

ORDINANCE NO. 671

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REGULATING USE OF THE HARBOR WATERS WITHIN THE JURISDICTION OF THE CITY, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, ADOPTING CHAPTER 88.12 RCW AND CHAPTER 352-60 WAC BY REFERENCE, REPEALING CHAPTER 8.24 AND ADDING A NEW CHAPTER 8.24 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, in the exercise of its police power, the City of Gig Harbor may assume control over all waters within its jurisdictional limits, and regulate the use thereof; and

WHEREAS, chapter 88.12 RCW relating to the regulation of recreational vessels has recently been amended to allow enforcement by local law enforcement officers; and

WHEREAS, chapter 8.24 of the Gig Harbor Municipal Code on the subject of motorboat regulation has become outdated;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 8.24 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new Chapter 8.24 is added to the Gig Harbor Municipal Code, which shall read as follows:

Chapter 8.24

HARBOR CODE

Sections:

- 8.24.020 Application.
- 8.24.040 Definitions.
- 8.24.060 Harbor Warden.
- 8.24.080 Rules of the Road.
- 8.24.100 Chapter 88.12 RCW Adopted by Reference.
- 8.24.120 Chapter 352-60 Adopted by Reference.
- 8.24.140 Speed Regulations.
- 8.24.160 Aircraft Prohibited.
- 8.24.180 Mooring Buoys.
- 8.24.200 Residential Use of Floating Homes and Houseboats Prohibited.
- 8.24.220 Penalties.

8.24.020. Application. The provisions of this chapter shall be applicable to all vessels and watercraft operating in the harbor of the City. The provisions of this chapter shall be construed to supplement United States laws, state laws and regulations, when not expressly inconsistent therewith in the City's harbor.

8.24.040. Definitions. RCW 88.12.010, "Definitions," as the same now exists or may hereafter be amended, is hereby adopted by reference, and the definitions set forth therein shall apply throughout this chapter.

8.24.060. Harbor Warden. This chapter shall be enforced by the police chief, who shall be designated the Harbor Warden. It shall be the duty of the Harbor Warden, and his/her authorized designees, to:

- A) enforce the ordinances and regulations of the City upon the waters of the harbor and adjacent lands thereto, when the harbor is affected;
- B) to maintain 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;
- C) to investigate and report upon marine and maritime accidents in the harbor;
- D) to perform all necessary functions in connection with search and rescue in the harbor;
- E) to promulgate rules and regulations governing the use of the navigable portions of waterways; to issue permits for movement of unseaworthy craft and anchoring or moorage of vessels or watercraft in anchorage areas; and to charge for all such permits the fee established by the City; and
- F) to remove, impound or sell any vessel, watercraft or obstruction anchored or moored in violation of this chapter deemed a public nuisance or a hazard to navigation or operated or afloat under conditions deemed unsafe for water transportation.

8.24.080. Rules of the Road. Except as otherwise specified in this chapter, vessels shall be subject to the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, as such rules are now or may hereafter be amended or adopted. Vessels engaged in a sanctioned or authorized race, log race, regatta or similar event, shall be subject to the applicable rules for such events, including, but not limited to, differing right-of-way rules.

8.24.100. Chapter 88.12 RCW Adopted by Reference. Chapter 88.12 RCW, "Regulation of Recreational Vessels," as the same now exists or may hereafter be amended, is hereby adopted by reference.

8.24.120. Chapter 352-60 WAC Adopted by Reference. Chapter 352-60 WAC, "Boating Safety," as the same now exists or may be hereafter amended, is hereby adopted by reference.

8.24.140. Speed regulations. Within the waters of the City's harbor, it shall be unlawful for any person to operate a vessel at a speed in excess of four (4) nautical miles per hour. Nothing in this section shall be construed as exempting any person from liability caused by wake action from operation of any vessel in the City's harbor.

8.24.160. Aircraft Prohibited. Within the waters of the City's harbor, it shall be unlawful for any person to operate any aircraft, or to take off or land any aircraft on such waters, except in emergency situations.

8.24.180. Mooring Buoys. Mooring buoys are prohibited in the City's harbor where such buoys will interfere with customarily traveled routes for vessels. No more than one buoy will be allowed for each ownership of waterfront residences adjacent to the City's harbor. The City's permission to install a mooring buoy shall not exempt a person from obtaining any and all necessary permits or permissions required by other governmental authorities.

8.24.200. Residential Use of Floating Homes or Houseboats in Harbor Prohibited. It shall be unlawful to use a floating home or houseboat for residential purposes within the City's harbor. For the purpose of this chapter, a floating home or houseboat is defined as a single-family dwelling unit constructed on a float, not designed or primarily used as a vessel, and which is moored, anchored or otherwise secured in the water.

8.24.220. **Penalty.** A violation of Sections 8.24.080, 8.24.100, 8.24.140, 8.24.160, 8.24.180, and 8.24.200 shall be an infraction under Chapter 7.84 RCW.

Section 2. Statutes and Washington Administrative Codes Filed with City Clerk. As required by RCW 35A.12.140, a copy of chapter 88.12 RCW and chapter 352-60 WAC, as adopted by reference in this ordinance, shall be filed with the City Clerk, authenticated and recorded by the City Clerk.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

MARK E. HOPPEN

City Administrator/Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY _____

Filed With City Clerk: 4/20/94

Passed by City Council: 5/9/94

Date Published: 5/18/94

Date Effective: 5/23/94