

RESOLUTION NO. 83-88

A RESOLUTION RELATING TO MOTORBOATS WHICH AMENDS AND REPEALS CERTAIN PROVISIONS OF CHAPTER 9.04 OF THE MASON COUNTY CODE.

WHEREAS, on August 1, 1960, the Board of Mason County Commissioners enacted an ordinance relating to motorboats which added Chapter 9.04 to the Mason County Code; and

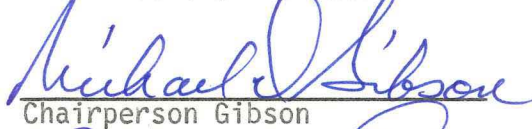
WHEREAS, on August 2, 1988 the Board of Mason County Commissioners enacted Resolution 61-88, amending Chapter 9.04 of the Mason County Code which permitted the use of electric motors upon restricted lakes; and


WHEREAS, public hearings were held on August 30, September 6, October 4 and October 11, 1988, to consider various amendments to Chapter 9.04 proposed by the Mason County Sheriff's Advisory Committee and the Mason County Prosecutor's Office.


NOW THEREFORE BE IT RESOLVED, by the Board of Mason County Commissioners that Chapter 9.04 of the Mason County Code be and the same hereby is amended to conform to the language contained in Attachment A.

ADOPTED this 11th day of October, 1988.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Chairperson Gibson



Commissioner Eager


Commissioner McGee

ATTEST:


Clerk of the Board

APPROVED AS TO FORM


Michael E. Clift
Deputy Prosecuting Attorney

xc: Auditor
Sheriff
Commissioners
General Services

ATTACHMENT A

Chapter 9.04

MOTORBOATS

<u>Sections:</u>	<u>Page</u>	
9.04.010	Intention of Chapter	1
9.04.020	Definitions	1
9.04.030	Numbering Required	2
9.04.040	Equipment	2
9.04.050	Whistles and Lights	2
9.04.060	Mufflers	2
9.04.070	Negligent Operation	2
9.04.080	Reckless Operation	2
9.04.090	Operation While Under the Influence of Liquor or Drugs	2
9.04.100	Incapacity of Operator	3
9.04.110	Underage Operator	3
9.04.120	Steering and Sailing	3
9.04.130	Speed Limit	3
9.04.140	Interference with Navigation	3
9.04.150	Mooring at Private Docks Without Permission	3
9.04.160	Exemption to Authorized Emergency Vehicles	3
9.04.170	Yielding Right-of-Way to Authorized Emergency Vehicles	3
9.04.180	Boating Accident and Casualty Reports	4
9.04.190	Obedience to Peace Officers	4
9.04.200	Refusal to Stop	4
9.04.210	Examination of Equipment	4
9.04.220	Overloading and Overpowering	4
9.04.230	Restricted Areas	4
9.04.240	Regattas, Races, or Aquatic Events	4
9.04.250	Swimming	6
9.04.260	Underwater Diving	7
9.04.270	Water Skiing	7
9.04.280	Personal Flotation Devices to Be Worn	7
9.04.290	Dumping Debris	7
9.04.300	Rental Records	8
9.04.310	Safety Devices on Commercial Piers	8
9.04.320	When a Vessel May Be Impounded Without Prior Notice	8
9.04.330	When a Vessel May Be Impounded After Notice	9
9.04.340	How Impoundment Is To Be Effectuated	9
9.04.350	Owner of Impounded Vessel To Be Notified	9
9.04.360	Redemption of Impounded Vessels	9
9.04.370	Cancellation of Hearing	10
9.04.380	Post-Impoundment Hearing Procedure	10
9.04.390	Responsibility for Fees as to Standby Time, Stolen Vehicles or Vessels Held for Investigatory Purposes	10
9.04.400	Abandoned Vessels	10
9.04.410	Disposition of Vessels as Unclaimed Property	11
9.04.420	Restricted Lakes	11
9.04.430	Misdemeanor Penalties	11
Exhibit A	Chapter 352-60 WAC	Boating Safety
Exhibit B	Chapter 352-70 WAC	Boating Accident and Casualty Reports

9.04.010 Intention of Chapter. It is the policy of Mason County to promote safety and enjoyment of persons using the waters of this county. This chapter is intended to supplement but not infringe upon the boating safety laws and regulations of the State of Washington and the United States.

