EXPOSITIONS, OR TRIALS THEREFOR.

24 (C) ALL WATERCRAFT HAVING IN TOW OR OTHERWISE ASSISTING A PERSON ON WATER SKIS,
25 AQUA-PLANE, SURF-BOARD OR SIMILAR CONTRIVANCE, SHALL BE OPERATED IN A CAREFUL AND
26 PRUDENT MANNER AND AT A REASONABLE DISTANCE FROM PERSONS AND PROPERTY SO AS NOT
27 TO ENDANGER THE LIFE OR PROPERTY OF ANY PERSON.

1 SECTION 24. MUFFLERS:

2 IT SHALL BE UNLAWFUL TO USE OR OPERATE ANY ENGINE IN OR ON SEATTLE HARBOR UNLESS
3 SAID ENGINE IS OPERATED WITH AND CONNECTED TO A MUFFLER OR SILENCER OF SUFFICIENT
4 SIZE AND CAPACITY EFFECTUALLY TO MUFFLE AND PREVENT EXCESSIVE OR UNUSUAL NOISE
5 FROM THE EXHAUST OF SAID ENGINE.

6 SECTION 25. WHISTLES AND LIGHTS:

7 IT SHALL BE UNLAWFUL FOR THE MASTER, OWNER OR ANY OTHER PERSON IN CHARGE OF ANY
8 WATERCRAFT OR VESSEL, WHILE LYING AT ANY PIER, OR WHILE NAVIGATING IN SEATTLE
9 HARBOR, UNNECESSARILY TO CAUSE ANY WHISTLE OR SIREN TO BE BLOWN OR SOUNDED, NOR
10 SHALL ANY PERSON FLASH THE RAYS OF A SEARCHLIGHT OR OTHER BLINDING LIGHT ONTO THE
11 BRIDGE OR INTO THE PILOT HOUSE OF ANY VESSEL OR WATERCRAFT UNDER WAY FOR ANY
12 PURPOSE OTHER THAN THOSE AUTHORIZED BY LAW.

13 SECTION 26. EQUIPMENT AND NUMBERING:

14 ALL WATERCRAFT OR VESSELS SHALL CARRY THE EQUIPMENT REQUIRED BY ANY APPLICABLE
15 UNITED STATES LAWS AS NOW OR HEREAFTER AMENDED, AND SHALL BE NUMBERED OR DESIGNATED
16 IN ACCORDANCE WITH ANY APPLICABLE UNITED STATES LAWS AS NOW OR HEREAFTER AMENDED.

17 SECTION 27. RACING (AMENDED ORD: 94587)

18 NOTHING IN THE PROVISIONS OF THIS ORDINANCE SHALL BE CONSTRUED TO MEAN THAT THE
19 OPERATOR OF A WATERCRAFT COMPETING IN A RACE OR REGATTA, OR TRIALS THEREFOR, WHICH
20 HAS BEEN DULY AUTHORIZED BY AN APPROPRIATE GOVERNMENTAL AGENCY OR AUTHORITY, SHALL
21 BE PROHIBITED FROM ATTEMPTING TO ATTAIN HIGH SPEEDS ON A DULY DESIGNATED AND INDI-
22 CATED RACING COURSE NOR, WHILE SO ENGAGED, SHALL SUCH WATERCRAFT BE REQUIRED TO
23 COMPLY WITH SECTIONS 24, 25 OR 26 OF THIS ORDINANCE.

24 SECTION 28. FAIRWAYS: (AMENDED ORD: 94587, 100171)

25 ALL WATERS HEREIN SPECIFIED, SUBJECT TO RESERVATIONS FOR ANCHORAGE AND RESTRICTED
26 AREAS, SHALL BE KNOWN AS "FAIRWAY", AND SHALL NOT BE OBSTRUCTED IN ANY MANNER WHEREBY
27 NAVIGATION MAY BE ENDANGERED OR IMPEDED, AND SHALL INCLUDE, SUBJECT TO SUCH RESER-
28 VATIONS, THE FOLLOWING DESCRIBED WATERS:

1 ALL OF ELLIOTT BAY, LYING EASTERLY OF A STRAIGHT LINE DRAWN FROM ALKI POINT
2 TO WEST POINT.

3 ALL OF THE EAST AND WEST WATERWAYS.

4 ALL OF THE DUWAMISH RIVER.

5 ALL OF THE DUWAMISH WATERWAY PROJECT.

6 ALL OF SALMON BAY.

7 ALL OF LAKE WASHINGTON SHIP CANAL, INCLUDING THAT PORTION WHICH SHALL BE UNDER
8 THE SUPERVISION AND CONTROL OF THE UNITED STATES GOVERNMENT.

9 ALL OF LAKE WASHINGTON AND LAKE UNION LYING OR BEING WITHIN THE CORPORATE LIMITS
10 OF THE CITY OF SEATTLE OR WITHIN THE JURISDICTION AND CONTROL OF THE CITY.

11 ALL THAT PORTION OF SKILSHOLE BAY, LYING EASTERLY AND SOUTHERLY OF A LINE FROM
12 WEST POINT TO THE INTERSECTION OF THE NORTHERLY BOUNDARY OF THE CITY OF SEATTLE
13 WITH THE OUTER HARBOR LINE.

14 ALL NAVIGABLE WATERS IN THE PROJECTION OF PUBLIC STREETS, LYING ON THE LANDWARD
15 SIDE OF THE OUTER HARBOR LINE SHALL BE FAIRWAY. IT SHALL BE UNLAWFUL FOR THE MASTER,
16 OR OTHER PERSON IN CHARGE OF ANY VESSEL, WATERCRAFT OR OBSTRUCTION TO ANCHOR, TIE
17 OR MAKE FAST THE SAME IN ANY SUCH FAIRWAY FOR A LONGER PERIOD OF TIME THAN REASONABLY
18 SUFFICIENT TO LOAD OR UNLOAD THE SAME, EXCEPT THAT THE PORT WARDEN MAY, IN HIS
19 DISCRETION, GRANT ANY PERMIT FOR THE USE OF ANY SUCH FAIRWAY FOR A LONGER PERIOD
20 OF TIME WHENEVER IN HIS JUDGMENT SUCH USE WILL NOT INTERFERE WITH THE USE OF THE
21 FAIRWAY BY ANY OTHER VESSEL.

22 SECTION 29. ANCHORAGES:

23 IN AID OF COMMERCE AND NAVIGATION ANCHORAGE FOR VESSELS, WATERCRAFT OR OBSTRUCTIONS
24 IS AUTHORIZED IN THE FOLLOWING DESCRIBED WATERS:

25 ELLIOTT BAY ANCHORAGE: BEGINNING AT THE NORTHEAST CORNER OF HARBOR ISLAND;
26 THENCE NORTHERLY AND IN A STRAIGHT LINE TO A POINT INTERSECTING A LINE DRAWN ALONG
27 THE SOUTH SIDE OF KING STREET; THENCE WEST ON SAID LINE TO A POINT INTERSECTING THE
28 EAST LINE OF THE WEST WATERWAY; THENCE ALONG SAID EAST LINE TO THE NORTHWEST CORNER

1 OF HARBOR ISLAND; ALSO, BEGINNING AT A POINT OF INTERSECTION OF THE OUTER HARBOR
2 LINE WITH A STRAIGHT LINE DRAWN ALONG THE WEST LINE OF THE WEST WATERWAY; THENCE
3 NORTH TO A POINT INTERSECTING A STRAIGHT LINE DRAWN ALONG THE SOUTH SIDE OF DEARBORN
4 STREET; THENCE IN A WESTERLY DIRECTION TO A JUNCTION WITH A LINE ALONG THE SOUTH
5 SIDE OF CALIFORNIA PLACE.

6 SMITH COVE ANCHORAGE: BEGINNING AT A POINT AT THE JUNCTION OF THE OUTER HARBOR
7 LINE AND A LINE DRAWN ALONG THE NORTH SIDE OF DENNY WAY; THENCE WESTERLY ON SAID LINE
8 FOR A DISTANCE OF APPROXIMATELY TWO THOUSAND (2000) FEET; THENCE IN A NORTHWESTERLY
9 DIRECTION PARALLELING THE OUTER HARBOR LINE TO A POINT INTERSECTING A STRAIGHT
10 LINE DRAWN ALONG THE EAST SIDE OF PIER 88.

11 SHILSHOLE BAY ANCHORAGE: ALL OF THAT AREA ENCLOSED BY THE SOUTH PIER AND THE
12 BREAKWATER ESTABLISHED NORTH OF THE CHANNEL AT THE WEST ENTRANCE TO THE LAKE
13 WASHINGTON SHIP CANAL IN SHILSHOLE BAY.

14 SALMON BAY ANCHORAGE: BEGINNING AT A POINT AT THE JUNCTION OF THE OUTER
15 HARBOR LINE AND A STRAIGHT LINE DRAWN ALONG THE SOUTH SIDE OF SHERIDAN STREET,
16 THENCE IN A SOUTHEASTERLY DIRECTION IN A STRAIGHT LINE TO A POINT AT THE INTER-
17 SECTION OF THE OUTER HARBOR LINE AND THE GREAT NORTHERN BRIDGE.

18 PORTAGE BAY ANCHORAGE: EAST AND SOUTH OF A LINE EXTENDING APPROXIMATELY
19 600 FEET WESTERLY IN EXTENSION OF THE SOUTH CHANNEL LINE OF THE LAKE WASHINGTON
20 SHIP CANAL WHICH IS IMMEDIATELY WEST OF THE MONTLAKE CUT, THENCE SOUTHERLY IN
21 EXTENSION OF THE EAST SIDE OF FOURTEENTH AVENUE NORTH TO THE SOUTH SHORE LINE OF
22 PORTAGE BAY.

23 PROVIDED, THAT IN ADDITION TO THE ABOVE DESCRIBED ANCHORAGES, WHENEVER DEEMED
24 ADVISABLE BY THE PORT WARDEN HE MAY GRANT A WRITTEN PERMIT TO THE MASTER OR OWNER
25 OF ANY VESSEL, WATERCRAFT OR OBSTRUCTION FOR THE ANCHORAGE OR MOORING OF THE SAME
26 OUTSIDE OF THE OUTER HARBOR LINE, OR IN ANY WATERWAY OR IN ANY STREET END ON
27 LAKE UNION AT SUCH LOCATIONS AS HE SHALL DETERMINE WILL NOT INTERFERE WITH OR
28 IMPEDE NAVIGATION.

1 LAKE WASHINGTON ANCHORAGE: WHENEVER DEEMED ADVISABLE BY THE PORT WARDEN, HE
2 MAY GRANT A WRITTEN PERMIT TO THE MASTER OR OWNER OF ANY VESSEL OR WATERCRAFT FOR
3 THE ANCHORAGE OR MOORING OF SAID VESSEL OR WATERCRAFT OUTSIDE OF THE OUTER HARBOR
4 LINE, OR IN ANY UNUSED SLIP, OR IN ANY STREET END, ON LAKE WASHINGTON, AT SUCH
5 LOCATIONS AS HE SHALL DETERMINE WILL NOT INTERFERE WITH OR IMPEDE NAVIGATION.

6 SECTION 30. AIRCRAFT ON THE WATER:

7 ALL VESSELS OR WATERCRAFT SHALL KEEP CLEAR OF AIRCRAFT LANDING WITHIN ANY AREA NOW
8 OR HEREAFTER SET ASIDE BY LAW FOR SUCH PURPOSE. AIRCRAFT ON THE WATER SHALL KEEP
9 CLEAR OF ALL VESSELS AND WATERCRAFT AND AVOID IMPEDING THEIR NAVIGATION.

10 SECTION 31. RULES OF THE ROAD: (AMENDED ORD: 94587)

11 EXCEPT AS HEREIN OTHERWISE SPECIFIED, VESSELS OR WATERCRAFT SHALL BE SUBJECT TO THE
12 "RULES TO PREVENT COLLISIONS OF VESSELS AND PILOT RULES FOR CERTAIN INLAND WATERS OF
13 THE ATLANTIC AND PACIFIC COASTS AND OF THE COAST OF THE GULF OF MEXICO", ^(C.F. 2364.79) PROMULGATED
14 BY THE UNITED STATES COAST GUARD, PURSUANT TO ACT OF CONGRESS, AS SUCH RULES ARE
15 NOW OR MAY HEREAFTER FROM TIME TO TIME BE ADOPTED.

16 SECTION 32. CITY BUOYS:

17 THE PORT WARDEN 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 33. PROPELLERS:

20 NO MASTER, OWNER OR OTHER PERSON IN CHARGE OF ANY VESSEL OR WATERCRAFT SHALL,
21 WHILE THE SAME IS LYING IN ANY SLIP OR AT ANY PIER, EITHER CAUSE OR ALLOW THE
22 PROPELLER OR WHEEL OF SUCH VESSEL OR WATERCRAFT TO BE WORKED IN SUCH A MANNER AS
23 TO ENDANGER ANY OTHER VESSEL, WATERCRAFT, OR STRUCTURE.

24 SECTION 34. EXPLOSIVES:

25 EVERY VESSEL OR WATERCRAFT APPROACHING OR PASSING ANY VESSEL OR WATERCRAFT ENGAGED
26 IN THE TRANSFER OF EXPLOSIVES AND FROM WHICH IS DISPLAYED THE RED POWDER FLAG
27 SHALL SLOW DOWN TO A SPEED OF NOT EXCEEDING SIX (6) NAUTICAL MILES AN HOUR BEFORE
28 COMING AHEAD OF SUCH VESSEL OR WATERCRAFT AND IN TIME TO PREVENT ACCIDENT BY
29 REASON OF SWELLS.

1 SECTION 35. UNSAFE PIERS:

2 WHENEVER ANY PIER OR GANGWAY DEVOTED TO PASSENGER TRAFFIC SHALL BE DAMAGED OR APPEAR
3 TO THE PORT WARDEN TO BECOME UNSAFE SO AS TO RENDER THE SAME, OR ANY PORTION
4 THEREOF, UNSAFE FOR LIFE OR PROPERTY, THE PORT WARDEN SHALL REPORT THE MATTER TO
5 THE CITY SUPERINTENDENT OF BUILDINGS WHO SHALL INSPECT THE SAME AND SHALL ORDER ANY
6 UNSAFE PORTION THEREOF BARRICADED WITH PROPER FENCING UNTIL SUCH TIME AS NECESSARY
7 REPAIRS THERETO SHALL BE MADE, AND IF THE OWNER, AGENT OR LESSEE OF SUCH PIER SHALL
8 FAIL TO COMPLY WITH THE ORDERS OF THE CITY SUPERINTENDENT OF BUILDINGS IMMEDIATELY,
9 THE CITY SUPERINTENDENT OF BUILDINGS SHALL PROHIBIT THE USE OF THE UNSAFE PORTION
10 OF SUCH PIER AND MAY ERECT THE NECESSARY FENCING OR BARRICADE AND THE EXPENSE THEREOF
11 SHALL BE PAID BY AND RECOVERABLE FROM THE OWNER, AGENT OR LESSEE OF SUCH PIER TO
12 THE CITY.

13 SECTION 36. PIER LIGHTS:

14 IN THE INTERESTS OF SAFE NAVIGATION AND THE PROTECTION OF PROPERTY THE PORT WARDEN
15 SHALL ESTABLISH STANDARDS FOR THE LIGHTING OF PIERS IN THE HARBOR. BETWEEN THE
16 HOURS OF SUNSET AND SUNRISE ALL PIERS SHALL BE KEPT LIGHTED IN ACCORDANCE WITH THE
17 REQUIREMENTS OF THE PORT WARDEN. ALL WALKS, PASSAGEWAYS, OPENINGS OR GANGWAYS UPON
18 ANY PIER UPON OR THROUGH WHICH PASSENGERS MAY PASS SHALL BE KEPT ADEQUATELY LIGHTED
19 BETWEEN SUNSET AND SUNRISE.

20 SECTION 37. SAFETY DEVICES:

21 EVERY OWNER, AGENT OR LESSEE HAVING CHARGE OF ANY COMMERCIAL PIER SHALL FURNISH AND
22 KEEP FOR USE ON SUCH PIER AT LEAST ONE (1) SERVICEABLE THIRTY-INCH RING LIFE BUOY,
23 AND ONE (1) SERVICEABLE THIRTY-INCH RING LIFE BUOY FOR EVERY THREE HUNDRED (300)
24 LINEAL FEET OF BERTHING SPACE TO EACH OF WHICH SHALL BE ATTACHED AT LEAST TWO HUNDRED
25 (200) FEET OF SUITABLE LINE, ONE END OF WHICH SHALL BE FASTENED TO THE RING BUOY.
26 EACH RING BUOY AND LINE ATTACHED THERETO SHALL BE KEPT IN A SUITABLE BOX ON THE
27 PIER FOR THE USE OF THE PUBLIC IN CASE OF ACCIDENT, WHICH BOX SHALL BE PROPERLY
28 LABELED AND BE AT ALL TIMES KEPT CLEAR OF OBSTRUCTIONS, AND IT SHALL BE UNLAWFUL
29 TO TAKE AWAY, MOLEST, INJURE OR DESTROY THE SAME, OR EITHER OF THEM OR TO DISTURB

1 THE SAME, OR EITHER OF THEM, EXCEPT FOR USE IN SAVING LIFE AND PROPERTY.

2 SECTION 38. PIER BARRIERS:

3 EVERY OWNER, LESSEE OR AGENT OF ANY PIER OPEN TO PUBLIC USE TO OR FROM VESSELS
4 OR WATERCRAFT OR FOR ANY OTHER PURPOSE, SHALL GUARD THE FRONTAGE ON ANY HIGHWAY
5 BY SUBSTANTIAL AND ADEQUATE FENCES OR OTHER BARRIERS AND SHALL GUARD THE SIDES
6 AND FACE THEREOF IN A SIMILAR MANNER IF USED AS A THOROUGHFARE TO OR FROM ANY
7 VESSEL OR WATERCRAFT. ALL NECESSARY OPENINGS OR PASSAGES IN SUCH FENCES OR
8 BARRIERS SHALL BE PROVIDED WITH SUBSTANTIAL GATES WHICH SHALL BE CLOSED AND SECURELY
9 FASTENED WHEN NOT IN USE.

