

ORDINANCE NO. 938

CITY OF LACEY

AN ORDINANCE RELATING TO THE OPERATION OF WATERCRAFT WITHIN THE CITY INCLUDING PERSONAL WATERCRAFT CONSISTING OF JET SKIS AND OTHER CRAFT, REPEALING SECTIONS 9.56.030, 9.56.040, 9.56.060, 9.56.130, 9.56.140 AND 9.56.150, AMENDING SECTIONS 9.56.010, 9.56.090, 9.56.110 AND 9.56.120 AND ADDING NEW SECTIONS ALL TO THE LACEY MUNICIPAL CODE.

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

Section 1. Sections 9.56.030, 9.56.040, 9.56.060, 9.56.130, 9.56.140 and 9.56.150 of the Lacey Municipal Code are hereby repealed.

Section 2. Section 9.56.010 of the Lacey Municipal Code is hereby amended to read as follows:

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) "Observer" means the individual riding in a watercraft who shall be responsible for observing a water skier at all times. The observer and operator shall not be the same person.

(3) "Operator" means the individual in physical control of a watercraft.

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

(5) "Personal Watercraft" means any watercraft of less than 16 feet which utilizes a motorized water jet pump as the primary source of propulsion and which is designed to be operated by a person in a sitting, standing, or kneeling position.

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

(6) "Watercraft" or "Vessel" means any contrivance used or capable of being used as a means of transportation on water, whether powered by engine, sail, motor, or occupant(s).

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

Section 3. There is hereby added to the Lacey Municipal Code a new section, 9.56.030, to read as follows:

9.56.030 Use of vessel in negligent manner. It shall be unlawful for any person to operate a watercraft or vessel in a negligent manner. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a watercraft or vessel in such manner as to endanger or be likely to endanger any persons or property.

Section 4. There is hereby added to the Lacey Municipal Code a new section, 9.56.040, to read as follows:

9.56.040 Operating a watercraft or vessel while under the influence of alcohol or drugs. It shall be unlawful for any person to operate a watercraft or vessel within the City while under the influence of intoxicating liquor or any drug. A person is guilty of

operating a vessel while under the influence of intoxicating liquor or any drug if the person operates the vessel while:

(1) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under RCW 46.61.506; or

(2) The person has 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506; or

(3) The person is under the influence of or affected by intoxicating liquor or any drug; or

(4) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

Section 5. There is hereby added to the Lacey Municipal Code a new section, 9.56.060, to read as follows:

9.56.060 Age limit. It is unlawful for any person under the age of twelve years to operate any motorized watercraft or personal watercraft. It shall be unlawful for any person between the ages of twelve and sixteen years to operate any watercraft or

personal watercraft powered by more than ten horsepower, and such persons may not exceed 5 miles per hour.

Section 6. Section 9.56.090 of the Lacey Municipal Code is hereby amended to read as follows:

9.56.090 Mufflers. It is unlawful to operate a ~~meterbeat~~ motorized watercraft or personal watercraft on any waters in the city unless it is equipped with a muffler or other similar device or water baffling system to reduce the sound of exhaust. It shall be unlawful to remove, disable, bypass, or use a cutout device on any muffler, muffling device or water baffling system of any watercraft or personal watercraft. Outboard engines, due to exhaust design, do not require additional muffling.

Section 7. Section 9.56.110 of the Lacey Municipal Code is hereby amended to read as follows:

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.

In no instance shall any watercraft exceed forty-five miles per hour.

Section 8. Section 9.56.120 of the Lacey Municipal Code is hereby amended to read as follows:

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.~~ The observer and the operator shall not be the same person. The observer must face and continuously observe the person being towed at all times, and shall immediately display a flag after the towed person or persons fall into the water, and shall continue to display the flag while the person or persons remain in the water. The flag shall be bright red or brilliant orange in color, measuring at least 12 inches square, mounted on a pole not less than 24 inches long and displayed as to be visible from every direction.