9.04.020 Definitions. The words listed below as used in this chapter mean as follows:

- (1) "Waters" means all navigable waters, salt and fresh, in Mason County.
- (2) "Motorboat" means any vessel propelled in any respect by machinery and/or any vessel air/water jet propelled, including those temporarily equipped with detachable motors.
- (3) "Person" means any natural person, partnership, association, or corporation.
- (4) "Operator" means the person who is in control or in charge of a vessel while it is in use.
- (5) "Vessel" means any contrivance used or designed for navigation or as a means of transportation on water.
- (6) "Pier" means any commercial or public 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 and competitions or exhibitions.
- (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) "Underwater diving" means the activity of submerging in water while equipped with snorkeling, hard hat, or scuba diving equipment.
- (10) "Water skier" means a person in tow from a vessel riding on water skis, aquaplane, surfboard, or other similar device.
- (11) "Personal flotation device" means life preservers, buoyant vests, special purpose water safety devices, buoyant cushions, ring buoys, and work vests.
- (12) "Diver's flag" means a red and white 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 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.
- (13) "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.

Mason County Code
Chapter 9.04 Motorboats

9.04.030 Numbering Required. All vessels used on the waters of this county shall be numbered or designated in accordance with any applicable United States law as now or hereafter amended.

9.04.040 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, (Exhibit A) as now or hereafter amended.

9.04.050 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 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.

9.04.060 Mufflers.

A. 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.

- (1) The absence of a muffler.
- (2) The presence of a muffler cut-out, bypass, or similar device.
- (3) Defects in the exhaust system, including, but not limited to pinched outlets, holes, or rusted-through areas of the muffler or pipes.
- (4) The presence of equipment which will produce excessive or unusual noise from the exhaust system.
- (5) 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.

B. Subsection A of this section shall not apply to the operation of vessels in regattas, races, water ski tournaments, competitions, exhibitions or trials therefore, or aquatic events which have been authorized by the Board of Mason County Commissioners. Such vessels shall not exceed any applicable Mason County noise requirements as now or hereafter amended.

9.04.070 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 be likely to endanger any person or property.

9.04.080 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.

9.04.090 Operation While Under the Influence of Liquor or Drugs. It shall be unlawful for any person to operate a vessel while under the influence of liquor or drugs.

A. 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:

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

Mason County Code
Chapter 9.04 Motorboats

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

B. 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.

9.04.100 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.

9.04.110 Underage Operator. It is unlawful for any minor under the age of sixteen (16) 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 (10) horsepower or more unless accompanied by a person who is over the age of eighteen (18) and who meets all requirements as specified in Sections 9.04.090 and 9.04.100. It is unlawful for a minor ten years of age or under to operate or be permitted to operate any motorboat.

9.04.120 Steering and Sailing. Except as provided elsewhere herein, all vessels using the waters of Mason County shall comply with the steering and sailing rules contained in the International Regulations For Preventing Collisions At Sea, 1972, also known as the 72 COLREGS (Codified By Title 33, CFR, Part 81-72 and Appendix A thereof).

9.04.130 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 and fifty feet of any shoreline, commercial or public pier, breakwater or restricted area.

9.04.140 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 in an approach to a public boat launching ramp shall constitute interference with navigation.

9.04.150 Mooring at Private Docks Without Permission. No person shall moor a vessel to a private seawall or commercial or public pier unless licensed, invited or otherwise privileged to do so or beach a 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.

9.04.160 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 Mason County 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 or to a vessel in distress.

9.04.170 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.

Mason County Code
Chapter 9.04 Motorboats

9.04.180 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, (Exhibit B) as now or hereafter amended.

9.04.190 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.

9.04.200 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.

9.04.210 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.

9.04.220 Overloading and Overpowering. No person shall knowingly load or power a vessel beyond the maximum capacity specified by the manufacturer for such vessel.

9.04.230 Restricted Areas. The Board of Mason County Commissioners 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.

9.04.240 Regattas, races, or aquatic events.

A. Definitions.

1. "Regatta" or "race" or "aquatic event" means an organized water event on fresh waters of Mason County of limited duration, which is conducted according to a prearranged schedule.
2. "Frequency" means the number of regattas, races or aquatic events which may be held pursuant to the application and permit procedures provided for herein.