10 SECTION 39. ROADWAY BARRIERS:

11 ANY PERSON OWNING OR OPERATING OR HAVING CONTROL OF ANY TRESTLE, ROAD OR ROADWAY OR
12 SPUR TRACK OVER OR UPON THE HARBOR WHICH IS OPEN TO THE PUBLIC AS A WAY FOR TRAVEL,
13 SHALL GUARD THE SAME BY ADEQUATE FENCES OR BARRIERS ALONG THE SIDE OR SIDES THEREOF,
14 AND AT ANY OR ALL OTHER EXPOSED OR DANGEROUS PLACES, AND WHERE NOT OPEN AS A WAY
15 FOR TRAVEL, SUBSTANTIAL AND ADEQUATE FENCES OR BARRIERS SHALL BE PROVIDED TO PRE-
16 VENT THE USE OF THE SAME BY THE PUBLIC, AND UPON FAILURE SO TO DO, THE PORT WARDEN
17 SHALL ORDER SUCH FACILITY CLOSED, OR MAY CLOSE THE SAME UNTIL THE SAME SHALL BE MADE
18 TO CONFORM TO THE REQUIREMENTS HEREOF, AND ANY EXPENSE INCURRED IN SO DOING SHALL BE
19 PAID TO, AND RECOVERABLE BY, THE CITY OF SEATTLE FROM THE PERSON OWNING OR OPERATING
20 THE SAME.

21 SECTION 40. DANGEROUS GANGWAYS:

22 WHEREVER ANY GANGWAY DEVOTED TO PUBLIC USE SHALL APPEAR TO BE DANGEROUS TO THE PORT
23 WARDEN FOR SUCH USE, HE SHALL REPORT THE MATTER TO THE CITY SUPERINTENDENT OF BUILDINGS
24 WHO SHALL INSPECT THE SAME AND SHALL FORBID THE USE OF SUCH GANGWAY FOR SUCH PUR-
25 POSE UNTIL THE SAME SHALL HAVE BEEN REPAIRED OR RECONSTRUCTED SO AS TO RENDER THE
26 SAME SAFE FOR SUCH USE AND UNTIL THE SAME AS SO RECONSTRUCTED OR REPAIRED HAS BEEN
27 INSPECTED BY THE CITY SUPERINTENDENT OF BUILDINGS AND ITS USE FOR SUCH PURPOSE
28 APPROVED BY HIM.

1 SECTION 41. BOILERS:

2 IT SHALL BE UNLAWFUL FOR THE MASTER OF ANY VESSEL OR WATERCRAFT OR THE ENGINEER
3 OR PERSON IN CHARGE OF ANY ENGINE OR FIRE ROOM THEREOF, TO BLOW DOWN BOILERS AND/OR
4 TUBES OR ENIT SOOT THEREFROM OR CAUSE OR ALLOW THE SAME TO BE DONE WHILE LYING AT
5 ANY PIER, EXCEPT THROUGH AN UNDERWATER EXHAUST OR OUTLET.

6 SECTION 42. DRIFTING DEBRIS:

7 IT SHALL BE UNLAWFUL FOR THE OWNER, AGENT OR LESSEE IN CHARGE OF ANY PIER TO ALLOW
8 THE WHOLE, OR ANY PART THEREOF, TO FALL INTO OR REMAIN ADRIFT IN THE NAVIGABLE WATERS
9 OR TO DRIFT AWAY. FENDER PILES, BROKEN OR LOOSE, SHALL BE REMOVED BY THE OWNER,
10 AGENT OR LESSEE OF ANY PIER, AND UPON FAILURE SO TO DO, THE SAME MAY BE REMOVED BY
11 THE PORT WARDEN AND THE EXPENSE THEREOF SHALL BE PAID BY AND RECOVERABLE FROM THE
12 OWNER, AGENT OR LESSEE OF SUCH PIER TO THE CITY.

13 SECTION 43. OIL:

14 NO OWNER, MASTER OR OTHER PERSON IN CHARGE OF ANY VESSEL OR WATERCRAFT, AND NO
15 ENGINEER, OR OTHER PERSON IN CHARGE OF ANY ENGINE ROOM OR MACHINERY OF ANY VESSEL
16 OR WATERCRAFT, AND NO OWNER, LESSEE, AGENT, EMPLOYEE, OR OTHER PERSON IN CHARGE OF
17 OR EMPLOYED IN OR ABOUT ANY PIER, OR OTHER STRUCTURE, AND NO PERSON ALONG OR UPON
18 THE SHORE OF THE HARBOR, SHALL SPILL, THROW, PUMP OR OTHERWISE CAUSE OIL OF ANY
19 DESCRIPTION TO BE OR FLOAT UPON THE WATERS OF THE HARBOR. ANY PERSON CAUSING OIL TO
20 BE UPON THE WATERS OF THE HARBOR AS AFORESAID SHALL REMOVE THE SAME AND UPON HIS
21 FAILURE SO TO DO, THE SAME MAY BE REMOVED BY THE PORT WARDEN AND THE EXPENSE THEREOF
22 SHALL BE PAID BY AND RECOVERABLE FROM THE PERSON CAUSING SAID OIL TO BE UPON THE
23 WATER. THE PAYMENT OF SUCH SUM, OR THE MAINTENANCE OF AN ACTION THEREFOR, SHALL
24 NOT BE DEEMED TO EXEMPT SUCH PERSON FROM PROSECUTION FOR CAUSING SUCH OIL SPILLAGE.

25 SECTION 44. NUISANCES:

26 SUNKEN VESSELS OR WATERCRAFT, REFUSE OF ALL KINDS, STRUCTURES OR PIECES OF ANY
27 STRUCTURE, DOCK SWEEPINGS, DEAD FISH OR PARTS THEREOF, DEAD ANIMALS OR PARTS THEREOF,
28 TIMBER, LOGS, PILES, BOOM STICKS, LUMBER, BOXES, EMPTY CONTAINERS AND OIL OF ANY

1 KIND FLOATING UNCONTROLLED ON THE WATER, AND ALL OTHER SUBSTANCES OR ARTICLES OF
2 A SIMILAR NATURE, ARE HEREBY DECLARED TO BE PUBLIC NUISANCES AND IT SHALL BE UNLAWFUL
3 FOR ANY PERSON TO THROW OR PLACE IN, OR CAUSE OR PERMIT TO BE THROWN OR PLACED ANY
4 OF THE ABOVE NAMED ARTICLES OR SUBSTANCES IN SEATTLE HARBOR, OR UPON THE SHORES THEREOF,
5 OR IN SUCH POSITION THAT THE SAME MAY OR CAN BE WASHED INTO SAID HARBOR, EITHER BY
6 HIGH TIDES, STORMS, FLOODS OR OTHERWISE. ANY PERSON CAUSING OR PERMITTING SAID
7 NUISANCES TO BE PLACED AS AFORESAID SHALL REMOVE THE SAME AND UPON HIS FAILURE SO TO
8 DO, THE SAME MAY BE REMOVED BY THE PORT WARDEN AND THE EXPENSE THEREOF SHALL BE PAID
9 BY AND RECOVERABLE FROM THE PERSON CREATING SAID NUISANCE. IN ALL CASES SUCH
10 NUISANCES MAY BE ABATED IN THE MANNER PROVIDED BY LAW. THE ABATEMENT OF ANY SUCH
11 PUBLIC NUISANCES SHALL NOT EXCUSE THE PERSON RESPONSIBLE THEREFOR FROM PROSECUTION
12 HEREUNDER.

13 SECTION 45. CITY FLOATS

14 ALL CITY FLOATS OR PIERS NOW OR HEREAFTER ESTABLISHED, EXCEPT AS HEREINAFTER SPECI-
15 FIED, MAY BE USED BY WATERCRAFT FOR DOCKAGE PURPOSES, OTHER THAN THE HANDLING OF
16 FREIGHT, FREE OF CHARGE FOR LYING TIME NOT TO EXCEED 48 CONSECUTIVE HOURS AT ANY
17 ONE TIME. AFTER SUCH PERIOD THE USE OF SUCH FACILITIES SHALL BE ONLY WITH THE
18 WRITTEN PERMISSION AND AT THE SOLE DISCRETION OF THE PORT WARDEN.

19 SECTION 46. OBSTRUCTING TRAFFIC

20 THE DETERMINATION OF THE PORT WARDEN SHALL BE FINAL AND CONCLUSIVE AS TO ALL QUESTIONS
21 RELATING TO THE HANDLING OF FREIGHT OR MERCHANDISE OR AS TO THE POSITION OF ANY
22 VESSEL OR WATERCRAFT AT ANY PIER OR OTHER STRUCTURE BELONGING TO THE CITY OF SEATTLE,
23 AND ALL PERSONS HANDLING OR IN CHARGE OF FREIGHT OR MERCHANDISE OR VESSELS OR WATER-
24 CRAFT, SHALL HANDLE THE SAME EXPEDITIOUSLY AND WITHOUT INTERFERENCE WITH OR BLOCKING
25 GENERAL TRAFFIC AND WITHOUT INTERFERING WITH COMMERCE AND NAVIGATION.

1 SECTION 47. FIRE PIERS:

2 NO PASSENGERS, FREIGHT OR MERCHANDISE SHALL BE HANDLED OVER ANY LOCATION DESIGNATED
3 FOR THE USE OF THE FIRE BOATS OF THE FIRE DEPARTMENT, NOR SHALL SUCH LOCATION BE
4 USED FOR ANY PURPOSE WHATEVER OTHER THAN MUNICIPAL PURPOSES.

5 SECTION 48. PATROL FLOATS:

6 THE PORT WARDEN SHALL DESIGNATE LOCATIONS FOR SUCH FLOATS AS MAY BE NECESSARY FOR
7 PATROL BOATS AND SHALL PRESCRIBE RULES AND REGULATIONS FOR THE USE OF SUCH FLOATS.

8 SECTION 49. ACCOUNTING:

9 THE PORT WARDEN SHALL KEEP ACCURATE AND DETAILED ACCOUNT OF ALL MONEYS RECEIVED OR
10 DISBURSED BY HIM IN THE PERFORMANCE OF HIS DUTIES, WHICH BOOKS OF ACCOUNT SHALL BE
11 FURNISHED BY AND BE THE PROPERTY OF THE CITY OF SEATTLE WHICH SHALL AT ALL TIMES,
12 WITHIN OFFICE HOURS BE OPEN TO INSPECTION BY THE PUBLIC AND AT ALL TIMES TO INSPEC-
13 TION AND AUDIT BY THE PROPER DEPARTMENT OR DEPARTMENTS OF THE CITY.

14 SECTION 50. PUBLIC HEALTH:

15 ALL WATERCRAFT AND VESSELS ENTERING OR IN THE HARBOR SHALL COMPLY WITH THE APPLICABLE
16 PUBLIC HEALTH LAWS AND REGULATIONS OF THE UNITED STATES, THE STATE OF WASHINGTON AND
17 ITS POLITICAL SUBDIVISIONS.

18 SECTION 51. BOAT LIVERY RECORDS:

19 THE OWNER OR PROPRIETOR OF A BOAT LIVERY SHALL CAUSE TO BE KEPT A RECORD OF THE NAME
20 AND ADDRESS OF THE PERSON OR PERSONS HIRING ANY WATERCRAFT, THE IDENTIFICATION NUMBER
21 OF SUCH WATERCRAFT, THE DEPARTURE DATE AND TIME AND THE DATE AND TIME OF THE RETURN
22 OF SUCH WATERCRAFT. SUCH RECORD SHALL BE PRESERVED FOR NOT LESS THAN SIX MONTHS AFTER
23 THE DEPARTURE DATE OF SUCH WATERCRAFT AND SHALL BE KEPT AVAILABLE FOR INSPECTION
24 BY ANY DULY AUTHORIZED AGENCY OR AUTHORITY. PRIOR TO DEPARTURE FROM THE PREMISES
25 OF SUCH BOAT LIVERY ANY SUCH WATERCRAFT SHALL CARRY THE EQUIPMENT REQUIRED BY THIS
26 ORDINANCE.

1 SECTION 52. LIABILITY FOR DAMAGES:

2 NOTHING IN THIS ORDINANCE SHALL BE CONSTRUED SO AS TO RELEASE ANY PERSON OWNING OR
3 CONTROLLING ANY VESSEL, WATERCRAFT, PIER, OBSTRUCTION OR OTHER STRUCTURE, FROM ANY
4 LIABILITY FOR DAMAGES, AND THE SAFEGUARDS TO LIFE AND PROPERTY REQUIRED IN THIS
5 ORDINANCE SHALL NOT BE CONSTRUED AS RELIEVING ANY PERSON FROM INSTALLING AND MAIN-
6 TAINING ALL OTHER SAFEGUARDS THAT MAY BE REQUIRED BY LAW.

7 SECTION 53. ENFORCEMENT.

8 THE PORT WARDEN AND ANY OF HIS AUTHORIZED DEPUTIES OR EMPLOYEES AND AUTHORIZED
9 PERSONNEL OF THE GOVERNMENTS OF THE UNITED STATES, THE STATE OF WASHINGTON OR ITS
10 POLITICAL SUBDIVISIONS BY VIRTUE OF THEIR ELECTION OR APPOINTMENT SHALL HAVE
11 AUTHORITY TO ENTER UPON AND INSPECT ANY VESSEL OR WATERCRAFT IN THE HARBOR AND
12 ARE HEREBY CHARGED WITH THE ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE,
13 EXCEPT AS THE ENFORCEMENT THEREOF IS HEREIN OTHERWISE SPECIFIED. IT SHALL BE THE
14 DUTY OF THE PORT WARDEN TO MAKE COMPLAINTS FOR ANY VIOLATION OF THE SAME, OR ANY
15 PART HEREOF, IN THE NAME OF THE CITY; PROVIDED, THAT THIS PROVISION SHALL NOT
16 OPERATE TO PRECLUDE THE MAKING OF SUCH COMPLAINT BY ANY OTHER PERSON LEGALLY AUTH-
17 ORIZED SO TO DO.

18 SECTION 54. RELEASE FROM ARREST ON NOTICE TO APPEAR:

19 WHENEVER ANY PERSON IS ARRESTED FOR ANY VIOLATION OF THIS ORDINANCE THE ARRESTING
20 OFFICER MAY SERVE UPON HIM A CITATION AND NOTICE TO APPEAR IN COURT. THE ARRESTED
21 PERSON, IN ORDER TO SECURE RELEASE, AND WHEN PERMITTED BY THE ARRESTING OFFICER, MUST
22 GIVE HIS WRITTEN PROMISE TO APPEAR IN COURT, AS REQUIRED BY THE CITATION AND NOTICE,
23 BY SIGNING IN THE APPROPRIATE PLACE THE WRITTEN CITATION AND NOTICE SERVED BY THE
24 ARRESTING OFFICER. UPON THE ARRESTED PERSON'S FAILING OR REFUSING TO SIGN SUCH
25 WRITTEN PROMISE, HE MAY BE TAKEN INTO THE CUSTODY OF SUCH ARRESTING OFFICER AND SO
26 REMAIN OR BE PLACED IN CONFINEMENT.

1 SECTION 55. PUBLIC EMPLOYEES TO OBEY HARBOR ORDINANCE:

2 THE PROVISIONS OF THIS ORDINANCE SHALL APPLY TO THE OPERATOR OF ANY VESSEL OR
3 WATERCRAFT OWNED BY OR USED IN THE SERVICE OF THE UNITED STATES GOVERNMENT, OR OF
4 THIS STATE, OR OF ANY POLITICAL SUBDIVISION THEREOF.

5 SECTION 56. EXEMPTION TO AUTHORIZED EMERGENCY VESSELS AND WATERCRAFT:

6 THE PROVISIONS OF THIS ORDINANCE SHALL BE APPLICABLE TO THE OPERATION OF ANY AND
7 ALL VESSELS OR WATERCRAFT IN THE HARBOR OF THE CITY, EXCEPT THAT THEY SHALL NOT
8 APPLY IN THE FOLLOWING CASES:

9 (1) TO ANY AUTHORIZED EMERGENCY VESSEL OR WATERCRAFT ACTUALLY RESPONDING TO
10 AN EMERGENCY CALL OR IN IMMEDIATE PURSUIT OF AN ACTUAL OR SUSPECTED VIOLATOR OF THE
11 LAW, WITHIN THE PURPOSE FOR WHICH SUCH EMERGENCY VESSEL OR WATERCRAFT HAS BEEN
12 AUTHORIZED: PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT RELIEVE THE
13 OPERATOR OF AN AUTHORIZED EMERGENCY VESSEL OR WATERCRAFT OF THE DUTY TO OPERATE
14 WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS USING THE CITY HARBOR, NOR SHALL IT
15 PROTECT THE OPERATOR OF ANY SUCH EMERGENCY VESSEL OR WATERCRAFT FROM THE CONSEQUENCE OF A RECKLESS DISREGARD FOR THE SAFETY OF OTHERS: PROVIDED, FURTHER, THE
16 PROVISIONS OF THIS SECTION SHALL IN NO EVENT EXTEND ANY SPECIAL PRIVILEGE OR IMMUNITY
17 IN OPERATION OF AN AUTHORIZED EMERGENCY VESSEL OR WATERCRAFT FOR ANY PURPOSE OTHER
18 THAN FOR WHICH THE SAME HAS BEEN AUTHORIZED.

19 SECTION 57. AIDING AND ABETTING VIOLATION:

20 IT IS UNLAWFUL TO COUNSEL, AID, OR ABET THE VIOLATION OF, OR FAILURE TO COMPLY WITH,
21 ANY OF THE PROVISIONS OF THIS ORDINANCE.

22 SECTION 58. EMERGENCY POWERS:

23 THE PORT WARDEN AND THE OFFICERS OF THE HARBOR DEPARTMENT ARE HEREBY AUTHORIZED TO
24 DIRECT ALL WATERBORNE TRAFFIC, EITHER IN PERSON OR BY MEANS OF VISIBLE OR AUDIBLE
25 SIGNAL IN CONFORMANCE WITH THE PROVISIONS OF THIS ORDINANCE: PROVIDED, THAT WHERE
26 NECESSARY TO EXPEDITE WATERBORNE TRAFFIC, OR TO PREVENT OR ELIMINATE CONGESTION, OR
27 TO SAFEGUARD PERSONS OR PROPERTY, SUCH OFFICERS, OR IN THE EVENT OF A FIRE OR OTHER
28

1 EMERGENCY, SUCH OFFICERS AND OTHER AUTHORIZED OFFICERS OF APPROPRIATE GOVERNMENTAL
2 AGENCIES OR AUTHORITIES, MAY DIRECT WATERBORNE TRAFFIC AS CONDITIONS MAY REQUIRE,
3 NOTWITHSTANDING THE PROVISIONS OF THIS ORDINANCE.

