

ORDINANCE NO. 427

CITY OF LACEY

AN ORDINANCE RELATING TO THE OPERATION OF VESSELS AND MOTORBOATS UPON LAKES WITHIN THE CITY OF LACEY AND ADDING A NEW CHAPTER, 9.56, TO THE LACEY MUNICIPAL CODE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LACEY there is added to the Lacey Municipal Code a new Chapter, 9.56, to read as follows:

Section 9.56.010. Definitions. As used in this chapter the following terms shall have the meaning ascribed to them by this section:

(1) "Vessel" means any contrivance used or designed for navigation on water.

(2) "Motorboat" means any vessel propelled in any respect by machinery, including those temporarily equipped with detachable motors.

(3) "Hydroplane" means a boat that has transverse or longitudinal offsets or breaks of more than three-quarters of an inch on the bottom of the boat.

(4) "Waters" includes any lake, pond or other body of fresh water within the city of Lacey.

(5) "Person" means any natural person, partnership, association or corporation.

Section 9.56.020. Adoption by reference of Title 46, Section 526 of United States Code. All vessels and motorboats operated and used upon waters of lakes located within the city of Lacey shall, in all respects, conform to the requirements of the United States Code, Title 46, Section 526, as amended, and the rules and regulations pro-

mulgated thereunder insofar as all lifesaving equipment, safety equipment, lighting equipment and all other equipment and devices therein specified. Three copies of such code and regulations are on file in the office of the city clerk.

Section 9.56.030. Speed and manner of operation. No person shall operate any vessel or motorboat, or manipulate any water skis, surfboard or similar device in a disorderly, grossly indifferent, reckless or negligent manner so as to endanger the life, limb or property of any person. No person shall operate a motorboat at a speed greater than is reasonable and proper under the conditions at the time and place of operation, taking into account the amount and character of traffic, size of the waters, freedom from obstruction to view ahead, and so as to unreasonably endanger persons or property or other rights of any person entitled to use of such waters.

Section 9.56.040. Operation while under the influence of intoxicating beverages. It shall be unlawful for any person to operate any vessel or manipulate any water skis, surfboard or similar device while under the influence of or affected by the use of intoxicating liquor or narcotic or habit forming drugs.

Section 9.56.050. Unlawful for owner of vessel to permit its operation by incompetent person. It shall be unlawful for any person owning or in charge of a vessel to authorize the same to be operated by any person under the influence of or affected by the use of intoxicating liquor

or narcotic or habit forming drugs or by any person who by reason of a physical or mental disability would be incapable of safely operating such vessel.

Section 9.56.060. Age limit. It shall be unlawful for any person under the age of fourteen years to operate or be permitted, by the owner or person having charge of a motorboat, to operate a motorboat powered by a motor of ten horsepower or more unless accompanied by a person who is sixteen years of age or older.

Section 9.56.070. Overloading of vessels. It shall be unlawful for any vessel to be loaded with passengers or cargo which exceed the safe-carrying capacity of the vessel. Where the safe-carrying capacity of a vessel is specified by the manufacturer, such limitation shall be considered the maximum safe loading for the purpose of this chapter.

Section 9.56.080. Overpowering of boats. It shall be unlawful for any motorboat to be equipped with any motor or propulsion machinery beyond its safe power capacity, taking into consideration the type of construction of such vessel. Where the manufacturer of a vessel has specified the maximum safe horsepower for a particular boat, such maximum shall be considered the limit of safe capacity for the purpose of this chapter. The responsibility for not overloading or overpowering any vessel shall be with the operator of such vessel.

Section 9.56.090. Hydroplanes. It shall be unlawful to operate hydroplanes on any waters in the city of Lacey.

Section 9.56.100. Speed limits. It shall be unlawful to operate a motorboat upon or across the waters of any lake within the city of Lacey at a rate of speed greater than five miles per hour during the period from April 15th to October 31st, except as hereinafter provided in Section 9.56.110.