B. Submission of Application: An individual or organization, planning to hold a regatta, race, or aquatic event which, by its nature, circumstances or location, may introduce extra or unusual hazards to the safety of life on the waters of Mason County, shall submit an application to the Mason County Sheriff's Office and the Mason County Department of General Services for approval of application, which shall be sent to the County Commissioners for permission to hold such an event.

C. Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the County Commissioners may, subject to conditions set from time to time by them, grant a permit for such series of events for a fixed period of time, not to exceed one year.

D. Applications shall be submitted on forms provided by the Commissioner's Office and shall be submitted no less than ninety (90) days prior to the start of said event and in any case not later than the first day of the month of May of the year of the event. Each application shall be accompanied by a permit fee of Two Hundred (\$200.00) Dollars, to be paid to the County Commissioners before submitting the application pursuant to Section 9.04.240(B).

E. The application shall include the following details:

1. The name and address of sponsoring organization.
2. The name and address and telephone number of person or persons in charge of the event;

Mason County Code
Chapter 9.04 Motorboats

3. Nature and purpose of event;
 4. Information as to general interest;
 5. Estimated number and types of watercraft participating;
 6. Estimated number of spectator watercraft;
 7. Estimated number of persons, participants, and all others;
 8. Minimum number of boats and persons being furnished by sponsoring organizations to patrol event;
 9. A time schedule and detailed description of events;
 10. A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectators;
 11. Placement and removal of the buoys or other marking devices the sponsor of such event shall place upon the waters to set off any race course or other area.
 12. The provisions made by the sponsors for private patrolling to prevent the unauthorized entry into the area of nonparticipants;
 13. The rescue and safety measures, including marked rescue boats, that shall be provided to insure the safety of participants and others from injury or damage;
 14. Provisions made for ambulances to be standing by;
 15. Provisions made for adequate toilet facilities for participants and spectators;
 16. Provision made for clean-up after the event;
 17. Prior inspection of participating boats to determine that they meet specifications as required for mufflers as listed in Section 9.04.060 (B).
 18. And such other information as the Department of General Services and Mason County Sheriff's Department may require to fully inform it of the nature and extent of such event.
- F. Upon receiving an application to hold regatta, race or event, the Mason County Sheriff's Office and the Mason County Department of General Services shall take the following actions or make the following determinations:
1. That the proposed regatta, race or event may be held in the proposed location with safety to life and property;
 2. That the interest of safety of life and property requires changes in the application before it can be approved.
 3. That the event requires no regulation or patrol of the proposed location;
 4. That the application be recommended for approval or rejection by the Commissioners for stated reasons;
- G. The application shall be sent with the recommendations of the Mason County Sheriff's Office and the Mason County Department of General Services to the County Commissioners not less than thirty (30) days prior to event.

Mason County Code
Chapter 9.04 Motorboats

H. The County Commissioners may, before taking action on the application, require the sponsoring organization to petition or poll the property owners on the lake which would be affected by the event. The County Commissioners may also require that the sponsoring group post notice in the local paper on/or at the proposed site of the event, prior to their taking action on said application.

I. The County Commissioners may close for general use any part or whole of a lake for the purpose of the event, provided the approval of the application be on the condition that all terms specified in the application be met by the sponsoring group.

J. The County Commissioners may require a surety bond deemed adequate and subject to their approval, from the holder of the permit, being for the payment of all damages which may be caused either to person or persons or to property by reason of said event and arising from any acts of the holder of the permit, his agents, employees, or subcontractors, and to insure that requirements for markers, rescue equipment or other safety conditions stated in the application finally approved are actually provided. Said bond shall run to Mason County for use and benefit of any person, firm, co-partnership or municipality having a cause of action against the obligor of said bond.

K. Each application shall be accompanied by a certificate of insurance showing that the sponsor has obtained public liability, bodily injury, property damage and liquor liability insurance for the payment of all damages which may be caused either to person or persons or to property by reason of said event and arising from any acts of the holder of the permit, its agents, employees, or subcontractors, and to insure that requirements for markers, rescue equipment or other safety conditions stated in the application finally approved, are actually provided. Mason County shall be named as an additional insured and shall be notified by the insurer at least twenty (20) days prior to any cancellation of the insurance, which shall have a minimum coverage of One Million (\$1,000,000.00) Dollars per accident.

L. The approval of any application and granting of a permit is within the discretion of the Mason County Board of Commissioners as set forth in this section.