4 SECTION 59. PENALTY:

5 ANY PERSON WHO SHALL VIOLATE OR FAIL TO COMPLY WITH ANY PROVISION OF THIS ORDINANCE,
6 OR ANY LAWFUL ORDER OR DIRECTION OF THE PORT WARDEN OR ANY PERSON OR OFFICER CHARGED
7 WITH THE ENFORCEMENT HEREOF, SHALL, ON CONVICTION THEREOF, BE PUNISHED BY A FINE IN
8 ANY SUM NOT EXCEEDING FIVE HUNDRED DOLLARS (\$500), OR BY IMPRISONMENT IN THE CITY
9 JAIL FOR A TERM NOT TO EXCEED SIX (6) MONTHS, OR BOTH SUCH FINE AND IMPRISONMENT.

10 SECTION 60. HARBOR ADVISORY COMMISSION.

11 (A) THERE IS HEREBY ESTABLISHED A HARBOR ADVISORY COMMISSION OF NOT LESS
12 THAN TWELVE PERSONS TO MEET WITH AND ADVISE THE PORT WARDEN. THE HARBOR ADVISORY
13 COMMISSION SHALL SERVE WITHOUT COMPENSATION AS SUCH AND SHALL BE APPOINTED BY THE
14 MAYOR OF THE CITY SO AS TO GIVE PROPER REPRESENTATION TO GOVERNMENTAL AGENCIES,
15 BUSINESS AND LABOR INTERESTS, RECREATIONAL ORGANIZATIONS AND CIVIC GROUPS CONCERNED
16 WITH THE CONTROL AND REGULATION OF THE HARBOR.

17 (B) IT SHALL BE THE DUTY OF THE HARBOR ADVISORY COMMISSION TO RECOMMEND
18 TO THE REGULARLY CONSTITUTED CITY OFFICIALS WAYS AND MEANS FOR IMPROVING HARBOR
19 CONDITIONS. THE COMMISSION SHALL MEET NOT LESS THAN ONCE EACH SIX MONTHS, OR MORE
20 OFTEN UPON THE CALL OF THE PORT WARDEN OR ANY SEVEN MEMBERS OF THE COMMISSION AT A
21 TIME AND PLACE TO BE DECIDED UPON BY THE COMMISSION.

22 (C) THE PORT WARDEN SHALL BE THE CHAIRMAN OF THE COMMISSION AND HE SHALL
23 FURNISH FROM HIS REGULAR STAFF THE NECESSARY SECRETARIAL AND STENOGRAPHIC SERVICES
24 AND MATERIALS REQUIRED BY THE COMMISSION.

1 SECTION 61. PRESERVATION OF ACTIONS:

2 THIS ORDINANCE SHALL NOT AFFECT PENDING ACTIONS OR PROCEEDINGS, CIVIL OR CRIMINAL,
3 OR DEFENSES THERETO, BUT THE SAME MAY BE PROSECUTED OR DEFENDED WITH THE SAME EFFECT
4 AS THOUGH THIS ORDINANCE HAD NOT BEEN PASSED. NO CAUSE OF ACTION OR DEFENSE THERETO,
5 HERETOFORE ARISING UNDER ANY OF THE ORDINANCES HEREBY REPEALED SHALL ABATE BY REASON
6 OF THE PASSAGE OF THIS ORDINANCE WHETHER SUCH ACTION HAS BEEN COMMENCED OR SUCH
7 DEFENSE INTERPOSED OR NOT, BUT ALL SUCH ACTIONS MAY BE BROUGHT AND SUCH DEFENSES
8 INTERPOSED WITH THE SAME EFFECT AS THOUGH SAID ORDINANCE HAD NOT BEEN REPEALED.

9 SECTION 62. REPEAL:

10 THIS ORDINANCE REPEALS ORDINANCE NOS. 34379, 34746, 34995, 40555 AND 42337, AND
11 SECTIONS 52 THROUGH 56 OF ORDINANCE 48022, AND ALL OTHER ORDINANCES OR PARTS OF
12 ORDINANCES IN CONFLICT HEREWITH.

13 SECTION 63. SAVING CLAUSE:

14 IN THE EVENT ANY SECTION OR PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID OR
15 OF NO EFFECT, SUCH DECISION SHALL NOT EFFECT THE VALIDITY OF ANY OTHER SECTION OR
16 PROVISION THEREOF.

— ORD. 100171 ADDS SECTIONS 65 THRU 74 INCLUSIVE.

— ORD. 101629 AMENDS SECTIONS 66(E) AND 70.

Section 54... 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 24 day of February 1959, and signed by me in open session in authentication of its passage this 24 day of February 1959.

David Kemp
President of the City Council.

Approved by me this 25 day of

February 1959
James S. Clifton
Mayor.

Filed by me this 25 day of

February 1959
W. H. Anderson
City Comptroller and City Clerk.

(12572)

Published MAR 7 1959

By *W. H. Anderson*
Deputy Clerk.

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CITY NOTICES

ORDINANCE NO. 87083

AN ORDINANCE relating to the waters within the City of Seattle, providing for the control thereof; prescribing the powers and duties of the Port Warden and other persons in connection therewith; declaring certain things to be nuisances and authorizing the abatement thereof; defining offenses; providing penalties and repealing Ordinances 34379; 34746; 34995; 40555 and 42337, and section 52 through 56 of Ordinance 48022, and all other ordinances or parts of ordinances in conflict herewith.

BE IT ORDAINED BY THE CITY OF SEATTLE:

Section 1. AUTHORIZATION:

The City of Seattle in the exercise of its police power hereby assumes control and jurisdiction over all waters within its limits, and such waters shall, for the purpose of this ordinance, be known as "The Harbor."

Section 2. DEFINITIONS:

For the purpose of this ordinance:

"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 with the flag having a stiffener. This flag shall only pertain to skin and SCUBA (Self Contained Underwater Breathing Apparatus) diving and shall supplement any nationally recognized divers' flag or marking.

"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 block, impede, 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, partnerships and corporations.

CITY NOTICES

page the property of any person, shall be guilty of the crime of reckless operation and a violation of this ordinance.

Section 7. SPEED REGULATIONS:

(a) From the west entrance of the Lake Washington Ship Canal to the western end of the west guide pier of the Hiram M. Chittenden Locks, and from the east end of the easternmost guide pier of said Locks to the white flashing dolphin located south of Webster Point on Lake Washington, including all of Salmon Bay, Lake Union, Portage Bay and Union Bay, it shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of 7 nautical miles per hour within 200 feet of any shoreline, pier, restricted area or shore installation.

(b) From the western end of the aforesaid west guide pier to the eastern end of the aforesaid 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 4 nautical miles per hour.

Section 8. INTERFERENCE WITH NAVIGATION:

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

Section 9. TOWS:

No tow boat shall tow any raft or boom of logs or piles or other tow within the Lake Washington Ship Canal from Shilshole Bay to Webster Point nor in the Duwamish Waterway including the East and West Waterways in excess of eighty (80) feet in width nor twelve hundred (1200) feet in length, and no tow shall, in any event, exceed twelve hundred (1200) feet in length.

Section 10. OBSTRUCTIONS AND THE MOVING OF SAME:

(a) 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 obtaining permission therefor from the Port Warden.

(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.

Section 11. SUNKEN VESSELS:

CITY NOTICES

the requirement that such a report be made in the manner required by law.

Section 18. OVERLOADING:

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

Section 19. EXCESSIVE POWER:

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

Section 20. RESTRICTED AREAS:

In the interests of safe navigation, life safety and the protection of property, the Port Warden shall designate restricted areas and the purpose for which same shall be used. No person shall operate a vessel or watercraft within a restricted area: PROVIDED, that this section shall not apply to vessels or watercraft engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in the case of an emergency.

Section 21. SWIMMING:

Swimming in the harbor shall be confined to (a) restricted swimming areas or (b) to within a distance of fifty feet from the shore or a pier unless the swimmer is accompanied by a watercraft.

Section 22. SKIN-DIVING:

Skin-diving shall be prohibited in the harbor

(a) to the east of a line from the northwest corner of Harbor Island to the westernmost point of the U. S. Naval property located in Smith Cove or

(b) within 200 feet of any ferry slip, except pursuant to permit therefor issued by the Port Warden and except for commercial diving. Whenever any diver is in the water he shall be accompanied by a watercraft or the area in which he is diving shall be marked by an adequately displayed diver's flag.

Section 23. WATER SKIING:

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

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

(c) All watercraft having in tow or otherwise assisting a person on water skis, aqua-plane, surf-board or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property.

also, the intersection line with the water along the water point drawn by the western shore with a line of call

Smithing at the outer drawn Denny said H proximate feet; the direct harbor ing a the east

Shilshole of the south establish at the Washin shore E

Salmoning at the on straight south thence tion in at the harbor ern bridge

Portage and South proximate extensive line of Ship Canal west of southern east side North t Portage

Provided the abatement chency; the port written owner or obstruct or moor of the any wa end on tions as not int navigati

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Section TITE W

All ve keep ch within after se purpose, shall be ard wa peding

Section ROAD:

Except specified shall be Prevent: Pilot R Waters cific Co the Gul 236479). United suant

"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.

"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 Port Warden in accordance with the provisions of this Ordinance.

"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. Cribs or piles, shinglebolts, booms of logs, rafts of logs, and rafts of lumber shall not be included within the terms "watercraft" or "vessel," but shall be included within the term "obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

Section 3. DUTIES OF PORT WARDEN:

The duties of the Port Warden as head of the Harbor Department 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.
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.

Section 4. APPLICATION AND JUSTIFICATION:

The provisions of this ordinance shall be applicable to all vessels and watercraft operating in the harbor of this city. The provisions of this ordinance shall be construed to supplement Unit-

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

Section 11. SUNKEN VESSELS:

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

Section 12. FLOATING OBJECTS:

All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift in Seattle Harbor, may be taken in charge by the Port Warden and shall be subject to reclamation by the owner thereof, or payment by him to the City of any expenses incurred by the City and in case of failure to reclaim, may be sold or disposed of according to law.

Section 13. INTOXICATION:

(a) It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in actual physical control of any vessel or watercraft.

(b) It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.

Section 14. INCAPACITY OF OPERATOR:

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

Section 15. ACCIDENTS:

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

Section 16. ACCIDENT REPORTS:

The master, owner or operator of any watercraft shall file a report within 48 hours with the Port Warden of any accident involving death or personal injury requiring medical treatment or property damage in excess of \$200.00 in which such watercraft shall have been involved in Seattle Harbor.

Section 17. REPORTS CONFIDENTIAL, INADMISSIBLE AS EVIDENCE.

All required accident reports

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

Section 24. MUFFLERS:

It shall be unlawful to use or operate any engine in or on Seattle Harbor unless said engine is operated with and connected to a muffler or silencer of sufficient size and capacity effectively to muffle and prevent excessive or unusual noise from the exhaust of said engine.

Section 25. WHISTLES AND LIGHTS:

It shall be unlawful for the master, owner or any other person in charge of any watercraft or vessel, while lying at any pier, or while navigating in Seattle Harbor, unnecessarily to cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel or watercraft under way for any purpose other than those authorized by law.

Section 26. EQUIPMENT AND NUMBERING:

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

Section 27. RACING:

Nothing in the provisions of this ordinance shall be construed to mean that the operator of a watercraft competing in a race or regatta, or trials therefor, which has been duly authorized by an appropriate governmental agency or authority, shall be prohibited from attempting to attain high speeds on a duly designated and indicated racing course nor, while so engaged, shall such watercraft be required to comply with sections 24, 25 or 26 of this ordinance.

Section 28. FAIRWAYS:

All waters herein specified, subject to reservations for anchorage and restricted areas, shall be known as "FAIRWAY" and shall not be obstructed in any manner whereby navigation may be endangered or impeded, and shall include, subject to such reservations, the following described waters:

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

All of Lake Washington and Lake Union 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 navigable waters in the projection of public streets, lying on the landward side of the other harbor line shall be fairway. 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 in any such fairway for a longer period of

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.

Section 4. APPLICATION AND JUSTIFICATION:

The provisions of this ordinance shall be applicable to all vessels and watercraft operating in the harbor of this city. The provisions of this ordinance shall be construed to supplement United States laws and State laws and regulations when not expressly inconsistent therewith in the harbor where such United States and State Laws and regulations are applicable.

Section 5. NEGLIGENT OPERATION:

Any person who shall operate any watercraft 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 to a stop within the assured clear distance ahead, shall be guilty of negligent operation and a violation of this ordinance.

Section 6. RECKLESS OPERATION:

Any person who shall operate any watercraft or vessel in a reckless manner so as to endanger the life or limb, or dam-

Section 16. ACCIDENT REPORTS:

The master, owner or operator of any watercraft shall file a report within 48 hours with the Port Warden of any accident involving death or personal injury requiring medical treatment or property damage in excess of \$200.00 in which such watercraft shall have been involved in Seattle Harbor.

Section 17. REPORTS CONFIDENTIAL, INADMISSIBLE AS EVIDENCE.

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the Port Warden, Corporation Counsel, or other peace and enforcement officer as provided herein, except that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Port Warden, solely to prove a compliance or a failure to comply with

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 navigable waters in the projection of public streets, lying on the landward side of the other harbor line shall be fairway. 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 in any such fairway for a longer period of time than reasonably sufficient to load or unload the same, except that the Port Warden may, in his discretion, grant any permit for the use of any such fairway for a longer period of time whenever in his judgment such use will not interfere with the use of the fairway by any other vessel.

Section 29. ANCHORAGES:

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

Elliott Bay Anchorage: Beginning at the northeast corner of Harbor Island; thence northerly and in a straight line to a point intersecting a line drawn along the south side of King Street; thence west on said line to a point intersecting the east line of the West Waterway; thence along said east line to the northwest corner of Harbor Island; exp

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also, beginning at a point of intersection of the outer harbor line with a straight line drawn along the west line of the West Waterway; thence north to a point intersecting a straight line drawn along the south side of Dearborn Street; thence in a westerly direction to a junction with a line along the south side of California Plac.

Smith Cove Anchorage: Beginning at a point at the junction of the outer harbor line and a line drawn along the north side of Denny Way; thence westerly on said line for a distance of approximately two thousand (2000) feet; thence in a northwesterly direction paralleling the outer harbor line to a point intersecting a straight line drawn along the east side of Pier 88.

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

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

Portage Bay Anchorage: East and South of a line extending approximately 600 feet westerly in extension of the south channel line of the Lake Washington Ship Canal which is immediately west of the Montlake Cut, thence southerly in extension of the east side of Fourteenth Avenue North to the south short line of Portage Bay.

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

Lake Washington Anchorage: Whenever deemed advisable by the port warden, he may grant a written permit to the master or owner of any vessel or watercraft for the anchorage or mooring of said vessel or watercraft outside of the outer harbor line, or in any unused slip, or in any street end, on Lake Washington, at such locations as he shall determine will not interfere with or impede navigation.

Section 30. AIRCRAFT ON THE WATER:

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

Section 31. RULES OF THE ROAD:

Except as herein otherwise specified, vessels or watercraft shall be subject to the "Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico" (C. P. 236479), promulgated by the United States Coast Guard, pursuant to act of Congress, as such rules are now or may hereafter from time to time be adopted.

Section 32. CITY BUOYS:

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where not open as a way for travel, substantial and adequate fences or barriers shall be provided to prevent the use of the same by the public, and upon failure so to do, the port warden shall order such facility closed, or may close the same until the same shall be made to conform to the requirements hereof, and any expense incurred in so doing shall be paid to, and recoverable by, the City of Seattle from the person owning or operating the same.

Section 40. DANGEROUS GANGWAYS:

Wherever any gangway devoted to public use shall appear to be dangerous to the port warden for such use, he shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall forbid the use of such gangway for such purpose until the same shall have been repaired or reconstructed so as to render the same safe for such use and until the same as so reconstructed or repaired has been inspected by the City Superintendent of Buildings and its use for such purpose approved by him.

Section 41. BOILERS:

It shall be unlawful for the master of any vessel or watercraft or the engineer or person in charge of any engine or fire room thereof, to blow down boilers and/or tubes or emit soot therefrom or cause or allow the same to be done while lying at any pier, except through an underwater exhaust or outlet.

Section 42. DRIFTING DEBRIS:

It shall be unlawful for the owner, agent or lessee in charge of any pier to allow the whole, or any part thereof, to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and upon failure so to do, the same may be removed by the port warden and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the city.

Section 43. OIL:

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

Section 44. NUISANCES:

Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be nuisances.

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property required in this ordinance shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required by law.

Section 53. ENFORCEMENT:

The Port Warden and any of his authorized duties or employees and authorized personnel of the governments of the United States, the State of Washington or its political subdivisions by virtue of their election or appointment shall have authority to enter upon and inspect any vessel or watercraft in the harbor and are hereby charged with the enforcement of the provisions of this ordinance except as the enforcement thereof is herein otherwise specified. It shall be the duty of the Port Warden to make complaints for any violation of the same, or any part hereof, in the name of the City; Provided, That this provision shall not operate to preclude the making of such complaint by any other person legally authorized so to do.

Section 54. RELEASE FROM ARREST ON NOTICE TO APPEAR:

Whenever any person is arrested for any violation of this Ordinance the arresting officer may serve upon him a citation and notice to appear in court. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court, as required by the citation and notice, by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into the custody of such arresting officer and so remain or be placed in confinement.

Section 55. PUBLIC EMPLOYEES TO OBEY HARBOR ORDINANCE:

The provisions of this Ordinance shall apply to the operator of any vessel or watercraft owned by or used in the service of the United States government, or of this State, or of any political subdivision thereof.

Section 56. EXEMPTION TO AUTHORIZED EMERGENCY VESSELS AND WATERCRAFT:

The provisions of this Ordinance shall be applicable to the operation of any and all vessels or watercraft in the Harbor of the City, except that they shall not apply in the following cases:

(1) To any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vessel or watercraft has been authorized; Provided, That the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons using the City Harbor, nor shall it protect the operator of any such emergency vessel or watercraft from the consequence of a reckless disregard for the safety of others; Provided, further, The provisions of this section shall in no event extend any special privilege or immunity in operation of an authorized emergency vessel or watercraft for any purpose other than for which the same has been authorized.

