

CHAPTER 11.88

WATERCRAFT

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11.88.010: Definitions: For the purpose of this chapter, the following terms shall have the meaning as used in this section:

(1) "Authorized Emergency Vessel" means those vessels of a county or municipal police or fire department, the United States Government and the State of Washington equipped with blue warning lights and siren.

(2) "Diver's Flag" means a red flag five units of measurement on the hoist by six units of measurement on the fly with a white stripe of one unit crossing the red diagonally (the flag is to have a stiffener to make it stand out from the pole or mast). This flag shall only pertain to skin and SCUBA (self-contained underwater breathing apparatus) diving and shall

supplement any nationally recognized diver's flag or marking. Unit of measurement shall not be less than two inches.

(3) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(4) "Person", when necessary, means and includes natural persons, associations, copartnerships, and corporations, whether acting by themselves or by a servant, agent or employee; the singular number, when necessary, means the plural.

(5) "Personal Flotation Device" means life preservers, buoyant vests, special purpose water safety devices, buoyant cushions, ring buoys, and work vests.

(6) "Pier" means any pier, wharf, dock, float, gridiron or other structure intended to provide for the loading or unloading or other discharge of vessels or for their service or repair, or to provide access for persons to the water from the shore for fishing, swimming or any other water-related activity.

(7) "Restricted Area" means an area that has been designated to be used for, or closed to, certain purposes such as swimming, underwater diving, ferry landings, and competitions or exhibitions on water, including races, regattas, and trials therefor.

(8) "Swimming" means floating on an air mattress, inner tube or other similar inflatable device, not including inflatable rafts, as well as propelling or floating oneself in the water.

(9) "Testing Course" means a course or area on the water designated for use in industrial development and testing of experimental and production vessels.

(10) "Underwater Diving" means the activity of submerging in water while equipped with snorkeling, hard hat or scuba equipment.

(11) "Vessel" means any watercraft used or capable of being used as a means of transportation on the water.

(12) "Water Skier" means a person in tow from a vessel riding on water skies, aquaplane, surfboard or similar device. (Ord. 3277 Sec. 1, 1990: Ord. 3135 Sec. 1, 1987: Ord. 2913 Sec. 1 (part), 1985)

11.88.020: Interpretation and Application: The provisions of this chapter shall be applicable to all vessels. The provisions of this chapter shall be construed to supplement United States laws and State laws and regulations when not expressly inconsistent therewith. (Ord. 3277 Sec. 1, 1990)

11.88.030: Negligent Operation: It shall be unlawful for any person to operate a 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 vessel in such manner as to endanger or to be likely to endanger any person or property. (Ord. 3277 Sec. 2, 1990: Ord. 2913 Sec. 1 (part), 1985)

11.88.040: Reckless Operation: It shall be unlawful for any person to operate a vessel in a reckless manner. For the purpose of this section, to "operate in a reckless manner" shall be construed to mean the operation of a vessel in willful or wanton disregard for the safety of persons or property. (Ord. 3277 Sec. 1, 1990)

11.88.050: Operation While Under the Influence of Liquor or Drugs:

(1) A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel while:

- (a) The person has 0.10 percent or more by weight of alcohol in his blood as shown by clinical analysis of the person's breath, blood, or other bodily substance made under RCW 4.61.506; or
 - (b) The person is under the influence of or affected by intoxicating liquor or any drug; or
 - (c) The person is under the combined influence of or affected by intoxicating liquor and any drug.
- (2) 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 blood 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. (Ord. 3277 Sec. 3, 1990; Ord. 3135 Sec. 2, 1987; Ord. 2913 Sec. 1 (part), 1985)

11.88.060: Incapacity of Operator: It is unlawful for any person who owns or is in control of any vessel to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability, incapacity or immaturity is incapable of operating such vessel under the prevailing circumstances, including the type, size and motive power of the vessel, and the weather and water conditions. (Ord. 3277 Sec. 1, 1990)

11.88.070: Steering and Sailing: Except as otherwise herein provided, vessels shall comply with the applicable steering and sailing rules specified by Section 352-60-070 Washington Administrative Code. (Ord. 3277 Sec. 1, 1990)

11.88.080: Speed Limit: It is unlawful for any person to operate a vessel at a speed sufficient to create a wake or in excess of seven nautical miles per hour, whichever is less, within one hundred feet of any shoreline, pier, breakwater or restricted area, except as provided in Section 11.88.120. (Ord. 3277 Sec. 1, 1990)