Section 9. There is hereby added to the Lacey Municipal Code a new section, 9.56.130 to read as follows:

9.56.130 Personal flotation devices. All watercraft of less than 16 feet in length, whether motorized or non-motorized, including all canoe and kayak type craft of any length, must be equipped with at least one U.S. Coast Guard approved type I, II, III, IV, or V personal flotation device for each person on board. Watercraft of 16 feet or more in length, whether motorized or non-motorized, must be equipped with at least one U.S. Coast Guard approved type I, II, III, or V personal flotation device for each person on board, plus one type IV throwable device per vessel.

All persons being towed by any motorized watercraft, including water skiers, aquaplaners, etc., and all persons operating or riding on a personal watercraft, shall wear a U.S. Coast Guard approved personal flotation device. Wet suits are not acceptable as personal flotation devices unless approved by the U.S. Coast Guard.

Section 10. There is hereby added to the Lacey Municipal Code a new section, 9.56.140 to read as follows:

9.56.140 Direction of operation. All motorized watercraft and personal watercraft operating at a speed of more than five miles per hour, with or without a skier or other person in tow, shall keep the operator's starboard (right-hand) side toward the closest shore and proceed around the lake in counter-clockwise direction of travel. Said operators, while piloting the motorized watercraft or personal watercraft in excess of five miles per hour, shall maintain a minimum distance of at least two hundred feet from any shore, dock, or public swimming area, and follow no closer than three hundred feet behind any other watercraft, personal watercraft, skier, or other person in tow. In addition, no motorized watercraft or personal watercraft operating at a speed of more than five miles per hour, with or without a skier or other person in tow, shall pass within one hundred feet alongside of any other watercraft, personal watercraft, skier or other person in tow or swimmer nor shall any such craft cross within two hundred feet of the bow of any other watercraft, personal watercraft, or any other vessel. Operators of motorized watercraft or personal watercraft traveling at a speed of more than five miles per hour shall not break out of this traffic pattern unless pulling a water skier for takeoff or landing at an angle perpendicular to shore, dock, or other launching facility, when such a takeoff or landing would not constitute undue risk to persons or property; all other motorized watercraft and personal watercraft, when approaching or leaving shore, docks, or other

launching facilities, shall maintain a speed of no more than five miles per hour within two hundred feet of shore or such facilities.

It shall be unlawful for any motorized watercraft or personal watercraft traveling at a speed of more than five miles per hour to operate in a circular fashion around any other watercraft, personal watercraft, any other type of vessel, or any water skier or swimmer, or to operate in a circular fashion that is not consistent with traffic movement around the lake, unless engaged in rendering of assistance to other watercraft, water skiers, swimmers, etc.

Section 11. There is hereby added to the Lacey Municipal Code a new section, 9.56.200 to read as follows:

9.56.200 Fire extinguishers. All motorized watercraft and personal watercraft equipped with in-board engines, permanently installed fuel tanks, or closed compartments in which portable fuel tanks or flammable materials are stored must carry at least one Coast Guard approved marine type B-I or B-II fire extinguisher.

Section 12. There is hereby added to the Lacey Municipal Code a new section, 9.56.210 to read as follows:

9.56.210 Watercraft registration. No person shall own, operate, or be in physical control of any power driven watercraft or personal watercraft which is equipped with an engine of more than ten horsepower on waters within the jurisdiction of the City unless the watercraft is at the time registered with the Washington State Department of Licensing as required under RCW Chapter 88.02. Registration documents must be carried on all registered watercraft and personal watercraft during operation.

Section 13. There is hereby added to the Lacey Municipal Code a new section, 9.56.215 to read as follows:

9.56.215 Positioning of watercraft registration numbers and annual registration decal. Pursuant to RCW Chapter 88.02, all registered watercraft and personal watercraft shall display vessel registration numbers on the forward half of the vessel in three inch block numbers in a color contrasting with the background. The annual registration decal shall be affixed directly adjacent to the registration numbers.

Registration numbers and annual decal must be clearly visible to other boaters at all times.

Section 14. There is hereby added to the Lacey Municipal Code a new section, 9.56.224 to read as follows:

9.56.224 Duty to obey enforcement officer -- Authority of officer. Any person requested or signaled to stop by a commissioned enforcement officer for any violations of this chapter has a duty to stop. The signal given by the officer may be hand, voice, emergency light or siren.