Section 57. AIDING AND ABETTING VIOLATION:

Daily Journal of Commerce

Seattle, Washington
Saturday, March 7, 1959

CITY NOTICES

authentication of its passage this 24th day of February, 1959.

DAVID LEVINE,
President of the City Council.

Approved by me this 25th day of February, 1959.

GORDON S. CLINTON,
Mayor.

Filed by me this 25th day of February, 1959.

Attest: C. G. ERLANDSON,
City Comptroller and
City Clerk.

(Seal) By W. A. PERINE,
Deputy Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, March 7, 1959. (C-3493)

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236479).
United States Coast Guard, pursuant to act of Congress, as such rules are now or may hereafter from time to time be adopted.

Section 32. CITY BUOYS:

The Port Warden shall be the sole judge of any and all use made of any city buoy and his decision as to the same shall be final and conclusive.

Section 33. PROPELLERS:

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

Section 34. EXPLOSIVES:

Every vessel or watercraft approaching or passing any vessel or watercraft engaged in the transfer of explosives and from which is displayed the red powder flag shall slow down to a speed of not exceeding six (6) nautical miles an hour before coming abreast of such vessel or watercraft and in time to prevent accident by reason of swells.

Section 35. UNSAFE PIERS:

Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the Port Warden to become unsafe so as to render the same, or any portion thereof, unsafe for life or property, the Port Warden shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs thereto shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders of the City Superintendent of Buildings immediately, the City Superintendent of Buildings shall prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.

Section 36. PIER LIGHTS:

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

Section 37. SAFETY DEVICES:

Every owner, agent or lessee having charge of any commercial pier shall furnish and keep for use on such pier at least one (1) serviceable thirty-inch ring life buoy, and one (1) serviceable thirty-inch ring life buoy for every three hundred (200) lineal feet of berthing space to each of which shall be attached at least two hundred (200) feet of suitable line, one end of which shall be fastened to the ring buoy. Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for the use of the public in case of accident, which box shall be properly labeled and be at all times kept clear of obstructions, and it shall be unlawful to take away, molest, injure or destroy the same or either of them or to disturb the same, or either of them, except for use in saving life and property.

Section 38. PIER BARRIERS:

Every owner, lessee or agent of any pier open to public use to

sweepings, dead fish or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be public nuisances and it shall be unlawful for any person to throw or place in, or cause or permit to be thrown or placed any of the above named articles or substances in Seattle Harbor, or upon the shores thereof or in such position that the same may or can be washed into said harbor, either by high tides, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the person creating said nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder.

Section 45. CITY FLOATS:

All City floats or piers now or hereafter established, except as hereinafter specified, may be used by watercraft for dockage purposes, other than the handling of freight, free of charge for lying time not to exceed 48 consecutive hours at any one time. After such period the use of such facilities shall be only with the written permission and at the sole discretion of the port warden.

Section 46. OBSTRUCTING TRAFFIC:

The determination of the port warden shall be final and conclusive as to all questions relating to the handling of freight or merchandise or as to the position of any vessel or watercraft at any pier or other structure belonging to the City of Seattle, and all persons handling or in charge of freight or merchandise or vessels or watercraft, shall handle the same expeditiously and without interference with or blocking general traffic and without interfering with commerce and navigation.

Section 47. FIRE PIERS:

No passengers, freight or merchandise shall be handled over any location designated for the use of the fire boats of the fire department, nor shall such location be used for any purpose whatever other than municipal purposes.

Section 48. PATROL FLOATS:

The port warden shall designate locations for such floats as may be necessary for patrol boats and shall prescribe rules and regulations for the use of such floats.

Section 49. ACCOUNTING:

The port warden shall keep accurate and detailed account of all moneys received or disbursed by him in the performance of his duties, which books of account shall be furnished by and be the property of the City of Seattle which shall at all times, within office hours, be open to inspection by the public and at all times to inspection and audit by the proper department or departments of the city.

Section 50. PUBLIC HEALTH:

All watercraft and vessels entering or in the harbor shall comply with the applicable public health laws and regulations of the United States, the State of Washington and its political subdivisions.

Section 51. BOAT LIVERY RECORDS:

The owner or proprietor of a boat livery shall cause to be kept a record of the name and

immunity in operation of an authorized emergency vessel or watercraft for any purpose other than for which the same has been authorized.

Section 57. AIDING AND ABETTING VIOLATION:

It is unlawful to counsel, aid, or abet the violation of, or failure to comply with any of the provisions of this ordinance.

Section 58. EMERGENCY POWERS:

The Port Warden and the officers of the Harbor Department are hereby authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in conformance with the provisions of this ordinance: Provided, That where necessary to expedite waterborne traffic, or to prevent or eliminate congestion, or to safeguard persons or property, such officers, or in the event of a fire or other emergency, such officers and other authorized officers of appropriate governmental agencies or authorities, may direct waterborne traffic as conditions may require, notwithstanding the provisions of this ordinance.

Section 59. PENALTY:

Any person who shall violate or fail to comply with any provision of this ordinance, or any lawful order or direction of the Port Warden or any person or officer charged with the enforcement hereof, shall, on conviction thereof, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500), or by imprisonment in the city jail for a term not to exceed six (6) months, or both such fine and imprisonment.

Section 60. HARBOR ADVISORY COMMISSION:

(a) There is hereby established a Harbor Advisory Commission of not less than twelve persons to meet with and advise the Port Warden. The Harbor Advisory Commission shall serve without compensation as such and shall be appointed by the Mayor of the City so as to give proper representation to governmental agencies, business and labor interests, recreational organizations and civic groups concerned with the control and regulation of the harbor.

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

(c) The Port Warden shall be the Chairman of the Commission and he shall furnish from his regular staff the necessary secretarial and stenographic services and materials required by the Commission.

Section 61. PRESERVATION OF ACTIONS:

This ordinance shall not affect pending actions or proceedings, civil or criminal, or defenses thereto, but the same may be prosecuted or defended with the same effect as though this ordinance had not been passed. No cause of action or defense thereto, heretofore arising under any of the ordinances hereby repealed shall abate by reason of the passage of this ordinance whether such action has been commenced or such defense interposed or not, but all such actions may be brought and such defenses interposed with the same effect as though said ordinance had not been repealed.

Section 62. REPEAL:

of the public in case of accident, which box shall be properly labeled and be at all times kept clear of obstructions, and it shall be unlawful to take away, molest, injure or destroy the same or either of them or to disturb the same, or either of them, except for use in saving life and property.

Section 38. PIER BARRIERS:

Every owner, lessee or agent of any pier open to public use to or from vessels or watercraft or for any other purpose, shall guard the frontage of any highway by substantial and adequate fences or other barriers and shall guard the sides and face thereof in a similar manner if used as a thoroughfare to or from any vessel or watercraft. All necessary openings or passages in such fences or barriers shall be provided with substantial gates which shall be closed and securely fastened when not in use.

Section 39. ROADWAY BARRIERS:

Any person owning or operating or having control of any trestle, road or roadway or spur track over or upon the Harbor which is open to the public as a way for travel, shall guard the same by adequate fences or barriers along the side or sides thereof, and at any or all other exposed or dangerous places, and

Section 50. PUBLIC HEALTH:
All watercraft and vessels entering or in the harbor shall comply with the applicable public health laws and regulations of the United States, the State of Washington and its political subdivisions.

Section 51. BOAT LIVERY RECORDS:

The owner or proprietor of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any watercraft, the identification number of such watercraft, the departure date and time and the date and time of the return of such watercraft. Such record shall be preserved for not less than six months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat livery any such watercraft shall carry the equipment required by this ordinance.

Section 52. LIABILITY FOR DAMAGES:

Nothing in this ordinance shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure, from any liability for damages, and the safeguards to life and

No cause of action or defense thereto, heretofore arising under any of the ordinances hereby repealed shall abate by reason of the passage of this ordinance whether such action has been commenced or such defense interposed or not, but all such actions may be brought and such defenses interposed with the same effect as though said ordinance had not been repealed.

Section 62. REPEAL:

This ordinance repeals Ordinance Nos. 34379, 34746, 34995, 40555 and 42337, and sections 52 through 56 of Ordinance 48022, and all other ordinances or parts of ordinances in conflict herewith.

Section 63. SAVING CLAUSE:

In the event any section or provision of this ordinance shall be held invalid or of no effect, such decision shall not affect the validity of any other section or provision thereof.

Section 64. 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 24th day of February, 1969, and signed by me in open session in

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for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico." (C. P. 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.

"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 Port Warden in accordance with the provisions of this Ordinance.

"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. Cribs or piles, shinglebolts, booms of logs, rafts of logs, and rafts of lumber shall not be included within the terms "watercraft" or "vessel," but shall be included within the term "obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

Section 3. DUTIES OF PORT WARDEN:

The duties of the Port Warden as head of the Harbor Department 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

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.

Section 11. SUNKEN VESSELS:

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

Section 12. FLOATING OBJECTS:

All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift in Seattle Harbor, may be taken in charge by the Port Warden and shall be subject to reclamation by the owner thereof, on payment by him to the City of any expenses incurred by the City and in case of failure to reclaim, may be sold or disposed of according to law.

Section 13. INTOXICATION:

(a) It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in actual physical control of any vessel or watercraft.

(b) It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.

Section 14. INCAPACITY OF OPERATOR:

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

Section 15. ACCIDENTS:

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

performances, exhibitions, or trials therefore.

(b) No watercraft shall have in tow or shall otherwise be assisting a person on water skills, aqua-plane, surf-board or similar contrivance from sunset to sunrise; PROVIDED, that this sub-section shall not apply to watercraft used in duly authorized water ski tournaments, competitions, exhibitions, or trials therefore.

(c) All watercraft having in tow or otherwise assisting a person on water skills, aqua-plane, surf-board or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

Section 24. MUFFLERS:

It shall be unlawful to use or operate any engine in or on Seattle Harbor unless said engine is operated with and connected to a muffler or silencer of sufficient size and capacity effectually to muffle and prevent excessive or unusual noise from the exhaust of said engine.

Section 25. WHISTLES AND LIGHTS:

It shall be unlawful for the master, owner or any other person in charge of any watercraft or vessel, while lying at any pier, or while navigating in Seattle Harbor, unnecessarily to cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel or watercraft under way for any purpose other than those authorized by law.

Section 26. EQUIPMENT AND NUMBERING:

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

Section 27. RACING:

Nothing in the provisions of this ordinance shall be construed to mean that the operator of a watercraft competing in a race or regatta, or trials thereof, which has been duly authorized by an appropriate governmental agency or authority, shall be prohibited from attempting to attain high speeds on a duly designated and indicated racing course nor, while so engaged, shall such watercraft be required to comply with sections 24, 25 or 26 of this ordinance.

Section 28. FAIRWAYS:

All waters herein specified, subject to reservations for anchorage and restricted areas, shall be known as "FAIRWAY," and shall not be obstructed in any manner whereby navigation may be endangered or impeded, and shall include, subject to such reservations, the following described waters:

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

All of Lake Washington and Lake Union lying or being within the corporate limits of the

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

Section 31. RULES OF THE ROAD:

Except as herein otherwise specified, vessels or watercraft shall be subject to the "Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico" (C. P. 236479), promulgated by the United States Coast Guard, pursuant to act of Congress, as such rules are now or may hereafter from time to time be adopted.

Section 32. CITY BUOYS:

The Port Warden shall be the sole judge of any and all use made of any city buoy and his decision as to the same shall be final and conclusive.

Section 33. PROPELLERS:

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

Section 34. EXPLOSIVES:

Every vessel or watercraft approaching or passing any vessel or watercraft engaged in the transfer of explosives and from which is displayed the red powder flag shall slow down to a speed of not exceeding six (6) nautical miles an hour before coming abreast of such vessel or watercraft and by time to prevent accident by reason of swells.

Section 35. UNSAFE PIERS:

Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the Port Warden to become unsafe so as to render the same, or any portion thereof, unsafe for life or property, the Port Warden shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs thereto shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders of the City Superintendent of Buildings immediately, the City Superintendent of Buildings shall prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.

Section 36. PIER LIGHTS:

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

Section 37. SAFETY DEVICES:

Every owner, agent or lessee having charge of any commercial pier shall furnish and keep for use on such pier at least one (1) serviceable thirty-inch ring life buoy, and one (1) serviceable thirty-inch ring life buoy for every three hundred (300) lineal feet of berthing space on each

Section 3. 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.

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.

Section 4. APPLICATION AND JUSTIFICATION:

The provisions of this ordinance shall be applicable to all vessels and watercraft operating in the harbor of this city. The provisions of this ordinance shall be construed to supplement United States laws and State laws and regulations when not expressly inconsistent therewith in the harbor where such United States and State laws and regulations are applicable.

Section 5. NEGLIGENCE OPERATION:

Any person who shall operate any watercraft 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 to a stop within the assured clear distance ahead, shall be guilty of negligent operation and a violation of this ordinance.

Section 6. RECKLESS OPERATION:

Any person who shall operate any watercraft or vessel in a reckless manner so as to endanger the life or limb, or dam-

age, shall be guilty of negligent operation and shall give his name, address, the name and/or number of his watercraft, and the name and address of the owner, to the person struck or the operator or occupants of the vessel or watercraft collided with or property damaged, and shall render to any person injured in such an accident reasonable assistance.

Section 16. ACCIDENT REPORTS:

The master, owner or operator of any watercraft shall file a report within 48 hours with the Port Warden of any accident involving death or personal injury requiring medical treatment or property damage in excess of \$200.00 in which such watercraft shall have been involved in Seattle Harbor.

Section 17. REPORTS CONFIDENTIAL, INADMISSIBLE AS EVIDENCE:

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the Port Warden, Corporation Counsel, or other peace and enforcement officer as provided herein, except that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Port Warden, solely to prove a compliance or a failure to comply with

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

All of Lake Washington and Lake Union 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 navigable waters in the projection of public streets, lying on the landward side of the other harbor line shall be fairway. 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 in any such fairway for a longer period of time than reasonably sufficient to load or unload the same, except that the Port Warden may, in his discretion, grant any permit for the use of any such fairway for a longer period of time when, or in his judgment such use will not interfere with the use of the fairway by any other vessel.

Section 25. ANCHORAGES:

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

Elliott Bay Anchorage: Beginning at the northeast corner of Harbor Island; thence northerly and in a straight line to a point intersecting a line drawn along the south side of King Street; thence west on said line to a point intersecting the east line of the West Waterway; thence along said east line to the northwest corner of Harbor Island;

Every owner, agent or lessee having charge of any commercial pier shall furnish and keep for use on such pier at least on (1) serviceable thirty-inch ring life buoy, and one (1) serviceable thirty-inch ring life buoy for every three hundred (300) lineal feet of berthing space to each of which shall be attached at least two hundred (200) feet of serviceable line one end of which shall be fastened to the ring buoy. Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for the use of the public in case of accident which box shall be properly labeled and be at all times kept clear of obstructions, and it shall be unlawful to take away, molest, injure or destroy the same or either of them or to disturb the same, or either of them, except for use in saving life and property.

Section 38. PIER BARRIERS:

Every owner, lessee or agent of any pier open to public use to or from vessels or watercraft or for any other purpose, shall guard the frontage of any highway by substantial and adequate fences or other barriers and shall guard the sides and face thereof in a similar manner if used as a thoroughfare to or from any vessel or watercraft. All necessary openings or passages in such fences or barriers shall be provided with substantial gates which shall be closed and securely fastened when not in use.

Section 39. ROADWAY BARRIERS:

Any person owning or operating or having control of any trestle, road or roadway or spur track over or upon the Harbor which is open to the public as a way for travel, shall guard the same by adequate fences or barriers along the side or sides thereof, and at any or all other exposed or dangerous places, and

CITY NOTICES

where not open as a way for travel, substantial and adequate fences or barriers shall be provided to prevent the use of the same by the public, and upon failure so to do, the port warden shall order such facility closed, or may close the same until the same shall be made to conform to the requirements hereof, and any expense incurred in so doing shall be paid to, and recoverable by, the City of Seattle from the person owning or operating the same.

Section 40. DANGEROUS GANGWAYS:

Wherever any gangway devoted to public use shall appear to be dangerous to the port warden for such use, he shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall forbid the use of such gangway for such purpose until the same shall have been repaired or reconstructed so as to render the same safe for such use and until the same as so reconstructed or repaired has been inspected by the City Superintendent of Buildings and its use for such purpose approved by him.

Section 41. BOILERS:

It shall be unlawful for the master of any vessel or watercraft or the engineer or person in charge of any engine or fire room thereof, to blow down boilers and/or tubes or emit soot therefrom or cause or allow the same to be done while lying at any pier, except through an underwater exhaust or outlet.

Section 42. DRIFTING DEBRIS:

It shall be unlawful for the owner, agent or lessee in charge of any pier to allow the whole, or any part thereof, to fall into, or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and upon failure so to do, the same may be removed by the port warden and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the city.

Section 43. OIL:

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

Section 44. NUISANCES:

Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom

CITY NOTICES

property required in this ordinance shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required by law.

Section 53. ENFORCEMENT:

The Port Warden and any of his authorized deputies or employees and authorized personnel of the governments of the United States, the State of Washington or its political subdivisions by virtue of their election or appointment shall have authority to enter upon and inspect any vessel or watercraft in the harbor and are hereby charged with the enforcement of the provisions of this ordinance except as the enforcement thereof is herein otherwise specified. It shall be the duty of the Port Warden to make complaints for any violation of the same, or any part hereof, in the name of the City. Provided, That this provision shall not operate to preclude the making of such complaint by any other person legally authorized so to do.

Section 54. RELEASE FROM ARREST ON NOTICE TO APPEAR:

Whenever any person is arrested for any violation of this Ordinance the arresting officer may serve upon him a citation and notice to appear in court. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court, as required by the citation and notice, by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into the custody of such arresting officer and so remain or be placed in confinement.

Section 55. PUBLIC EMPLOYEES TO OBEY HARBOR ORDINANCE:

The provisions of this Ordinance shall apply to the operator of any vessel or watercraft owned by or used in the service of the United States government, or of this State, or of any political subdivision thereof.