11.88.090: Whistles and Lights: Except when necessary as a warning or in an emergency it is unlawful for any person to blow or sound a whistle or horn of any vessel or shine a search light or other bright light from any vessel onto any houseboat or other residence, or onto the bridge or into the Pilothouse or any other area of any vessel under way in a manner likely to reduce the vision of the operator. (Ord. 3277 Sec. 1, 1990)

11.88.100: Interference with Navigation: No person shall operate a vessel in a manner which unreasonably or unnecessarily interferes with the operation of another vessel or the launching of any vessel at any public boat launching ramp. Anchoring or mooring under a bridge or in a channel or in an approach to a public boat launching ramp shall constitute interference with navigation. (Ord. 3277 Sec. 1, 1990)

11.88.110: Mooring at Private Docks Without Permission: No person shall moor a vessel to a private seawall or pier unless licensed, invited or otherwise privileged to do so or beach or vessel upon private property if notice against trespass is personally communicated to the owner or operator of the vessel by the owner of the private beach or some other authorized person, or if notice is given by posting in a conspicuous manner. In any prosecution under this section, it is an affirmative defense that the actor reasonably believed that the owner of the premises or other person authorized to license access thereto, would have licensed him or her to enter or remain. (Ord. 3277 Sec. 1, 1990)

11.88.120: Exemption to Authorized Emergency Vessels: The provisions of this chapter shall be applicable to the operation of any and all vessels in the waters of Kennewick except that they shall not apply to any authorized emergency vessel responding to an emergency or in pursuit of an actual or suspected violator of the law. (Ord. 3277 Sec. 1, 1990)

11.88.130: Yielding Right-of-Way to Authorized Emergency Vessels: It shall be the duty of the operator of a vessel to yield the right-of-way by reducing speed and, if necessary, stopping his vessel upon the approach of an emergency vessel displaying a blue warning light and sounding a siren. (Ord. 3277 Sec. 1, 1990)

11.88.140: Boating Accident and Casualty Reports: The operator of any vessel shall complete a boating accident and casualty report as required and in the manner provided by Chapter 352-70, Washington Administrative Code, as now or hereafter amended. (Ord. 3277 Sec. 1, 1990)

11.88.150: Obedience to Peace Officers: No person shall willfully fail or refuse to comply with the direction of a peace officer, who is at the time discharging the duty of regulating and directing waterborne traffic. (Ord. 3277 Sec. 1, 1990)

11.88.160: Refusal to Give Information or to Cooperate with an Officer: It is unlawful for any person while operating or in charge of any vessel to refuse when requested by a peace officer to give his name and address and the name and address of the owner of the vessel, or to give a false name and address to such peace officer. (Ord. 3277 Sec. 1, 1990)

11.88.170: Refusal to Stop: No person shall, while operating or in charge of a vessel, refuse or neglect to stop when signaled to stop by any peace officer. (Ord. 3277 Sec. 1, 1990)

11.88.180: Examination of Equipment: No person shall, while operating or in charge of a vessel, refuse to permit a peace officer to make an examination of any equipment of such vessel. (Ord. 3277 Sec. 1, 1990)

11.88.190: Equipment: A vessel shall carry and use in the manner prescribed that equipment, including personal flotation devices, visual distress signals, means of ventilation, navigation lights, fire extinguishing equipment, and backfire flame control devices required for such vessel by Chapter 352-60, Washington Administrative Code, as now or hereafter amended. (Ord. 3277 Sec. 1, 1990)

11.88.200: Overloading and Overpowering: No person shall knowingly load or power a vessel beyond the maximum capacity specified by the manufacturer for such vessel. (Ord. 3277 Sec. 1, 1990)

11.88.210: Mufflers:

(1) It is unlawful for any person to operate any vessel, except aircraft, which is not equipped with a functioning underwater exhaust or a properly installed and adequately maintained muffler. Any of the following defects in the muffling system shall constitute a violation of this section:

- (a) The absence of a muffler;
- (b) The presence of a muffler cut-out, bypass, or similar device;

- (c) Defects in the exhaust system including, but not limited to pinched outlets, holes, or rusted-through areas of the muffler or pipes;
 - (d) The presence of equipment which will produce excessive or unusual noise from the exhaust system.
- (2) Dry stacks or water-injected stacks not containing a series of chambers or mechanical designs effective in reducing sound shall not be considered as adequately maintained mufflers. (Ord. 3277 Sec. 1, 1990)

11.88.220: Restricted Areas: The Chief of Police or Director of Parks and Recreation may designate certain restricted areas for a specific purpose or activity. No person shall operate a vessel within a restricted area; provided, that this section shall not apply to vessels engaging in or accompanying the activity to which the area is restricted. (Ord. 3277 Sec. 1, 1990)

11.88.230: Testing Courses:

