

# Ordinance No. 94587

AN ORDINANCE amending Sections 2, 3, 19, 27, 28 and 31 of Ordinance 87983 (Harbor Code) to permit testing of experimental and production water craft and vessels under certain conditions.

*7/20/66 - passed*

*FILE NUMBER 24904*

## Council Bill No. 86110

INTRODUCED: FEB 21 1966	BY: Public Safety
REFERRED: FEB 21 1966	TO: Public Safety
REFERRED:	
REPORTED: FEB 23 1966	SECOND READING: FEB 23 1966
THIRD READING: FEB 23 1966	SIGNED: FEB 23 1966
PRESENTED TO MAYOR: FEB 29 1966	APPROVED: MAR 3 1966
RETD. TO CITY CLERK: MAR 3 1966	PUBLISHED: MAR 5 1966
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENCROSSED:	BY:
YOL _____ PAGE _____	

Ord 100171 RE HARBOR CODE, AMENDS SECTIONS 2, 3, 5, 6, 7, 8, 10 & 28; ADDS NEW SECTIONS 65 THRU 74 INCL TO ORD 87983, 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, & ADD DEFINITIONS THERETO; CREATING A WATERWAY OPERATION & MAINTENANCE FUND, & PROVIDING FOR DEPOSITS IN & EXPENDITURES FROM SUCH FUND.

*Police*  
*Fish*  
*Q.P.*

PUR  
BLDG. (PC)  
ENG.  
R. O.  
A. C.  
S. E.  
C. O.  
LIGHT

ORDINANCE 94587

AN ORDINANCE amending Sections 2, 3, 19, 27, 28 and 31 of Ordinance 87983 (Harbor Code) to permit testing of experimental and production water craft and vessels under certain conditions.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 2 of Ordinance 87983, as last amended by Ordinance 90653, be further amended to read as follows:

Section 2. DEFINITIONS: ~~AMENDED-9000~~, 100171

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 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.

"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.

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

Section 3. DUTIES OF PORT WARDEN: ~~AMENDED~~ ~~ORD.~~ 100171

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 and testing courses.

Section 3. That Section 19 of Ordinance 87983, as last amended by Ordinance 90653, be further amended to read as follows:

Section 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 water craft 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.

Section 4. That Section 27 of Ordinance 87983 be amended to read as follows:

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, 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.

Section 5. That Section 28 of Ordinance 87983 be amended to read as follows:

Section 28. FAIRWAYS: ~~AMENDED 0888~~, (00171),

All waters herein specified, subject to reservations for anchorage and restricted areas and testing courses during testing activities, 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 outer 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 6. That Section 31 of Ordinance 87983 be amended to read as follows:

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. 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."

(To be used for all Ordinances except Emergency.)

Section 7. 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 28 day of February, 1966, and signed by me in open session in authentication of its passage this 28 day of February, 1966.

Clarence T. Massart  
President of the City Council.

Approved by me this 3 day of March, 1966.

J. J. Borawski  
Mayor.

Filed by me this 3 day of March, 1966.

C. H. Glendonson  
Attest: City Comptroller and City Clerk.

(SEAL)

Published MAR 5 1966

By W. A. Perrine  
Deputy Clerk.

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted

Your Committee on

PUBLIC SAFETY

FEB 23 1966

to which was referred C. B. No. 86110

Amending Sections 2, 3, 19, 27, 28 and 31 of Ordinance 87983 (Harbor Code)  
to permit testing of experimental and production water craft and vessels under certain  
conditions.

RECOMMENDS THAT THE SAME DO PASS.

..... Chairman

*Riley*

..... Chairman

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Committee

Committee

ORDINANCE NO. 94587

AN ORDINANCE amending Sections 4, 5, 19, 27, 28 and 31 of Ordinance 87933 (Harbor Code) to permit testing of experimental and production watercraft and vessels under certain conditions.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 2 of Ordinance 87933, as last amended by Ordinance 90853, be further amended to read as follows:

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.

"Driver's Flag" shall mean a red flag 3 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. P. 234479.)

"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-

# Affidavit of Publication

STATE OF WASHINGTON, ss.  
COUNTY OF KING

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

That the annexed is a true copy of .....

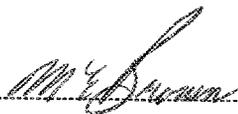
Ordinance No. 94587

....., as it was published in the regular issue

(and not in supplement form) of said newspaper on the

..... 5th day of March 1966 .....

....., and that said newspaper was regularly distributed to its subscribers during all of said period.



Subscribed and sworn to before me this

5th day of March 1966



Notary Public in and for the State of Washington, residing at Seattle.  
(This form officially sanctioned by Washington State Press Association.)  
Affidavit Form D