Section 9.56.110. Speed limit on Hicks Lake.

(a) It shall be lawful to operate motorboats and/or motorboats having in tow a person or persons on water skis, aquaplane, or similar contrivance at speeds in excess of five miles per hour on Hicks Lake under the following conditions:

(1) In the area beyond two hundred feet from shore between the hours of ten a.m. and six p.m.

(2) Times referred to in subsection (1) above shall be either Pacific Standard or Pacific Daylight, whichever is currently in effect in Lacey.

(3) Motorboats may pull skiers, aquaplanes or similar contrivances between the line of buoys and shore only when taking off or landing; and in so doing, must operate on a line as nearly perpendicular to the shore line as possible.

Section 9.56.120. Observers. It shall be unlawful for any operator of a motorboat to tow any water skier, aquaplane, or similar contrivance without having a competent and capable person in said boat to act as observer and to assist in any emergency. The boat operator shall be at least sixteen years of age. Provided, that no observer shall be required within the meaning of this section when

the water skier is the sole operator of the towing device or vessel.

Section 9.56.130. Life preservers for skiers. It shall be unlawful for any person to operate any motorboat or other device, towing a water skier or aquaplaner, or for any person to water ski or aquaplane behind any motorboat or other device unless said water skier or aquaplaner shall be wearing a life preserver, buoyant vest or other buoy or cushion in good and serviceable condition.

Section 9.56.140. Counter-clockwise operation of motorboats and skiers. On all waters where a circular traffic pattern is possible, motorboats and/or motorboats having in tow a person or persons on water skis, aquaplane, or similar contrivance shall be operated at all times in a counter-clockwise direction.

Section 9.56.150. Speed limits in designated areas. It shall be unlawful at any time to operate a motorboat on the waters of a lake within the city of Lacey at a speed in excess of five miles per hour within two hundred feet of any shore, dock, or public swimming area, or within one hundred feet of any vessel or swimmer. Provided, however, that the provision shall not apply to motorboat operators pulling water skiers for takeoff or landing when perpendicular to shore, dock or other launching facility when such takeoff or landing would not constitute an undue risk to persons or property.

Section 9.56.160. Operation of vessels within the marked areas. No person shall operate a vessel within a water area which has been clearly marked with buoys, skin

diving markers, or some other distinguishing device as a bathing, swimming, skin diving, or other restricted area provided, that this section shall not apply in cases of emergency nor when the vessel is in support of a diving exercise.

Section 9.56.170. Right-of-way. Operators of motorboats shall at all times yield the right-of-way to nonmotor power craft, swimmers, bathers, water skiers and aquaplaners.

Section 9.56.180. Refuse. It shall be unlawful for any person to deposit refuse, foreign matter or litter in the waters of any lake located in the city of Lacey.

Section 9.56.190. Skin diving. Persons engaging in skin diving shall mark the water areas where such operations are being conducted with buoyed flags of sufficient size so that they may be seen at a distance of not less than one hundred yards under normal visibility conditions: Provided, that where skin diving operations are conducted between the hours of sunset and sunrise, artificially illuminated marker buoys shall be provided which are visible at a distance of not less than one hundred yards under normal visibility conditions. Skin diving shall not be conducted so as to unreasonably interfere with normal operations of vessels.

Section 9.56.200. Boat mooring buoys. Any boat mooring buoy placed upon the water of a lake located within the city of Lacey shall be white with a blue belt centered midway between the top and the bottom and will be clearly visible at a distance of not less than one hundred yards

under normal daylight visibility conditions.

Section 9.56.210. Aids to navigation and regulatory markers: All aids to navigation shall conform to the "Uniform State Waterway Marking System, U.S. Department of Transportation, U.S. Coast Guard" as follows: Uniform State Waterway Marking System (USWMS) consists of two categories: one is a system of aids to navigation, the other is a system of regulatory markers to warn a vessel operator of dangers or to provide general information and directions. On a well defined channel, solid colored red and black buoys are established in pairs, one on each side of the navigable channel which they mark, and opposite to each other to inform the user that he should pass between the buoys. Shape of buoys has no significance in the USWMS. Regulatory buoys are colored white with international orange horizontal bands completely around the buoy circumference. One band is at the top of the buoy with a second band just above the waterline so that both orange bands are clearly visible to approaching vessels.

