

ORDINANCE 731

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 9.56 OF THE LACEY MUNICIPAL CODE RELATING TO THE USE OF LAKES WITHIN THE CITY AND THE OPERATION OF VESSELS AND MOTORBOATS ON SAID LAKES AND DECLARING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF SAID CHAPTER

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 9.56 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 9.56

VESSELS AND MOTORBOATS ON LAKES

Sections:

- 9.56.010 Definitions.
- 9.56.020 Federal regulations adopted.
- 9.56.030 Speed and manner of operation.
- 9.56.040 Operation under influence of liquor or drugs.
- 9.56.050 Permitting operation by incompetent person.
- 9.56.060 Age limit.
- 9.56.070 Overloading vessels.
- 9.56.080 Overpowering boats.
- 9.56.090 Mufflers.
- 9.56.100 Speed limits--Generally.
- 9.56.110 Speed limits--Hicks Lake.
- 9.56.120 Observers.
- 9.56.130 Life preservers for skiers.
- 9.56.140 Direction of operation.
- 9.56.150 Speed limits--Designated areas.
- 9.56.160 Operation within marked areas.
- 9.56.170 Right-of-way.
- 9.56.180 Refuse.
- 9.56.190 Skin diving.
- 9.56.220 Reporting accidents.
- 9.56.230 Violation--Penalty.

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

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

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

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

(4) "Waters" includes any lake, pond or other body of fresh water within the city. (Ord. 454 §1, 1977: Ord. 427 (part), 1976).

9.56.020 Federal regulations adopted. All vessels and motorboats operated and used upon waters of lakes located within the city shall, in all respects, conform to the requirements of the United States Code, Title 46, Section 526, as amended, and the rules and regulations promulgated 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. (Ord. 427 (part), 1976).

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: (1) 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 (2) so as to unreasonably endanger persons or property or other rights of any person entitled to use of such waters. (Ord. 427 (part), 1976),

9.56.040 Operation under influence of liquor or drugs. It is 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. (Ord. 427 (part), 1976).

9.56.050 Permitting operation by incompetent person. It is 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. (Ord. 427 (part), 1976).

9.56.060 Age limit. It is 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. (Ord. 427 (part), 1976).

9.56.070 Overloading vessels. It is 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. (Ord. 427 (part), 1976).

9.56.080 Overpowering boats. It is 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. (Ord. 427 (part), 1976).

9.56.090 Mufflers. It is unlawful to operate a motorboat on any waters in the city unless it is equipped with a muffler or other similar device to reduce the sound of exhaust. (Ord. 454 §3, 1977; Ord. 427 (part), 1976).

9.56.100 Speed limits--Generally. It is unlawful to operate a motorboat upon or across the waters of any lake within the city 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. (Ord. 427 (part), 1976).

9.56.110 Speed limits--Hicks Lake. It is 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) If the lake is buoyed along a line two hundred feet from shore and fifty feet from any underwater obstruction lying within four feet of the lake's average seasonal low water level to restrict skiing to an area outside the buoys, such excess speed shall be allowed between the hours of eleven a.m. and one hour before sunset. Sunset shall be defined as that time prescribed as sunset in Lacey by the Director of the Nautical Almanac at the United States Observatory at Washington, D.C.

(2) Placement and maintenance of buoys under subsection (1) shall be the responsibility of the skiers and/or property owners. Distance between buoys placed under this subsection shall not exceed three hundred feet.

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

(4) 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 shoreline as possible.

(5) Notwithstanding other provisions of this chapter to the contrary, it is unlawful to operate a motorboat upon or across waters of any lake within the city at a rate of speed

greater than five miles per hour commencing with the opening day of lowland fishing season each year and continuing until May 15th. (Ord. 454 §4, 1977: Ord. 427 (part), 1976).

9.56.120 Observers. It is 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. (Ord. 427 (part), 1976).

9.56.130 Life preservers for skiers. It is 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 is wearing a life perserver, buoyant vest or other buoy or cushion in good and serviceable condition. (Ord. 427 (part), 1976).

9.56.140 Direction of operation. 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. (Ord. 427 (part), 1976).

9.56.150 Speed limits--Designated areas. It is unlawful at any time to operate a motorboat on the waters of a lake within the city 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. (Ord. 427 (part), 1976).

9.56.160 Operation within 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. (Ord. 427 (part), 1976).

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. (Ord. 427 (part), 1976).

9.56.180 Refuse. It is unlawful for any person to deposit refuse, foreign matter or litter in the waters of any lake located in the city. (Ord. 427 (part), 1976).

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. (Ord. 427 (part), 1976).

9.56.220 Reporting 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. (Ord. 427 (part), 1976).

9.56.230 Violation--Penalty. Any person who violates the ordinance codified in this chapter shall be deemed guilty of a misdemeanor. (Ord. 427 (part), 1976).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 9.56 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.

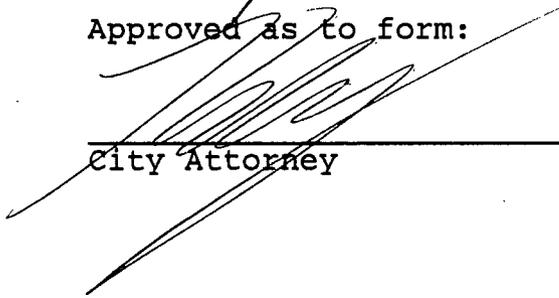
CITY COUNCIL

BY 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

Posted: March 29, 1985