Section 56. EXEMPTION TO AUTHORIZED EMERGENCY VESSELS AND WATERCRAFT:

The provisions of this Ordinance shall be applicable to the operation of any and all vessels or watercraft in the Harbor of the City, except that they shall not apply in the following cases:

(1) To any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vessel or watercraft has been authorized. Provided, That the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons using the City Harbor, nor shall it protect the operator of any such emergency vessel or watercraft from the consequence of a reckless disregard for the safety of others. Provided, further, The provisions of this section shall in no event extend any special privilege or immunity in operation of an authorized emergency vessel or watercraft for any purpose other

Daily Journal of Commerce

Seattle, Washington
Saturday, March 7, 1959

7

CITY NOTICES

authentication of its passage this 24th day of February, 1959.

DAVID LEVINE,
President of the City Council.

Approved by me this 25th day of February, 1959.

GORDON S. CLINTON,
Mayor.

Filed by me this 25th day of February, 1959.

Attest: C. G. ERLANDSON,
City Comptroller and
City Clerk.

(Seal) By W. A. PERINE,
Deputy Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, March 7, 1959. (C-3493)

watercraft from prosecution for causing such oil spillage.

Rules to vessels and in inland and Puget Sound (C. F. 100) adopted by the board, pursuant, as such hereafter adopted.

BOATS:
All boats shall be used in accordance with the rules and regulations of the board.

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Section 41. NUISANCES:

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

Section 45. CITY FLOATS:

All City floats or piers now or hereafter established, except as hereinafter specified, may be used by watercraft for dockage purposes, other than the handling of freight, free of charge for lying time not to exceed 48 consecutive hours at any one time. After such period the use of such facilities shall be only with the written permission and at the sole discretion of the port warden.

Section 46. OBSTRUCTING TRAFFIC:

The determination of the port warden shall be final and conclusive as to all questions relating to the handling of freight or merchandise or as to the position of any vessel or watercraft at any pier or other structure belonging to the City of Seattle, and all persons handling or in charge of freight or merchandise or vessels or watercraft, shall handle the same expeditiously and without interference with or blocking general traffic and without interfering with commerce and navigation.

Section 47. FIRE PIERS:

No passengers, freight or merchandise shall be handled over any location designated for the use of the fire boats of the fire department, nor shall such location be used for any purpose whatever other than municipal purposes.

Section 48. PATROL FLOATS:

The port warden shall designate locations for such floats as may be necessary for patrol boats and shall prescribe rules and regulations for the use of such floats.

Section 49. ACCOUNTING:

The port warden shall keep accurate and detailed account of all moneys received or disbursed by him in the performance of his duties, which books of account shall be furnished by and be the property of the City of Seattle which shall at all times, within office hours, be open to inspection by the public and at all times to inspection and audit by the proper department or departments of the city.

Section 50. PUBLIC HEALTH:

All watercraft and vessels entering or in the harbor shall comply with the applicable public health laws and regulations of the United States, the State of Washington and its political

subdivisions, nor shall it protect the operator of any such emergency vessel or watercraft from the consequence of a reckless disregard for the safety of others: Provided, further, The provisions of this section shall in no event extend any special privilege or immunity in operation of an authorized emergency vessel or watercraft for any purpose other than for which the same has been authorized.

Section 57. AIDING AND ABETTING VIOLATION:

It is unlawful to counsel, aid, or abet the violation of, or failure to comply with any of the provisions of this ordinance.

Section 58. EMERGENCY POWERS:

The Port Warden and the officers of the Harbor Department are hereby authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in conformance with the provisions of this ordinance: Provided, That where necessary to expedite waterborne traffic, or to prevent or eliminate congestion, or to safeguard persons or property, such officers, or in the event of a fire or other emergency such officers and other authorized officers of appropriate governmental agencies or authorities, may direct waterborne traffic as conditions may require, notwithstanding the provisions of this ordinance.

Section 59. PENALTY:

Any person who shall violate or fail to comply with any provision of this ordinance, or any lawful order or direction of the Port Warden or any person or officer charged with the enforcement thereof, shall, on conviction thereof, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500), or by imprisonment in the city jail for a term not to exceed six (6) months, or both such fine and imprisonment.

Section 60. HARBOR ADVISORY COMMISSION:

(a) There is hereby established a Harbor Advisory Commission of not less than twelve persons to meet with and advise the Port Warden. The Harbor Advisory Commission shall serve without compensation as such and shall be appointed by the Mayor of the City so as to give proper representation to governmental agencies, business and labor interests, recreational organizations and civic groups concerned with the control and regulation of the harbor.

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

(c) The Port Warden shall be the Chairman of the Commission and he shall furnish from his regular staff the necessary secretarial and stenographic services and materials required by the Commission.

Section 61. PRESERVATION OF ACTIONS:

This ordinance shall not affect pending actions or proceedings, civil or criminal, or defenses thereto, but the same may be prosecuted or defended with the same effect as though this ordinance had not been passed. No cause of action or defense thereto, heretofore arising under any of the ordinances hereby repealed shall abate by reason of the passage of this ordinance whether such action has been commenced or such defense is

...his duties, which books of account shall be furnished by and be the property of the City of Seattle which shall at all times, within office hours, be open to inspection by the public and at all times to inspection and audit by the proper department or departments of the city.

Section 50. PUBLIC HEALTH:

All watercraft and vessels entering or in the harbor shall comply with the applicable public health laws and regulations of the United States, the State of Washington and its political subdivisions.

Section 51. BOAT LIVERY RECORDS:

The owner or proprietor of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any watercraft, the identification number of such watercraft, the departure date and time and the date and time of the return of such watercraft. Such record shall be preserved for not less than six months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat livery any such watercraft shall carry the equipment required by this ordinance.

Section 52. LIABILITY FOR DAMAGES:

Nothing in this ordinance shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure, from any liability for damages, and the safeguards to life and

Section 61. PRESERVATION OF ACTIONS:

This ordinance shall not affect pending actions or proceedings, civil or criminal, or defenses thereto, but the same may be prosecuted or defended with the same effect as though this ordinance had not been passed. No cause of action or defense thereto, heretofore arising under any of the ordinances hereby repealed shall abate by reason of the passage of this ordinance whether such action has been commenced or such defense interposed or not, but all such actions may be brought and such defenses interposed with the same effect as though said ordinance had not been repealed.

Section 62. REPEAL:

This ordinance repeals Ordinance Nos. 34279, 34746, 34995, 40655 and 42337, and sections 52 through 56 of Ordinance 48022, and all other ordinances or parts of ordinances in conflict herewith.

Section 63. SAVING CLAUSE:

In the event any section or provision of this ordinance shall be held invalid or of no effect, such decision shall not effect the validity of any other section or provision thereof.

Section 64. 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.

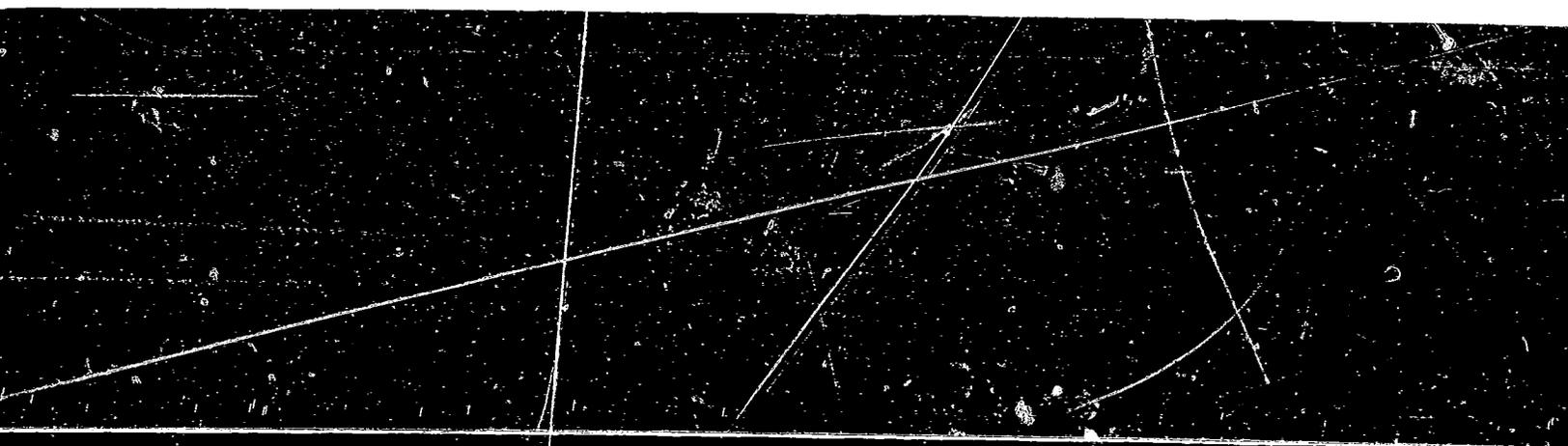
Passed by the City Council the 24th day of February, 1959, and signed by me in open session in

CARRIERS:

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100 ORD 87983
HARBOR CODE

HARBOR CODE

ORDINANCE-37983 with Amendments
incorporated therein as of April, 1976

ORDINANCE-91532 RE abandoned houseboats

HARBOR CODE

Ord. # 87983

SEATTLE POLICE DEPARTMENT

HARBOR CODE

ORDINANCE NO. 87983

March 1959

AN ORDINANCE relating to the waters within the City of Seattle, providing for the control thereof; prescribing the powers and duties of the Port Warden and other persons in connection therewith; declaring certain things to be nuisances and authorizing the abatement thereof; defining offenses; providing penalties and repealing Ordinances 34379; 34746; 34995; 40555 and 42337, and Sections 52 through 56 of Ordinance 48022, and all other ordinances or parts of ordinances in conflict herewith.

<u>ORDINANCE AMENDMENTS to 87983</u>		<u>Amends Section</u>
90653	October 61	13, 18, 22
91513	October 62	23
94587	March 66	19, 27, 31
99108	August 70	19A
100171	September 71	2, 3, 5, 6, 8, 10, 28, 65, 66, 67, 68, 69, 71, 72, 73, 74
101820	March 73	68(e)
104583	July 75	7
105239	January 76	70

BE IT ORDAINED BY THE CITY OF SEATTLE:

Sec. 1 AUTHORIZATION: The City of Seattle in the exercise of its police power hereby assumes control and jurisdiction over all waters within its limits, and such waters shall, for the purpose of this ordinance, be known as "The Harbor."

Sec. 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.

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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).

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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 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 vessel.

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. Cribs or piles, shinglebolts, booms of logs, rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or "vessel," but shall be included within the term "obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

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.

Sec. 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.

Sec. 4 APPLICATION AND JUSTIFICATION: The provisions of this ordinance shall be applicable to all vessels and watercraft operating in the harbor of this City. The provisions of this ordinance shall be construed to supplement United States laws and State laws and regulations when not expressly inconsistent therewith in the harbor where such United States and State laws and regulations are applicable.

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- Sec. 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.
- Sec. 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.

Sec. 7 **SPEED REGULATION:**

- 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:

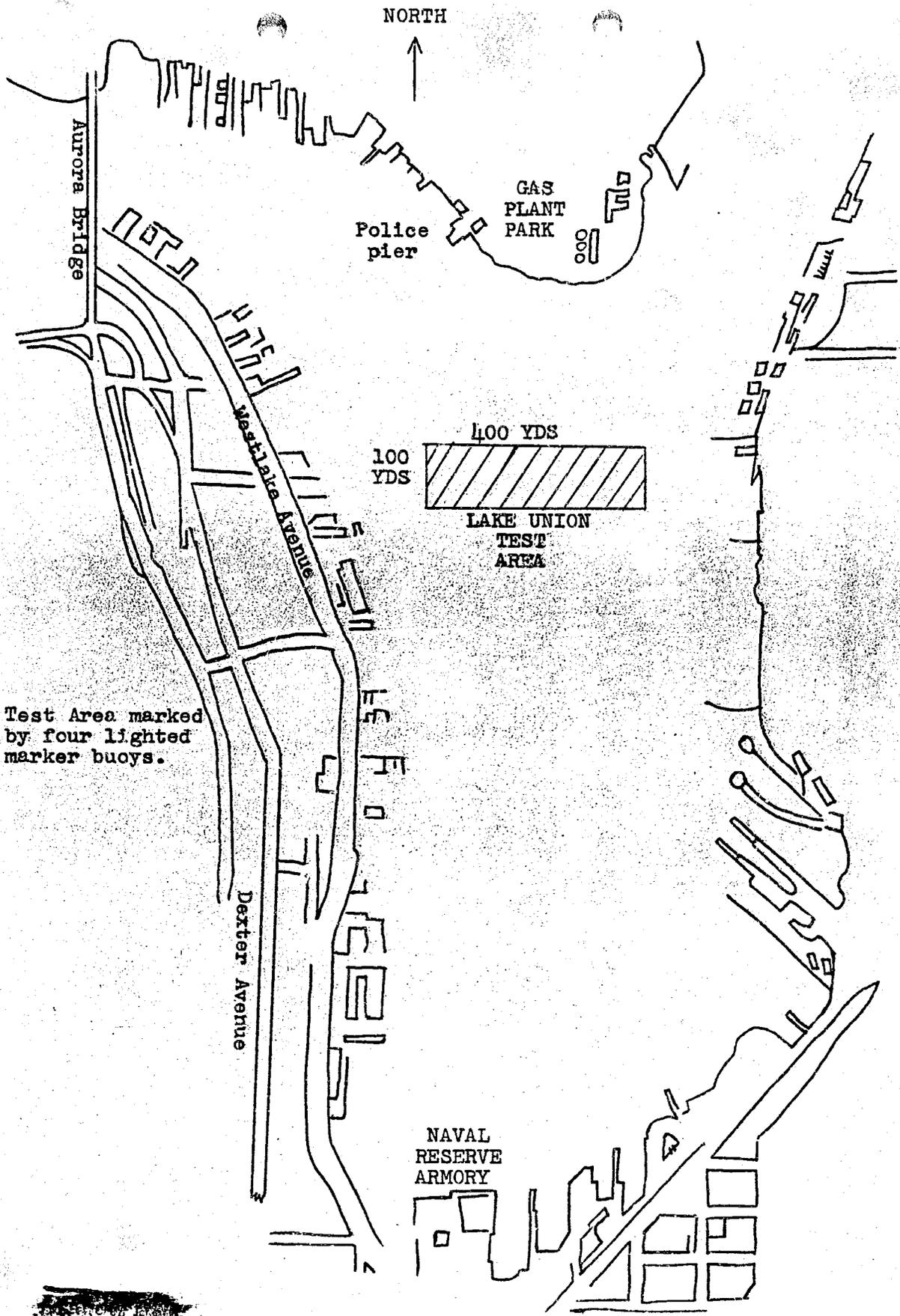
An area one hundred yards wide and four hundred yards long marked by buoys and bounded by the following coordinates:

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

except that in no event shall such watercraft and vessels operate at a speed in excess of seven nautical miles per hour in said area prior to making a U-turn; 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 one hundred yards wide and four hundred yards long marked by



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buoys and bounded by the following coordinates:

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

- (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.

- c) Nothing in this section shall be construed as exempting any person from liability caused by wake action from operation of any watercraft, vessel or aircraft in the areas designated herein nor shall this section be construed as exempting any person from liability for negligent or reckless operation of said watercraft, vessel or aircraft.

Sec. 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.

NOTE: (Federal law provides sailboats must forfeit right-of-way in confined waters.)

Sec. 9 TOWS: No tow boat shall tow any raft or boom of logs or piles or other tow within the Lake Washington Ship Canal from Shilshole Bay to Webster Point nor in the Duwamish Waterway including the East and West Waterways in excess of eighty (80) feet in width nor twelve hundred (1200) feet in length, and no tow shall, in any event, exceed twelve hundred (1200) feet in length.

Sec. 10 OBSTRUCTIONS AND THE MOVING OF SAME:
(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.

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

Sec. 12 FLOATING OBJECTS: All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift in Seattle Harbor, may be taken in charge by the Port Warden and shall be subject to reclamation by the owner thereof, on payment by him to the City of any expenses incurred by the City and in case of failure to reclaim may be sold or disposed of according to law.

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Sec. 13 INTOXICATION:

- (a) It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in actual physical control of any vessel or watercraft.
- (b) It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.
- (c) Whenever it appears reasonably certain to any police or harbor officer that any person under the influence of, or affected by the use of, intoxicating liquor or of any narcotic drug is about to operate a watercraft or vessel in violation of sub-division (a) of this section, said officer may take reasonable measures to prevent any such person from so doing, either by taking from him the keys of such watercraft or vessel and locking the same, or by some other appropriate means. In any such case; said officer shall immediately report the facts to his Commanding Officer of the Harbor Department, and shall, as soon as possible, deposit said keys or other articles, if any, taken from said watercraft or vessel or person with said Commanding Officer. Such keys or other articles may be returned to any person upon his demand and proper identification of himself when it appears that he is no longer under the influence of intoxicating liquor or narcotic drug.

Sec. 14 INCAPACITY OF OPERATOR: It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such vessel or watercraft under the prevailing circumstances.

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

Sec. 16 ACCIDENT REPORTS: The master, owner or operator of any watercraft shall file a report within 48 hours with the Port Warden of any accident involving death or personal injury requiring medical treatment or property damage in excess of \$200.00 in which such watercraft shall have been involved in Seattle Harbor.

Sec. 17 REPORTS CONFIDENTIAL, INADMISSIBLE AS EVIDENCE: All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the Port Warden, Corporation Counsel, or other peace and enforcement officer as provided herein, except

that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Port Warden, solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.

Sec. 18 OVERLOADING:

- (a) No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity nor carry passengers in an unsafe manner taking into consideration weather and other existing operating conditions.
- (b) Whenever it appears reasonably certain to any police or harbor officer that any person is operating a watercraft or vessel loaded beyond its safe capacity, said officer may take reasonable measures to prevent any such person from so operating the craft, either by taking from him the keys of such craft and locking the same, or by other appropriate means. In any such case, said officer shall immediately report the facts to his Commanding Officer of the Harbor Department, and shall, as soon as possible, deposit said keys or other articles, if any, taken from said watercraft or vessel or person with said Commanding Officer. Such keys or other articles may be returned to any person upon his demand and proper identification of himself when it appears that he is the owner of the watercraft and the conditions under which the officer took preventive measures no longer exist.