Geometric shapes are placed on the white portion of the buoy body and are colored international orange. The authorized geometric shapes and meanings associated with them are as follows:

A vertical open faced diamond shape to mean danger.

A vertical open faced diamond shape having a cross centered in the diamond to mean that vessels are excluded from the marked area.

A circular shape to mean that vessels in the marked area are subject to certain operating restrictions.

A square or rectangular shape has directions or information lettered on the inside.

These regulatory daymarks can also be used on light structures or daybeacons. Illustrations of the marking system are attached to this ordinance.

Section 9.56.220. Reporting of accidents. Any person operating a vessel, water skis, aquaplane or similar device which has collided with any person or property of another, causing any property damage or personal injury, shall within twenty-four hours report such collision to the Chief of Police. The Chief of Police shall provide forms upon which such reports may be filed.

Section 9.56.230. Violators guilty of misdemeanor - Penalties. Any person who violates this ordinance shall be deemed guilty of a misdemeanor.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY
this 8th day of July, 1976.

CITY COUNCIL

By

Karen R. Traver
Mayor

Attest:

Timothy McQuinn
City Clerk


Approved as to form:

[Signature]
City Attorney

Passed: 7-8-76

Published: 7-14-76


MARINE AIDS TO NAVIGATION OF THE UNITED STATES



UNIFORM STATE WATERWAY MARKING SYSTEM


STATE WATERS AND DESIGNATED STATE WATERS FOR PRIVATE AIDS TO NAVIGATION

REGULATORY MARKERS




BOAT EXCLUSION AREA

EXPLANATION MAY BE PLACED OUTSIDE THE CROSSED DIAMOND SHAPE, SUCH AS DAM, RAPIDS, SWIM AREA, ETC.



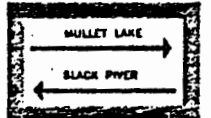
DANGER

THE NATURE OF DANGER MAY BE INDICATED INSIDE THE DIAMOND SHAPE, SUCH AS ROCK, WRECK, SHOAL, DAM, ETC.




CONTROLLED AREA

TYPE OF CONTROL IS INDICATED IN THE CIRCLE, SUCH AS 5 MPH, NO ANCHORING, ETC.



INFORMATION

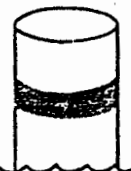
FOR DISPLAYING INFORMATION SUCH AS DIRECTIONS, DISTANCES, LOCATIONS, ETC.



BUOY USED TO DISPLAY REGULATORY MARKERS

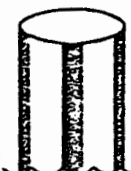
MAY SHOW WHITE LIGHT
MAY BE LETTERED

AIDS TO NAVIGATION




MOORING BUOY

WHITE WITH BLUE BAND
MAY SHOW WHITE REFLECTOR OR LIGHT




RED-STRIPED WHITE BUOY

MAY BE LETTERED
DO NOT PASS BETWEEN BUOY AND NEAREST SHORE



BLACK-TOPPED WHITE BUOY

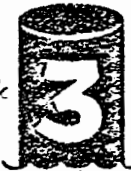
MAY BE NUMBERED
PASS TO NORTH OR EAST OF BUOY



RED-TOPPED WHITE BUOY


MAY BE NUMBERED
PASS TO SOUTH OR WEST OF BUOY

CARDINAL SYSTEM



PORT SIDE

SOLID RED AND SOLID BLACK BUOYS
USUALLY FOUND IN PAIRS
PASS BETWEEN THESE BUOYS



STARBOARD SIDE

LATERAL SYSTEM