- (1) The Chief of Police or Director of Parks and Recreation may establish and designate testing courses, and may prescribe reasonable rules and regulations governing their use.
- (2) No unauthorized person shall operate a vessel or swim or underwater dive within a testing course during permitted testing operations. (Ord. 3277 Sec. 1, 1990)

11.88.240: Races and Testing: Nothing in the provisions of this chapter shall be construed to mean that the operator of a vessel competing in a race or regatta, or trials therefor, which has been authorized by the Chief of Police or Director of Parks and Recreation or an operator engaged in industrial development and testing of experimental and production vessels, shall be prohibited from attempting to obtain high speeds on racing and testing courses, designated by the Chief of Police or Director of Parks and Recreation nor while so engaged, shall such watercraft, vessel or operators be required to comply with Sections 11.88.080 and 11.88.200. (Ord. 3277 Sec. 1, 1990)

11.88.250: Swimming:

- (1) Swimming shall be confined to restricted areas designated for swimming only; or the area one hundred feet from a pier; the shore; or a vessel accompanying the swimmer,
- (2) Except in an emergency, swimming is prohibited at all times within the designed channels. (Ord. 3277 Sec. 1, 1990)

11.88.260: Underwater Diving: Underwater diving is prohibited in any area unless the diver is accompanied by a vessel or the diving occurs within three hundred feet of a properly displayed diver's flag; and within three hundred feet of any ferry slip, public boat ramp, or restricted area designated for swimming only, except pursuant to a permit issued by the Chief of Police or Director of Parks and Recreation. (Ord. 3277 Sec. 1, 1990)

11.88.270: Waterskiing:

- (1) No vessel shall be operated with a water skier in tow unless:
 - (a) The vessel is occupied by two persons capable of operating it or the vessel is operated by the water skier himself.
 - (b) It is over one hundred fifty feet from the shoreline and any pier or restricted area; provided that water skiers may start at the shore or a pier but must proceed directly to a point at least one hundred fifty feet from the shore or pier before skiing parallel with the shore; provided further that water skiers may

return to shore or a pier at an angle of not less than 45 degrees to the shoreline and with the shoreline on the water skiers' right.

- (c) It is operated between sunrise and sunset.
- (d) The water skier is wearing a personal flotation device that is approved by United States Coast Guard.

(2) Subsection A of this section shall not apply to the operation of vessels in water ski tournaments, competitions, exhibitions or trials therefor, which have been authorized by Chief of Police or Director of Parks and Recreation.

(3) No water skier shall conduct him to herself in a manner that endangers or is likely to endanger any person or property. (Ord. 3277 Sec. 1, 1990)

11.88.280: Personal Flotation Devices to be Worn: Any person operating or riding a sail board, wind surf board, jet ski or motorized surf board or water skies or any other device except a vessel equipped with personal flotation devices must wear at all times a personal flotation device that is approved, by the United State Coast Guard. (Ord. 3277 Sec. 1, 1990)

11.88.290: Dumping Debris: It shall be unlawful for any person to dump or throw any oil, garbage, plastics, ashes, debris, gravel, earth, rock, stone, trees, logs, roots, snags, stumps, brush, piles, lumber containers, wood or metal scrap or other waste or refuse in or upon navigable water or upon the shores thereof in such position that the same may be washed into said water by waves, tides, storms or floods. (Ord. 3277 Sec. 1, 1990)

11.88.300: Rental Records: Any person that rents or charters a vessel shall cause to be kept a record of the name and address of the person or persons hiring the vessel, the departure date and time and the date and time of the return of the vessel. Such record shall be preserved for not less than six months from the date of departure of the vessel and shall be made available for inspection by any law enforcement officer. (Ord. 3277 Sec. 1, 1990)

11.88.310: Safety Devices on Piers: Every owner, agent, lessee or other person in charge of any pier open to the public shall maintain on such pier at least one thirty-inch ring life buoy, and one thirty-inch ring life buoy for every three hundred lineal feet of berthing space to each of which shall be fastened to the ring life buoy. Each ring life buoy and attached line shall be kept in a box on the pier readily available for use by the public in case of an accident. The box shall be clearly labeled and be at all times kept clear of obstructions. It shall be unlawful to use, remove or tamper with any ring life buoy or its attached line except in the course of maintenance or inspection of the same or its box, or for use in response to an emergency. (Ord. 3277 Sec. 1, 1990)

11.88.900: Penalty: A violation of any section of this chapter is a misdemeanor, punishable by imprisonment up to 90 days in jail and payment of a fine of not more than one thousand dollars or both such fine and imprisonment. (Ord. 3277 Sec. 4, 1990: Ord. 2913 Sec. 1 (part), 1985)