Sec. 19 TESTING COURSES: The Port Warden may from time to time establish and designate such portion or portions of waters, within the City of Seattle, as may be appropriate for special use as a testing course in connection with the operational testing of experimental and production watercraft and vessels. Such areas when established and maintained as a testing course shall not be available for use by the general public except by permit issued by the Port Warden and upon the terms and conditions set forth therein. The Port Warden shall have power to adopt rules and regulations not inconsistent with the provisions of this ordinance for the use and control of such special use areas and for the protection of water users, recreational or otherwise. A copy of such rules and regulations shall be filed and available for public examination in the office of the City Comptroller.

Sec. 19A EXCESSIVE POWER:

- (a) No watercraft shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions.
- (b) Whenever it appears reasonably certain to any police officer that any person is operating a watercraft or vessel with a motor or propulsion machinery which is beyond safe power capacity, said officer may take reasonable measures to prevent

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any such person from so operating the craft, either by taking from him the keys of such craft and locking the same, or by other appropriate means. In any such case, said officer shall immediately report the facts to his Commanding Officer in the Police Department, and shall, as soon as possible, deposit said keys or other articles, if any, taken from said watercraft or vessel or person with said Commanding Officer. Such keys or other articles may be returned to any person upon his demand and proper identification of himself when it appears that he is the owner of the watercraft and the conditions under which the officer took preventive measures no longer exist.

- Sec. 20 **RESTRICTED AREAS:** In the interests of safe navigation, life safety and the protection of property, the Port Warden shall designate restricted areas and the purpose for which same shall be used. No person shall operate a vessel or watercraft within a restricted area: PROVIDED, that this section shall not apply to vessels or watercraft engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in the case of an emergency.
- Sec. 21 **SWIMMING:** Swimming in the harbor shall be confined to
- (a) restricted swimming areas or
 - (b) to within a distance of fifty feet from the shore or a pier unless the swimmer is accompanied by a watercraft.
- Sec. 22 **SKIN-DIVING:** Skin-diving shall be prohibited in the harbor
- (a) to the east of a line from the northwest corner of Harbor Island to the westernmost point of the U.S. Naval property located in Smith Cove, in the waters of the Lake Washington Ship Canal from the mid channel buoy in Shilshole Bay to Webster Point light, including the waters of Lake Union and Portage Bay, all of the inner moorage area of the Port of Seattle Commission moorings at Shilshole Bay and within 300 feet of the perimeter of the United States Naval Air Station at Sand Point, or
 - (b) within 300 feet of any ferry slip, public boat ramp, patrolled public beach designated as a swimming area, except pursuant to permit therefor issued by the Port Warden and except for commercial diving, or
 - (c) in any other area unless the diver shall be accompanied by a watercraft or the area in which he is diving shall be marked by an adequately displayed diver's flag.
- Sec. 23 **WATER SKIING**
- (a) No watercraft which shall have in tow or shall be otherwise assisting a person on water skis, aqua-plane, surf-board or similar contrivances shall be operated or propelled in the harbor unless such watercraft shall be occupied by at least two competent persons: PROVIDED, that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions, or trials therefor.

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- (b) It shall be unlawful to water-ski or to tow or otherwise assist anyone on waterskis, aqua-plane, surfboard or similar contrivance upon the following waters:
- (1) Within 200 yards of, or on, the waters of the Lake Washington Ship Canal or within 200 yards of any shoreline, pier, restricted area or shore installation on Lake Union, or
 - (2) upon the waters of Salmon Bay, Portage Bay, or Shilshole Bay; or to ski parallel within 100 yards of shore installations on Lake Washington and adjacent waters. Water-skiers may start at a shore installation but must head away from shore to a point at least 100 yards, or 200 yards, as set forth above, before skiing parallel with the shore. The return to the shore must be on a 90 degree angle to the shore line.
- (c) No watercraft shall have in tow or shall otherwise be assisting a person on water skis, aqua-plane, surfboard or similar contrivance from sunset to sunrise: PROVIDED, that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions, or trials therefor.
- (d) All watercraft having in tow or otherwise assisting a person on water skis, aqua-plane, surfboard or similar contrivance, shall be operated in a careful and prudent manner and shall remain at all times at a reasonable and prudent distance from the person and property of others.
- (e) Any person on waterskis, aqua-plane, surfboard or similar contrivance shall conduct himself upon the same in a careful and prudent manner and shall remain at all times a reasonable and prudent distance from the person and property of others.
- Sec. 24 MUFFLERS: It shall be unlawful to use or operate any engine in or on Seattle Harbor unless said engine is operated with and connected to a muffler or silencer of sufficient size and capacity effectually to muffle and prevent excessive or unusual noise from the exhaust of said engine.
- Sec. 25 WHISTLES AND LIGHTS: It shall be unlawful for the master, owner or any other person in charge of any watercraft or vessel, while lying at any pier or while navigating in Seattle Harbor, unnecessarily to cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel or watercraft under way for any purpose other than those authorized by law.
- Sec. 26 EQUIPMENT AND NUMBERING: All watercraft or vessels shall carry the equipment required by any applicable United States laws as now or hereafter amended, and shall be numbered or designated in accordance with any applicable United States laws as now or hereafter amended.

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Sec. 27 RACING: Nothing in the provisions of this ordinance shall be construed to mean that the operator of a watercraft competing in a race or regatta, or trials therefor, which has been duly authorized by an appropriate governmental agency or authority, or an operator engaged in industrial development and testing of experimental and production watercraft and vessels, shall be prohibited from attempting to attain high speeds on duly designated and indicated racing or testing courses, nor while so engaged, shall such watercraft or vessels be required to comply with Sections 7, 24, 25 and 26 of this ordinance.

Sec. 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.

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Sec. 29 ANCHORAGES: In aid of commerce and navigation anchorage for vessels, watercraft or obstructions is authorized in the following described waters:

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

Smith Cove Anchorage: Beginning at a point at the junction of the outer harbor line and a line drawn along the north side of Denny Way, thence westerly on said line for a distance of approximately two thousand (2000) feet; thence in a north-westerly direction paralleling the outer harbor line to a point intersecting a straight line drawn along the east side of Pier 88.

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

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

Portage Bay Anchorage: East and South of a line extending approximately 600 feet westerly in extension of the south channel line of the Lake Washington Ship Canal which is immediately west of the Montlake Cut, thence southerly in extension of the east side of Fourteenth Avenue North to the south shore line of Portage Bay.

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

Lake Washington Anchorage: Whenever deemed advisable by the Port Warden, he may grant a written permit to the master or owner of any vessel or watercraft for the anchorage or mooring of said vessel or watercraft outside of the outer harbor line, or in any unused slip, or in any street end, on Lake Washington, at such locations as he shall determine will not interfere with or impede navigation.

- Sec. 30 AIRCRAFT ON THE WATER: All vessels or watercraft shall keep clear of aircraft landing within any area now or hereafter set aside by law for such purpose. Aircraft on the water shall keep clear of all vessels and watercraft and avoid impeding their navigation.
- Sec. 31 RULES OF THE ROAD: Except as herein otherwise specified, vessels or watercraft shall be subject to the "Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico," (C.F. 236479) promulgated by the United States Coast Guard, pursuant to Act of Congress, as such rules are now or may hereafter from time to time be adopted "and be it further provided that sailing vessels or other watercraft, while engaged in a sanctioned or authorized race, predicted log race, regatta, or similar event shall be subject to the applicable rules for such event including, but not limited to differing right-of-way rules."
- Sec. 32 CITY BUOYS: The Port Warden shall be the sole judge of any and all use made of any city buoy and his decision as to the same shall be final and conclusive.
- Sec. 33 PROPELLERS: No master, owner or other person in charge of any vessel or watercraft shall, while the same is lying in any slip or at any pier, either cause or allow the propeller or wheel of such vessel or watercraft to be worked in such a manner as to endanger any other vessel, watercraft, or structure.
- Sec. 34 EXPLOSIVES: Every vessel or watercraft approaching or passing any vessel or watercraft engaged in the transfer of explosives and from which is displayed the red powder flag shall slow down to a speed of not exceeding six (6) nautical miles an hour before coming abreast of such vessel or watercraft and in time to prevent accident by reason of swells.
- Sec. 35 UNSAFE PIERS: Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the Port Warden to become unsafe so as to render the same, or any portion thereof, unsafe for life or property, the Port Warden shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs thereto shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders of the City Superintendent of Buildings immediately, the City Superintendent of Buildings shall prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.
- Sec. 36 PIER LIGHTS: In the interests of safe navigation and the protection of property the Port Warden shall establish standards for the lighting of piers in the harbor. Between the hours of sunset and sunrise all piers shall be kept lighted in accordance with the requirements of the Port Warden. All walks, passageways, openings or gangways upon any pier upon or through which passengers may pass shall be kept adequately lighted between sunset and sunrise.

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- Sec. 37 SAFETY DEVICES: Every owner, agent or lessee having charge of any commercial pier shall furnish and keep for use on such pier at least one (1) serviceable thirty-inch ring life buoy, and one (1) serviceable thirty-inch ring life buoy for every three hundred (300) lineal feet of berthing space to each of which shall be attached at least two hundred (200) feet of suitable line, one end of which shall be fastened to the ring buoy. Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for the use of the public in case of accident, which box shall be properly labeled and be at all times kept clear of obstructions, and it shall be unlawful to take away, molest, injure or destroy the same or either of them or to disturb the same, or either of them, except for use in saving life and property.
- Sec. 38 PIER BARRIERS: Every owner, lessee or agent of any pier open to public use to or from vessels or watercraft or for any other purpose, shall guard the frontage of any highway by substantial and adequate fences or other barriers and shall guard the sides and face thereof in a similar manner if used as a thoroughfare to or from any vessel or watercraft. All necessary openings or passages in such fences or barriers shall be provided with substantial gates which shall be closed and securely fastened when not in use.
- Sec. 39 ROADWAY BARRIERS: Any person owning or operating or having control of any trestle, road or roadway or spur track over or upon the Harbor which is open to the public as a way for travel, shall guard the same by adequate fences or barriers along the side or sides thereof, and at any or all other exposed or dangerous places and where not open as a way for travel substantial and adequate fences or barriers shall be provided to prevent the use of the same by the public, and upon failure so to do, the Port Warden shall order such facility closed, or may close the same until the same shall be made to conform to the requirements hereof, and any expense incurred in so doing shall be paid to, and recoverable by, the City of Seattle from the person owning or operating the same.
- Sec. 40 DANGEROUS GANGWAYS: Whenever any gangway devoted to public use shall appear to be dangerous to the Port Warden for such use, he shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall forbid the use of such gangway for such purpose until the same shall have been repaired or reconstructed so as to render the same safe for such use and until the same as so reconstructed or repaired has been inspected by the City Superintendent of Buildings and its use for such purpose approved by him.
- Sec. 41 BOILERS: It shall be unlawful for the master of any vessel or watercraft or the engineer or person in charge of any engine or fire room thereof, to blow down boilers and/or tubes or emit soot therefrom or cause or allow the same to be done while lying at any pier, except through an underwater exhaust or outlet.
- Sec. 42 DRIFTING DEBRIS: It shall be unlawful for the owner, agent or lessee in charge of any pier to allow the whole, or any part thereof, to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and upon failure so to do, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.

- Sec. 43 OIL: No owner, master or other person in charge of any vessel or watercraft, and no engineer, or other person in charge of any engine room or machinery of any vessel or watercraft, and no owner, lessee, agent, employee, or other person in charge of or employed in or about any pier, or other structure, and no person along or upon the shore of the Harbor, shall spill, throw, pump or otherwise cause oil of any description to be or float upon the waters of the Harbor. Any person causing oil to be upon the waters of the Harbor as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the person causing said oil to be upon the water. The payment of such sum, or the maintenance of an action therefor, shall not be deemed to exempt such person from prosecution for causing such oil spillage.
- Sec. 44 NUISANCES: Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be public nuisances and it shall be unlawful for any person to throw or place in, or cause or permit to be thrown or placed any of the above named articles or substances in Seattle Harbor, or upon the shores thereof or in such position that the same may or can be washed into said harbor, either by high tides, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the person creating said nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder.
- Sec. 45 CITY FLOATS: All City floats or piers now or hereafter established, except as hereinafter specified, may be used by watercraft for dockage purposes, other than the handling of freight, free of charge for lying time not to exceed 48 consecutive hours at any one time. After such period the use of such facilities shall be only with the written permission and at the sole discretion of the Port Warden.
- Sec. 46 OBSTRUCTING TRAFFIC: The determination of the Port Warden shall be final and conclusive as to all questions relating to the handling of freight or merchandise or as to the position of any vessel or watercraft at any pier or other structure belonging to the City of Seattle, and all persons handling or in charge of freight or merchandise or vessels or watercraft, shall handle the same expeditiously and without interference with or blocking general traffic and without interfering with commerce and navigation.
- Sec. 47 FIRE PIERS: No passengers, freight or merchandise shall be handled over any location designated for the use of the fire boats of the Fire Department, nor shall such location be used for any purpose whatever other than municipal purposes.

- Sec. 48 PATROL FLOATS: The Port Warden shall designate locations for such floats as may be necessary for patrol boats and shall prescribe rules and regulations for the use of such floats.
- Sec. 49 ACCOUNTING: The Port Warden shall keep accurate and detailed account of all moneys received or disbursed by him in the performance of his duties, which books of account shall be furnished by and be the property of the City of Seattle which shall at all times, within office hours, be open to inspection by the public and at all times to inspection and audit by the proper department or departments of the City.
- Sec. 50 PUBLIC HEALTH: All watercraft and vessels entering or in the harbor shall comply with the applicable public health laws and regulations of the United States, the State of Washington and its political subdivisions.
- Sec. 51 BOAT LIVERY RECORDS: The owner or proprietor of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any watercraft, the identification number of such watercraft, the departure date and time and the date and time of the return of such watercraft. Such record shall be preserved for not less than six months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat livery any such watercraft shall carry the equipment required by this ordinance.
- Sec. 52 LIABILITY FOR DAMAGES: Nothing in this ordinance shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure, from any liability for damages, and the safeguards to life and property required in this ordinance shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required by law.
- Sec. 53 ENFORCEMENT: The Port Warden and any of his authorized deputies or employees and authorized personnel of the governments of the United States, the State of Washington or its political subdivisions by virtue of their election or appointment shall have authority to enter upon and inspect any vessel or watercraft in the harbor and are hereby charged with the enforcement of the provisions of this ordinance except as the enforcement thereof is herein otherwise specified. It shall be the duty of the Port Warden to make complaints for any violation of the same, or any part hereof in the name of the City; Provided, That this provision shall not operate to preclude the making of such complaint by any other person legally authorized so to do.
- Sec. 54 RELEASE FROM ARREST ON NOTICE TO APPEAR: Whenever any person is arrested for any violation of this ordinance the arresting officer may serve upon him a citation and notice to appear in court. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court, as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into the custody of such arresting officer and so remain or be placed in confinement.

- Sec. 55 PUBLIC EMPLOYEES TO OBEY HARBOR ORDINANCE: The provisions of this ordinance shall apply to the operator of any vessel or watercraft owned by or used in the service of the United States Government, or of this State or of any political subdivision thereof.
- Sec. 56 EXEMPTION TO AUTHORIZED EMERGENCY VESSELS AND WATERCRAFT: The provisions of this ordinance shall be applicable to the operation of any and all vessels or watercraft in the Harbor of the City except that they shall not apply in the following cases:
- (1) To any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vessel or watercraft has been authorized: Provided, That the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons using the City Harbor, nor shall it protect the operator of any such emergency vessel or watercraft from the consequence of a reckless disregard for the safety of others: Provided further, The provisions of this section shall in no event extend any special privilege or immunity in operation of an authorized emergency vessel or watercraft for any purpose other than for which the same has been authorized.
- Sec. 57 AIDING AND ABETTING VIOLATION: It is unlawful to counsel, aid, or abet the violation of, or failure to comply with any of the provisions of this ordinance.
- Sec. 58 EMERGENCY POWERS: The Port Warden and the officers of the Harbor Department are hereby authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in conformance with the provisions of this ordinance: Provided, That where necessary to expedite waterborne traffic, or to prevent or eliminate congestion or to safeguard persons or property, such officers, or in the event of a fire or other emergency such officers and other authorized officers of appropriate governmental agencies or authorities, may direct waterborne traffic as conditions may require, notwithstanding the provisions of this ordinance.
- Sec. 59 PENALTY: Any person who shall violate or fail to comply with any provision of this ordinance, or any lawful order or direction of the Port Warden or any person or officer charged with the enforcement hereof, shall, on conviction thereof, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500) or by imprisonment in the city jail for a term not to exceed six (6) months, or both such fine and imprisonment.
- Sec. 60 HARBOR ADVISORY COMMISSION:
- (a) There is hereby established a Harbor Advisory Commission of not less than twelve persons to meet with and advise the Port Warden. The Harbor Advisory Commission shall serve without compensation as such and shall be appointed by the Mayor of the City so as to give proper representation to governmental agencies, business and labor interests, recreational organizations and civic groups concerned with the control and regulation of the harbor.

- (b) It shall be the duty of the Harbor Advisory Commission to recommend to the regularly constituted city officials ways and means for improving harbor conditions. The Commission shall meet not less than once each six months, or more often upon the call of the Port Warden or any seven members of the Commission at a time and place to be decided upon by the Commission.
- (c) The Port Warden shall be the Chairman of the Commission and he shall furnish from his regular staff the necessary secretarial and stenographic services and materials required by the Commission.

- Sec. 61 **PRESERVATION OF ACTIONS:** This ordinance shall not affect pending actions or proceedings, civil or criminal, or defenses thereto, but the same may be prosecuted or defended with the same effect as though this ordinance had not been passed. No cause of action or defense thereto, heretofore arising under any of the ordinances hereby repealed shall abate by reason of the passage of this ordinance whether such action has been commenced or such defense interposed or not, but all such actions may be brought and such defenses interposed with the same effect as though said ordinance had not been repealed.
- Sec. 62 **REPEAL:** This ordinance repeals Ordinance Nos. 34379, 34746, 34995, 40555 and 42337, and sections 52 through 56 of Ordinance 48022, and all other ordinances or parts of ordinances in conflict herewith.
- Sec. 63 **SAVING CLAUSE:** In the event any section or provision of this ordinance shall be held invalid or of no effect, such decision shall not affect the validity of any other section or provision thereof.
- Sec. 64 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 24th day of February, 1959, and signed by me in open session in authentication of its passage this 24th day of February, 1959.