Any operator of a watercraft who willfully fails to stop when requested or signaled to do so by a person reasonably identifiable as an enforcement officer is guilty of a gross misdemeanor.

Any operator of a watercraft who willfully fails or refuses to immediately bring the watercraft to a stop or attempts to elude a pursuing enforcement vessel after being given a visual or audible signal to bring the watercraft to a stop shall be guilty of a gross misdemeanor.

Any person requested to identify himself/herself to an enforcement officer pursuant to an investigation of a violation of this chapter has a duty to identify himself/herself, give his/her current address and sign an acknowledgement of receipt of the notice of violation.

Section 15. There is hereby added to the Lacey Municipal Code a new section, 9.56.226 to read as follows:

Section 9.56.226 Harassment of wildlife and waterfowl. It shall be unlawful for operators of any motorized watercraft or personal watercraft to purposely chase, intimidate, injure, or otherwise harass any type of wildlife or waterfowl.

Section 16. There is hereby added to the Lacey Municipal Code a new section, 9.56.228, to read as follows:

Section 9.56.228 Inspection for aquatic weeds and plantlife. All operators of all motorized and non-motorized vessels, watercraft, and personal watercraft, and all persons fishing from public or private docking facilities or shore, shall thoroughly and completely inspect vessels, recreational equipment, and fishing equipment for presence of aquatic weeds and plantlife immediately before AND after using such vessels or equipment in or upon the waters of any lake, pond, or other body of water within the City. Any and all plant material found through such inspection shall be immediately removed from the vessel or equipment and disposed of in a standard refuse container. Such vegetation shall not be discarded upon the shore or the ground, into any body of water, or upon any part of any public launching facility or adjacent private property.

Section 17. This ordinance is a public emergency ordinance necessary for the protection of public health, public safety, and the public peace, and shall be effective upon adoption.

Section 18. The summary of this ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 14th day of May, 1992.

CITY COUNCIL

BY

Gene Conque Liddell
Mayor

Attest:

Marjorie M. Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney

Published: May 17, 1992

SUMMARY FOR PUBLICATION
ORDINANCE 938

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on May 14, 1992, Ordinance No. 938 entitled "AN ORDINANCE RELATING TO THE OPERATION OF WATERCRAFT WITHIN THE CITY INCLUDING PERSONAL WATERCRAFT CONSISTING OF JET SKIS AND OTHER CRAFT, REPEALING SECTIONS 9.56.030, 9.56.040, 9.56.060, 9.56.130 AND 9.56.140, AMENDING SECTION 9.56.010, 9.56.090, 9.56.110 AND 9.56.120 AND ADDING NEW SECTIONS ALL TO THE LACEY MUNICIPAL CODE."

A section by section summary of this ordinance is as follows:

Section 1 repeals several existing section of the City's ordinance relating to vessels and motorboats on lakes. Later sections of this ordinance replaced the repealed provisions.

Section 2 amends the definitional section of the watercraft provisions.

Section 3 adopts new language prohibiting negligent operation of watercraft.

Section 4 adopts new language relating to the operation of watercraft while under the influence of alcohol or drugs.

Section 5 places age limits upon the operation of watercraft.

Section 6 requires mufflers or similar devices and prohibits the modification or elimination of such devices.

Section 7 sets speed limits on Hicks Lake.

Section 8 requires observers and certain equipment for use by observers.

Section 9 requires personal flotation devices.

Section 10 details the direction and mode of operation of watercraft.

Section 11 requires fire extinguishers.

Section 12 requires conformance with state watercraft registration laws.

Section 13 requires conformance to state law regarding the display and positioning of registration numbers and decals.

Section 14 requires obedience to direction of law enforcement officers and specifies the authority of such officers.

Section 15 prohibits the harassment of wildlife and waterfowl by the operators of watercraft.

Section 16 requires the inspection and removal of aquatic weeds and plantlife.

Section 17 declares an emergency and makes the ordinance effective upon passage.

Section 18 approves this summary.

A copy of the full text of this ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published May 17, _____, 1992.