/s/ DAVID LEVINE,

President of the City Council

Approved by me this 25th day of February, 1959.

/s/ GORDON S. CLINTON
Mayor.

Filed by me this 25th day of February 1959.

Attest: C. G. Erlandson, City Comptroller & City Clerk
(Seal) by W.A. PERINE, Deputy Clerk

Date of official publication in the Daily Journal of Commerce, Seattle, March 7, 1959. (C-3493)

- Sec. 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.

Sec. 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.

Sec. 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 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;

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- (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.

Sec. 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.

- (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, by the State of Washington and by municipal corporations. Among other terms and conditions, the Board may, but need not require that the vessel or watercraft connect its plumbing system to the nearest available city sanitary sewers; that the vessel or watercraft permit the anchorage 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.

Sec. 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.

Sec. 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.

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 interference with commerce or navigation and unauthorized or unduly prolonged use and occupation of waterways, the Board of Public Works of The City of Seattle is further authorized and directed to prepare and adopt a schedule of fees applicable to all such permits which shall be commensurate with fees established by ordinance for the use and occupation of public places of similar character in the vicinity, provided no fees shall be charged the United States and its agencies, and the State of Washington or any municipal corporation, and provided further, that waterway area used exclusively for youth activities related to navigation and water safety, without charge to participants, by a non-profit corporation or an organization that is open to public membership by eligible youth shall not be considered in calculating the amount of fees for use and occupation of waterways whenever the City Engineer and the Port Warden shall certify to the Board of Public Works that no substantial administration or policing would be involved and the usage would not interfere with commerce or navigation nor be unduly prolonged; and any such schedule, when approved by the City Council of The City of Seattle by resolution shall govern the amount of the fee for any such permit which shall be collected as a condition to the issuance or continuance of any such permit other than permits issued to the United States and its agencies, the State of Washington, or any municipal corporation. Fees shall be computed according to the area actually included in the permit or area obstructed by the vessel, watercraft or obstruction and shall not include any charge for the area within an unobstructed fifty-foot channel maintained pursuant to Section 67 herein.

Sec. 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.

Sec. 72 (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

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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.

Sec. 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.

Sec. 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.

Finis

April 1976--d

The City of Seattle--Legislative Department

98518

MR. PRESIDENT:

Date Reported
and Adopted

JAN 5 1970

Your Committee on FINANCE

to which was referred C. B. No. 90098

authorizing a collective bargaining agreement (1970-71) with the Seattle Police Officers' Guild,

RECOMMENDS THAT THE SAME DO PASS.

..... Chairman

Red Bull

..... Chairman

MT:rp

12/31/69

Committee

Committee

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ORDINANCE 91539

AN ORDINANCE relating to certain abandoned houseboats impounded by the Police Department; declaring the same to be a public nuisance; authorizing the summary abatement thereof; making an appropriation from the Emergency Fund and declaring the emergency therefor.

WHEREAS, certain houseboats presently in the possession of the Police Department are reported by the Chief of Police in C.F. 246363 to be unoccupied, abandoned and unfit for human habitation and in such a condition as to constitute a menace to navigation in the Harbor and a public fire and health hazard; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That those certain houseboats presently in the possession and control of the Police Department and unoccupied, and unfit for human habitation, and in such a condition as to constitute a menace to navigation and a public fire and health hazard as reported by the Chief of Police in C.F. 246363, are hereby found and declared to be a public nuisance.

Section 2. That the Chief of Police, or his agent, be and he is hereby is authorized and directed to summarily abate the same as a public nuisance by summary destruction and removal by such means and with such assistance as may be available to him, and to effectuate such purpose the sum of One Thousand Dollars (\$1,000.00) is hereby appropriated from the Emergency Fund, and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants.

Section 3. WHEREAS, the appropriation from the Emergency Fund herein made is to meet actual necessary expenditures of the Police Department, for which no appropriation has been made due to causes which could not reasonably have been foreseen at the time of making the 1962 Budget; Now, Therefore, in accordance with RCW 35.32.130 by reason of the facts above stated, and the emergency which is hereby declared to exist, this ordinance shall become effective immediately upon the approval or signing of the same by the Mayor, or passage over his veto, as provided by the Charter of the City.

PASSED by unanimous vote of the City Council the 29th day of October, 1962, and signed by me in open session in authentication of its passage this 29th day of October, 1962.

/s/ FLOYD C. MILLER
President of the City Council

Approved by me this 30th day of October, 1962.
/s/ GORDON S. CLINTON

Mayor

Filed by me this 30th day of October, 1962.

ATTEST: /s/ C. G. ERLANDSON
City Comptroller and City Clerk

(SEAL)
Published _____

By: /s/ W. A. PERINE
Deputy Clerk

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City Clerk's Office

HARBOR CODE

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→ HARBOR CODE ORD. 27923 with amendments incorporated therein (as of April, 1976) prepared by Water + Air Patrol Section, Police Dept.

→ + ORD. 91539 auth. abatement of certain abandoned house boats.

HARBOR CODE - ORD. 27923

SEATTLE POLICE DEPARTMENT
Special Operations Division
WATER & AIR PATROL SECTION
Public Safety Building, Room 313
Seattle, Wa. 98104

Date: November 11, 1971

Gentlemen:

The Seattle Harbor Code, Ordinance 87983, Section 36, reads:

PIER LIGHTS: In the interests of safe navigation and the protection of property the Port Warden shall establish standards for the lighting of piers in the harbor. Between the hours of sunset and sunrise all piers shall be kept lighted in accordance with the requirements of the Port Warden. All walks, passageways, openings or gangways upon any pier upon or through which passengers may pass shall be kept adequately lighted between sunset and sunrise.

The standards set by the Port Warden as required by the above-quoted Section 36 are as follows:

On any structure extending into any navigable waters of the City of Seattle, pier lights shall be displayed as follows:

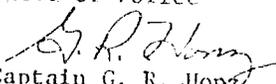
On each corner of structure extending into water, a red light shall be displayed.

Lights are to be placed as near the seaward corners and as nearly level to the floor elevation as is practicable.

Lights shall be so placed and be of such intensity that they will be clearly visible when being approached from seaward for a distance of one mile.

Any pier light, other than the lights described in the foregoing, shall not be displayed in any manner that will interfere with the identification or location of the pier, wharf or structure.

GEORGE P. TIELSCH
Chief of Police


Captain G. R. Hone
Special Operations Division

GRH/d

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· COMPLIMENTS · OF ·
SEATTLE POLICE DEPARTMENT

· WATER · & · AIR · PATROL · SECTION ·



· **HARBOR · CODE ·**
· **ORDINANCE · 87983 ·**
· **CITY · OF · SEATTLE ·**

APRIL - 1976

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SEATTLE POLICE DEPARTMENT

HARBOR CODE

ORDINANCE NO. 87983

March 1959

AN ORDINANCE relating to the waters within the City of Seattle, providing for the control thereof; prescribing the powers and duties of the Port Warden and other persons in connection therewith; declaring certain things to be nuisances and authorizing the abatement thereof; defining offenses; providing penalties and repealing Ordinances 34379; 34746; 34995; 40555 and 42337, and Sections 52 through 56 of Ordinance 48022, and all other ordinances or parts of ordinances in conflict herewith.

<u>ORDINANCE AMENDMENTS to 87983</u>	<u>Amends Section</u>
90653 October 61	13, 18, 22
91513 October 62	23
94587 March 66	19, 27, 31
99108 August 70	19A
100171 September 71	2, 3, 5, 6, 8, 10, 28, 65, 66, 67, 68, 69, 71, 72, 73, 74
101820 March 73	68(e)
104583 July 75	7
105239 January 76	70

BE IT ORDAINED BY THE CITY OF SEATTLE:

Sec. 1 AUTHORIZATION: The City of Seattle in the exercise of its police power hereby assumes control and jurisdiction over all waters within its limits, and such waters shall, for the purpose of this ordinance, be known as "The Harbor."

Sec. 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 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.

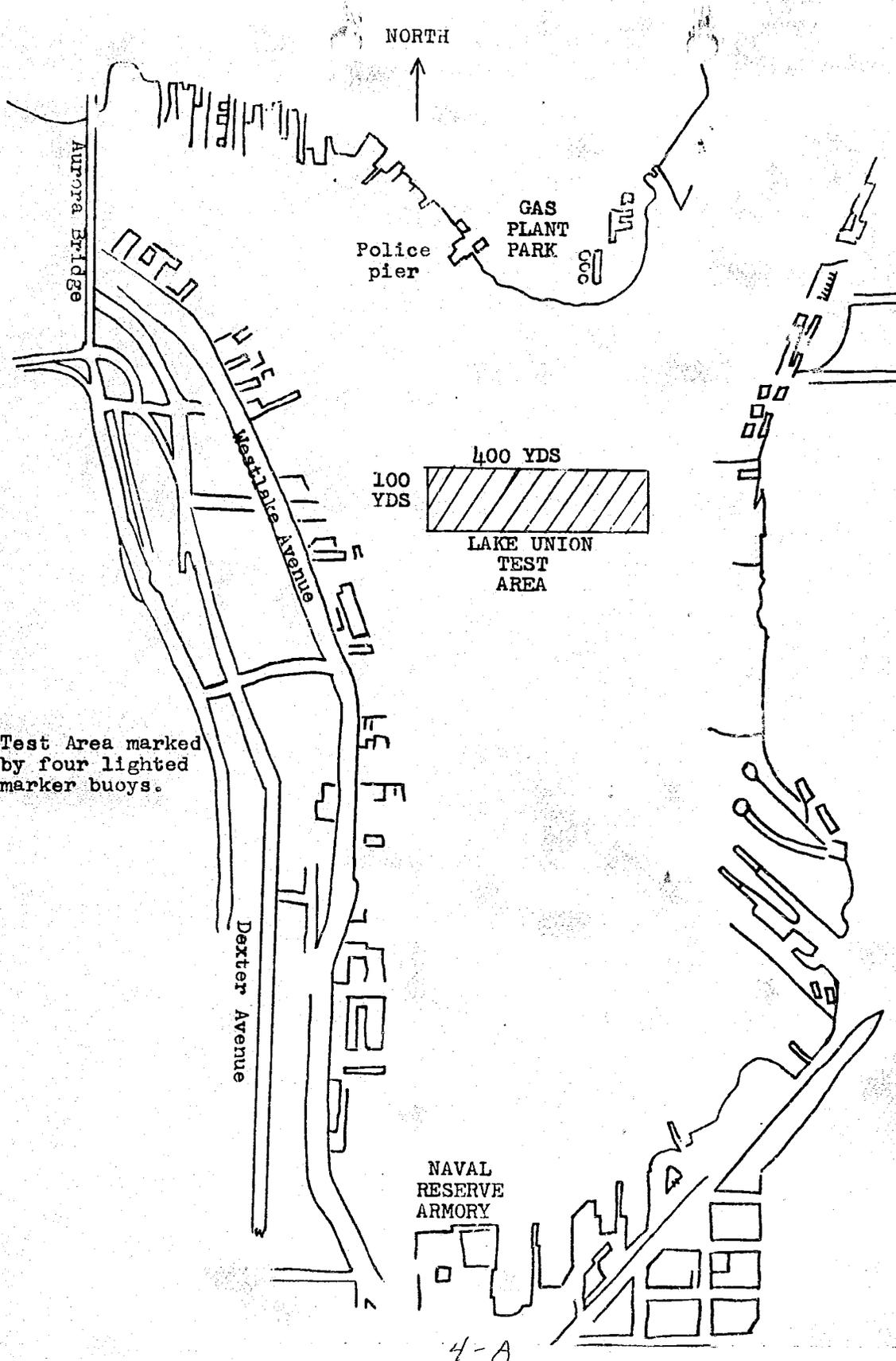
Sec. 3 DUTIES OF PORT WARDEN:

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.

Sec. 4 APPLICATION AND JUSTIFICATION: The provisions of this ordinance shall be applicable to all vessels and watercraft operating in the harbor of this City. The provisions of this ordinance shall be construed to supplement United States laws and State laws and regulations when not expressly inconsistent therewith in the harbor where such United States and State laws and regulations are applicable.

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- Sec. 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.
- Sec. 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.
- Sec. 7 **SPEED REGULATION:**

- 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 one hundred yards wide and four hundred yards long marked by buoys and bounded by the following coordinates:

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

except that in no event shall such watercraft and vessels operate at a speed in excess of seven nautical miles per hour in said area prior to making a U-turn; 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 one hundred yards wide and four hundred yards long marked by

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buoys and bounded by the following coordinates:

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

- (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.

- c) Nothing in this section shall be construed as exempting any person from liability caused by wake action from operation of any watercraft, vessel or aircraft in the areas designated herein nor shall this section be construed as exempting any person from liability for negligent or reckless operation of said watercraft, vessel or aircraft.

Sec. 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.

NOTE: (Federal law provides sailboats must forfeit right-of-way in confined waters.)

Sec. 9 TOWS: No tow boat shall tow any raft or boom of logs or piles or other tow within the Lake Washington Ship Canal from Shilshole Bay to Webster Point nor in the Duwamish Waterway including the East and West Waterways in excess of eighty (80) feet in width nor twelve hundred (1200) feet in length, and no tow shall, in any event, exceed twelve hundred (1200) feet in length.

Sec. 10 OBSTRUCTIONS AND THE MOVING OF SAME:

- (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.

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(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.

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

Sec. 12 FLOATING OBJECTS: All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift in Seattle Harbor, may be taken in charge by the Port Warden and shall be subject to reclamation by the owner thereof, on payment by him to the City of any expenses incurred by the City and in case of failure to reclaim may be sold or disposed of according to law.

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Sec. 13 INTOXICATION:

- (a) It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in actual physical control of any vessel or watercraft.
- (b) It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.
- (c) Whenever it appears reasonably certain to any police or harbor officer that any person under the influence of, or affected by the use of, intoxicating liquor or of any narcotic drug is about to operate a watercraft or vessel in violation of sub-division (a) of this section, said officer may take reasonable measures to prevent any such person from so doing, either by taking from him the keys of such watercraft or vessel and locking the same, or by some other appropriate means. In any such case; said officer shall immediately report the facts to his Commanding Officer of the Harbor Department, and shall, as soon as possible, deposit said keys or other articles, if any, taken from said watercraft or vessel or person with said Commanding Officer. Such keys or other articles may be returned to any person upon his demand and proper identification of himself when it appears that he is no longer under the influence of intoxicating liquor or narcotic drug.

Sec. 14 INCAPACITY OF OPERATOR: It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such vessel or watercraft under the prevailing circumstances.

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

Sec. 16 ACCIDENT REPORTS: The master, owner or operator of any watercraft shall file a report within 48 hours with the Port Warden of any accident involving death or personal injury requiring medical treatment or property damage in excess of \$200.00 in which such watercraft shall have been involved in Seattle Harbor.

Sec. 17 REPORTS CONFIDENTIAL, INADMISSIBLE AS EVIDENCE: All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the Port Warden, Corporation Counsel, or other peace and enforcement officer as provided herein, except

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that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Port Warden, solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.

Sec. 18 OVERLOADING:

- (a) No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity nor carry passengers in an unsafe manner taking into consideration weather and other existing operating conditions.
- (b) Whenever it appears reasonably certain to any police or harbor officer that any person is operating a watercraft or vessel loaded beyond its safe capacity, said officer may take reasonable measures to prevent any such person from so operating the craft, either by taking from him the keys of such craft and locking the same, or by other appropriate means. In any such case, said officer shall immediately report the facts to his Commanding Officer of the Harbor Department, and shall, as soon as possible, deposit said keys or other articles, if any, taken from said watercraft or vessel or person with said Commanding Officer. Such keys or other articles may be returned to any person upon his demand and proper identification of himself when it appears that he is the owner of the watercraft and the conditions under which the officer took preventive measures no longer exist.

Sec. 19 TESTING COURSES: The Port Warden may from time to time establish and designate such portion or portions of waters, within the City of Seattle, as may be appropriate for special use as a testing course in connection with the operational testing of experimental and production watercraft and vessels. Such areas when established and maintained as a testing course shall not be available for use by the general public except by permit issued by the Port Warden and upon the terms and conditions set forth therein. The Port Warden shall have power to adopt rules and regulations not inconsistent with the provisions of this ordinance for the use and control of such special use areas and for the protection of water users, recreational or otherwise. A copy of such rules and regulations shall be filed and available for public examination in the office of the City Comptroller.

Sec. 19A EXCESSIVE POWER:

- (a) No watercraft shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions.
- (b) Whenever it appears reasonably certain to any police officer that any person is operating a watercraft or vessel with a motor or propulsion machinery which is beyond safe power capacity, said officer may take reasonable measures to prevent

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any such person from so operating the craft, either by taking from him the keys of such craft and locking the same, or by other appropriate means. In any such case, said officer shall immediately report the facts to his Commanding Officer in the Police Department, and shall, as soon as possible, deposit said keys or other articles, if any, taken from said watercraft or vessel or person with said Commanding Officer. Such keys or other articles may be returned to any person upon his demand and proper identification of himself when it appears that he is the owner of the watercraft and the conditions under which the officer took preventive measures no longer exist.

- Sec. 20 **RESTRICTED AREAS:** In the interests of safe navigation, life safety and the protection of property, the Port Warden shall designate restricted areas and the purpose for which same shall be used. No person shall operate a vessel or watercraft within a restricted area: PROVIDED, that this section shall not apply to vessels or watercraft engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in the case of an emergency.
- Sec. 21 **SWIMMING:** Swimming in the harbor shall be confined to
- (a) restricted swimming areas or
 - (b) to within a distance of fifty feet from the shore or a pier unless the swimmer is accompanied by a watercraft.
- Sec. 22 **SKIN-DIVING:** Skin-diving shall be prohibited in the harbor
- (a) to the east of a line from the northwest corner of Harbor Island to the westernmost point of the U.S. Naval property located in Smith Cove, in the waters of the Lake Washington Ship Canal from the mid channel buoy in Shilshole Bay to Webster Point light, including the waters of Lake Union and Portage Bay, all of the inner moorage area of the Port of Seattle Commission moorings at Shilshole Bay and within 300 feet of the perimeter of the United States Naval Air Station at Sand Point, or
 - (b) within 300 feet of any ferry slip, public boat ramp, patrolled public beach designated as a swimming area, except pursuant to permit therefor issued by the Port Warden and except for commercial diving, or
 - (c) in any other area unless the diver shall be accompanied by a watercraft or the area in which he is diving shall be marked by an adequately displayed diver's flag.
- Sec. 23 **WATER SKIING**
- (a) No watercraft which shall have in tow or shall be otherwise assisting a person on water skis, aqua-plane, surf-board or similar contrivances shall be operated or propelled in the harbor unless such watercraft shall be occupied by at least two competent persons: PROVIDED, that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions, or trials therefor.

- (b) It shall be unlawful to water-ski or to tow or otherwise assist anyone on waterskis, aqua-plane, surfboard or similar contrivance upon the following waters:
- (1) Within 200 yards of, or on, the waters of the Lake Washington Ship Canal or within 200 yards of any shoreline, pier, restricted area or shore installation on Lake Union, or
 - (2) upon the waters of Salmon Bay, Portage Bay, or Shilshole Bay; or to ski parallel within 100 yards of shore installations on Lake Washington and adjacent waters. Water-skiers may start at a shore installation but must head away from shore to a point at least 100 yards, or 200 yards, as set forth above, before skiing parallel with the shore. The return to the shore must be on a 90 degree angle to the shore line.
- (c) No watercraft shall have in tow or shall otherwise be assisting a person on water skis, aqua-plane, surfboard or similar contrivance from sunset to sunrise: PROVIDED, that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions, or trials therefor.
- (d) All watercraft having in tow or otherwise assisting a person on water skis, aqua-plane, surfboard or similar contrivance, shall be operated in a careful and prudent manner and shall remain at all times at a reasonable and prudent distance from the person and property of others.
- (e) Any person on waterskis, aqua-plane, surfboard or similar contrivance shall conduct himself upon the same in a careful and prudent manner and shall remain at all times a reasonable and prudent distance from the person and property of others.

Sec. 24 MUFFLERS: It shall be unlawful to use or operate any engine in or on Seattle Harbor unless said engine is operated with and connected to a muffler or silencer of sufficient size and capacity effectually to muffle and prevent excessive or unusual noise from the exhaust of said engine.

Sec. 25 WHISTLES AND LIGHTS: It shall be unlawful for the master, owner or any other person in charge of any watercraft or vessel, while lying at any pier or while navigating in Seattle Harbor, unnecessarily to cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel or watercraft under way for any purpose other than those authorized by law.

Sec. 26 EQUIPMENT AND NUMBERING: All watercraft or vessels shall carry the equipment required by any applicable United States laws as now or hereafter amended, and shall be numbered or designated in accordance with any applicable United States laws as now or hereafter amended.

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Sec. 27 RACING: Nothing in the provisions of this ordinance shall be construed to mean that the operator of a watercraft competing in a race or regatta, or trials therefor, which has been duly authorized by an appropriate governmental agency or authority, or an operator engaged in industrial development and testing of experimental and production watercraft and vessels, shall be prohibited from attempting to attain high speeds on duly designated and indicated racing or testing courses, nor while so engaged, shall such watercraft or vessels be required to comply with Sections 7, 24, 25 and 26 of this ordinance.

Sec. 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.

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Sec. 29 ANCHORAGES: In aid of commerce and navigation anchorage for vessels, watercraft or obstructions is authorized in the following described waters:

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

Smith Cove Anchorage: Beginning at a point at the junction of the outer harbor line and a line drawn along the north side of Denny Way, thence westerly on said line for a distance of approximately two thousand (2000) feet; thence in a north-westerly direction paralleling the outer harbor line to a point intersecting a straight line drawn along the east side of Pier 88.

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

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

Portage Bay Anchorage: East and South of a line extending approximately 600 feet westerly in extension of the south channel line of the Lake Washington Ship Canal which is immediately west of the Montlake Cut, thence southerly in extension of the east side of Fourteenth Avenue North to the south shore line of Portage Bay.

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

Lake Washington Anchorage: Whenever deemed advisable by the Port Warden, he may grant a written permit to the master or owner of any vessel or watercraft for the anchorage or mooring of said vessel or watercraft outside of the outer harbor line, or in any unused slip, or in any street end, on Lake Washington, at such locations as he shall determine will not interfere with or impede navigation.

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- Sec. 30 AIRCRAFT ON THE WATER: All vessels or watercraft shall keep clear of aircraft landing within any area now or hereafter set aside by law for such purpose. Aircraft on the water shall keep clear of all vessels and watercraft and avoid impeding their navigation.
- Sec. 31 RULES OF THE ROAD: Except as herein otherwise specified, vessels or watercraft shall be subject to the "Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico," (C.F. 236479) promulgated by the United States Coast Guard, pursuant to Act of Congress, as such rules are now or may hereafter from time to time be adopted "and be it further provided that sailing vessels or other watercraft, while engaged in a sanctioned or authorized race, predicted log race, regatta, or similar event shall be subject to the applicable rules for such event including, but not limited to differing right-of-way rules."
- Sec. 32 CITY BUOYS: The Port Warden shall be the sole judge of any and all use made of any city buoy and his decision as to the same shall be final and conclusive.
- Sec. 33 PROPELLERS: No master, owner or other person in charge of any vessel or watercraft shall, while the same is lying in any slip or at any pier, either cause or allow the propeller or wheel of such vessel or watercraft to be worked in such a manner as to endanger any other vessel, watercraft, or structure.
- Sec. 34 EXPLOSIVES: Every vessel or watercraft approaching or passing any vessel or watercraft engaged in the transfer of explosives and from which is displayed the red powder flag shall slow down to a speed of not exceeding six (6) nautical miles an hour before coming abreast of such vessel or watercraft and in time to prevent accident by reason of swells.
- Sec. 35 UNSAFE PIERS: Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the Port Warden to become unsafe so as to render the same, or any portion thereof, unsafe for life or property, the Port Warden shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs thereto shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders of the City Superintendent of Buildings immediately, the City Superintendent of Buildings shall prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.
- Sec. 36 PIER LIGHTS: In the interests of safe navigation and the protection of property the Port Warden shall establish standards for the lighting of piers in the harbor. Between the hours of sunset and sunrise all piers shall be kept lighted in accordance with the requirements of the Port Warden. All walks, passageways, openings or gangways upon any pier upon or through which passengers may pass shall be kept adequately lighted between sunset and sunrise.

- Sec. 37 SAFETY DEVICES: Every owner, agent or lessee having charge of any commercial pier shall furnish and keep for use on such pier at least one (1) serviceable thirty-inch ring life buoy, and one (1) serviceable thirty-inch ring life buoy for every three hundred (300) lineal feet of berthing space to each of which shall be attached at least two hundred (200) feet of suitable line, one end of which shall be fastened to the ring buoy. Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for the use of the public in case of accident, which box shall be properly labeled and be at all times kept clear of obstructions, and it shall be unlawful to take away, molest, injure or destroy the same or either of them or to disturb the same, or either of them, except for use in saving life and property.
- Sec. 38 PIER BARRIERS: Every owner, lessee or agent of any pier open to public use to or from vessels or watercraft or for any other purpose, shall guard the frontage of any highway by substantial and adequate fences or other barriers and shall guard the sides and face thereof in a similar manner if used as a thoroughfare to or from any vessel or watercraft. All necessary openings or passages in such fences or barriers shall be provided with substantial gates which shall be closed and securely fastened when not in use.
- Sec. 39 ROADWAY BARRIERS: Any person owning or operating or having control of any trestle, road or roadway or spur track over or upon the Harbor which is open to the public as a way for travel, shall guard the same by adequate fences or barriers along the side or sides thereof, and at any or all other exposed or dangerous places and where not open as a way for travel substantial and adequate fences or barriers shall be provided to prevent the use of the same by the public, and upon failure so to do, the Port Warden shall order such facility closed, or may close the same until the same shall be made to conform to the requirements hereof, and any expense incurred in so doing shall be paid to, and recoverable by, the City of Seattle from the person owning or operating the same.
- Sec. 40 DANGEROUS GANGWAYS: Whenever any gangway devoted to public use shall appear to be dangerous to the Port Warden for such use, he shall report the matter to the City Superintendent of Buildings who shall inspect the same and shall forbid the use of such gangway for such purpose until the same shall have been repaired or reconstructed so as to render the same safe for such use and until the same as so reconstructed or repaired has been inspected by the City Superintendent of Buildings and its use for such purpose approved by him.
- Sec. 41 BOILERS: It shall be unlawful for the master of any vessel or watercraft or the engineer or person in charge of any engine or fire room thereof, to blow down boilers and/or tubes or emit soot therefrom or cause or allow the same to be done while lying at any pier, except through an underwater exhaust or outlet.
- Sec. 42 DRIFTING DEBRIS: It shall be unlawful for the owner, agent or lessee in charge of any pier to allow the whole, or any part thereof, to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and upon failure so to do, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.

- Sec. 43 OIL: No owner, master or other person in charge of any vessel or watercraft, and no engineer, or other person in charge of any engine room or machinery of any vessel or watercraft, and no owner, lessee, agent, employee, or other person in charge of or employed in or about any pier, or other structure, and no person along or upon the shore of the Harbor, shall spill, throw, pump or otherwise cause oil of any description to be or float upon the waters of the Harbor. Any person causing oil to be upon the waters of the Harbor as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the person causing said oil to be upon the water. The payment of such sum, or the maintenance of an action therefor, shall not be deemed to exempt such person from prosecution for causing such oil spillage.
- Sec. 44 NUISANCES: Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be public nuisances and it shall be unlawful for any person to throw or place in, or cause or permit to be thrown or placed any of the above named articles or substances in Seattle Harbor, or upon the shores thereof or in such position that the same may or can be washed into said harbor, either by high tides, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the person creating said nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder.
- Sec. 45 CITY FLOATS: All City floats or piers now or hereafter established, except as hereinafter specified, may be used by watercraft for dockage purposes, other than the handling of freight, free of charge for lying time not to exceed 48 consecutive hours at any one time. After such period the use of such facilities shall be only with the written permission and at the sole discretion of the Port Warden.
- Sec. 46 OBSTRUCTING TRAFFIC: The determination of the Port Warden shall be final and conclusive as to all questions relating to the handling of freight or merchandise or as to the position of any vessel or watercraft at any pier or other structure belonging to the City of Seattle, and all persons handling or in charge of freight or merchandise or vessels or watercraft, shall handle the same expeditiously and without interference with or blocking general traffic and without interfering with commerce and navigation.
- Sec. 47 FIRE PIERS: No passengers, freight or merchandise shall be handled over any location designated for the use of the fire boats of the Fire Department, nor shall such location be used for any purpose whatever other than municipal purposes.

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- Sec. 48 **PATROL FLOATS:** The Port Warden shall designate locations for such floats as may be necessary for patrol boats and shall prescribe rules and regulations for the use of such floats.
- Sec. 49 **ACCOUNTING:** The Port Warden shall keep accurate and detailed account of all moneys received or disbursed by him in the performance of his duties, which books of account shall be furnished by and be the property of the City of Seattle which shall at all times, within office hours, be open to inspection by the public and at all times to inspection and audit by the proper department or departments of the City.
- Sec. 50 **PUBLIC HEALTH:** All watercraft and vessels entering or in the harbor shall comply with the applicable public health laws and regulations of the United States, the State of Washington and its political subdivisions.
- Sec. 51 **BOAT LIVERY RECORDS:** The owner or proprietor of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any watercraft, the identification number of such watercraft, the departure date and time and the date and time of the return of such watercraft. Such record shall be preserved for not less than six months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat livery any such watercraft shall carry the equipment required by this ordinance.
- Sec. 52 **LIABILITY FOR DAMAGES:** Nothing in this ordinance shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure, from any liability for damages, and the safeguards to life and property required in this ordinance shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required by law.
- Sec. 53 **ENFORCEMENT:** The Port Warden and any of his authorized deputies or employees and authorized personnel of the governments of the United States, the State of Washington or its political subdivisions by virtue of their election or appointment shall have authority to enter upon and inspect any vessel or watercraft in the harbor and are hereby charged with the enforcement of the provisions of this ordinance except as the enforcement thereof is herein otherwise specified. It shall be the duty of the Port Warden to make complaints for any violation of the same, or any part hereof in the name of the City; Provided, That this provision shall not operate to preclude the making of such complaint by any other person legally authorized so to do.
- Sec. 54 **RELEASE FROM ARREST ON NOTICE TO APPEAR:** Whenever any person is arrested for any violation of this ordinance the arresting officer may serve upon him a citation and notice to appear in court. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court, as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into the custody of such arresting officer and so remain or be placed in confinement.

Sec. 55 PUBLIC EMPLOYEES TO OBEY HARBOR ORDINANCE: The provisions of this ordinance shall apply to the operator of any vessel or watercraft owned by or used in the service of the United States Government, or of this State or of any political subdivision thereof.

Sec. 56 EXEMPTION TO AUTHORIZED EMERGENCY VESSELS AND WATERCRAFT: The provisions of this ordinance shall be applicable to the operation of any and all vessels or watercraft in the Harbor of the City except that they shall not apply in the following cases:

- (1) To any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vessel or watercraft has been authorized: Provided, That the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons using the City Harbor, nor shall it protect the operator of any such emergency vessel or watercraft from the consequence of a reckless disregard for the safety of others: Provided further, The provisions of this section shall in no event extend any special privilege or immunity in operation of an authorized emergency vessel or watercraft for any purpose other than for which the same has been authorized.

Sec. 57 AIDING AND ABETTING VIOLATION: It is unlawful to counsel, aid, or abet the violation of, or failure to comply with any of the provisions of this ordinance.

Sec. 58 EMERGENCY POWERS: The Port Warden and the officers of the Harbor Department are hereby authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in conformance with the provisions of this ordinance: Provided, That where necessary to expedite waterborne traffic, or to prevent or eliminate congestion or to safeguard persons or property, such officers, or in the event of a fire or other emergency such officers and other authorized officers of appropriate governmental agencies or authorities, may direct waterborne traffic as conditions may require, notwithstanding the provisions of this ordinance.

Sec. 59 PENALTY: Any person who shall violate or fail to comply with any provision of this ordinance, or any lawful order or direction of the Port Warden or any person or officer charged with the enforcement hereof, shall, on conviction thereof, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500) or by imprisonment in the city jail for a term not to exceed six (6) months, or both such fine and imprisonment.

Sec. 60 HARBOR ADVISORY COMMISSION:
(a) There is hereby established a Harbor Advisory Commission of not less than twelve persons to meet with and advise the Port Warden. The Harbor Advisory Commission shall serve without compensation as such and shall be appointed by the Mayor of the City so as to give proper representation to governmental agencies, business and labor interests, recreational organizations and civic groups concerned with the control and regulation of the harbor.

- (b) It shall be the duty of the Harbor Advisory Commission to recommend to the regularly constituted city officials ways and means for improving harbor conditions. The Commission shall meet not less than once each six months, or more often upon the call of the Port Warden or any seven members of the Commission at a time and place to be decided upon by the Commission.
- (c) The Port Warden shall be the Chairman of the Commission and he shall furnish from his regular staff the necessary secretarial and stenographic services and materials required by the Commission.

- Sec. 61 PRESERVATION OF ACTIONS: This ordinance shall not affect pending actions or proceedings, civil or criminal, or defenses thereto, but the same may be prosecuted or defended with the same effect as though this ordinance had not been passed. No cause of action or defense thereto, heretofore arising under any of the ordinances hereby repealed shall abate by reason of the passage of this ordinance whether such action has been commenced or such defense interposed or not, but all such actions may be brought and such defenses interposed with the same effect as though said ordinance had not been repealed.
- Sec. 62 REPEAL: This ordinance repeals Ordinance Nos. 34379, 34746, 34995, 40555 and 42337, and sections 52 through 56 of Ordinance 48022, and all other ordinances or parts of ordinances in conflict herewith.
- Sec. 63 SAVING CLAUSE: In the event any section or provision of this ordinance shall be held invalid or of no effect, such decision shall not affect the validity of any other section or provision thereof.
- Sec. 64 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 24th day of February, 1959, and signed by me in open session in authentication of its passage this 24th day of February, 1959.

/s/ DAVID LEVINE,
President of the City Council

Approved by me this 25th day of February, 1959.

/s/ GORDON S. CLINTON
Mayor.

Filed by me this 25th day of February 1959.

Attest: C. G. Erlandson, City Comptroller & City Clerk
(Seal) by W.A. PERINE, Deputy Clerk

Date of official publication in the Daily Journal of Commerce, Seattle, March 7, 1959. (C-3493)

- Sec. 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.

Sec. 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.

Sec. 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 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;

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- (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.

Sec. 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.

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- (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, by the State of Washington and by municipal corporations. Among other terms and conditions, the Board may, but need not require that the vessel or watercraft connect its plumbing system to the nearest available city sanitary sewers; that the vessel or watercraft permit the anchorage 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.

Sec. 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.

Sec. 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.

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 interference with commerce or navigation and unauthorized or unduly prolonged use and occupation of waterways, the Board of Public Works of The City of Seattle is further authorized and directed to prepare and adopt a schedule of fees applicable to all such permits which shall be commensurate with fees established by ordinance for the use and occupation of public places of similar character in the vicinity, provided no fees shall be charged the United States and its agencies, and the State of Washington or any municipal corporation, and provided further, that waterway area used exclusively for youth activities related to navigation and water safety, without charge to participants, by a non-profit corporation or an organization that is open to public membership by eligible youth shall not be considered in calculating the amount of fees for use and occupation of waterways whenever the City Engineer and the Port Warden shall certify to the Board of Public Works that no substantial administration or policing would be involved and the usage would not interfere with commerce or navigation nor be unduly prolonged; and any such schedule, when approved by the City Council of The City of Seattle by resolution shall govern the amount of the fee for any such permit which shall be collected as a condition to the issuance or continuance of any such permit other than permits issued to the United States and its agencies, the State of Washington, or any municipal corporation. Fees shall be computed according to the area actually included in the permit or area obstructed by the vessel, watercraft or obstruction and shall not include any charge for the area within an unobstructed fifty-foot channel maintained pursuant to Section 67 herein.

Sec. 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.

Sec. 72 (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

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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.

Sec. 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.

Sec. 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.

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