M. Permits that are issued are subject to the conditions that the applicant will fulfill the provisions specified in the application finally approved. If at any time the sponsors or participants in such event violate any of the conditions contained in the application, such permit may be revoked by the Sheriff in the name of the county for the public safety.

N. It shall be unlawful to tamper with or remove any cautionary signs as required except, by the applicant as specified in paragraph E above.

O. Any testing for a motorboat race or regatta authorized under this section shall be limited as further authorized in the application finally approved.

9.04.250 Swimming.

A. Swimming shall be confined to:

- (1) Restricted areas designated for swimming only; or
- (2) The area within one hundred (100) feet from a commercial or public pier, the shore, or a vessel accompanying the swimmer. Such vessel shall display a red flag.

B. Except in an emergency, swimming is prohibited at all times within designated channels.

Mason County Code
Chapter 9.04 Motorboats

9.04.260 Underwater Diving.

A. Underwater diving is prohibited:

- (1) In any area unless the diver is accompanied by a vessel or the diving occurs within three hundred feet (300) of a properly displayed diver's flag, and
- (2) 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 Board of Mason County Commissioners.

B. It is unlawful to operate a vessel within three hundred (300) feet of a diver's flag.

9.04.270 Water Skiing.

A. No vessel shall be operated with a water skier in tow unless:

- (1) The vessel is occupied by two persons capable of operating it.
- (2) It is over three hundred (300) feet from the shoreline of saltwater or one hundred fifty (150) feet from the shoreline of fresh water and any commercial or public pier or restricted area thereof; provided, that the water skiers may start at the shore or a commercial or public pier but must proceed directly to a point at least three hundred (300) feet from the shoreline of saltwater or one hundred fifty (150) feet from the shoreline of fresh water and/or commercial or public pier before skiing parallel with the shore; provided further, that water skiers may return to shore or a commercial or public pier at an angle of no less than 45 degrees to the shoreline and with the shoreline on the water skier's right.
- (3) It is operated between sunrise and sunset.
- (4) The water skier is wearing a personal flotation device that is approved by the United States Coast Guard.
- (5) The operator of the vessel displays a red warning flag when a skier is down.

B. Subsection A of this section shall not apply to the operation of vessels in water ski tournaments, competitions, exhibitions or trials therefore, which have been authorized by the Board of Mason County Commissioners.

C. No water skier shall conduct him or herself in a manner that endangers or is likely to endanger another person or another person's property.

9.04.280 Personal Flotation Devices To Be Worn. Any person operating or riding a sail board, wind surfer, water scooter or motorized surf board must wear at all times a personal flotation device that is approved by the United States Coast Guard.

9.04.290 Dumping Debris. It shall be unlawful for any person to dump or throw any oil, garbage, 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.

Mason County Code
Chapter 9.04 Motorboats

9.04.300 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 identification number of 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.

9.04.310 Safety Devices on Commercial Piers. Every owner, agent, lessee or other person in charge of any commercial pier open to the public shall maintain on such pier at least one thirty-inch ring life buoy, and one thirty-inch life buoy for every three hundred (300) lineal feet of berthing space to each of which shall be attached at least two hundred (200) feet of line, one end 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 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.

9.04.320 When a Vessel May Be Impounded Without Prior Notice.

A. A vessel may be impounded without giving prior notice to its owner as required in Section 9.04.330 hereof only under the following circumstances.

- (1) When the vessel is anchored or moored and is impeding or likely to impede passage of other vessels or obstructing or occupying any private moorage or anchorage belonging to someone else; and
- (2) When the vessel has remained anchored or moored at a public facility for one hour longer than the maximum mooring or anchoring time; or
- (3) When the vessel is unoccupied adrift or poses an immediate danger to the public safety; or
- (4) When the vessel appears unseaworthy or has been sunk or grounded; or
- (5) When there is no person on board the vessel with sufficient capacity under section 9.04.100 to operate the vessel; or
- (6) When the operator of the vessel is arrested and there is no other person on board the vessel with sufficient capacity under sections 9.04.100 and 9.04.110 to operate the vessel; or
- (7) When the operator of the vessel refuses or neglects to obey an order from a peace officer to proceed from or to an area; or
- (8) When a peace officer has probable cause to believe that the vessel is stolen; or
- (9) When a peace officer has probable cause to believe that the vessel constitutes evidence of a crime or contains evidence of a crime and if impoundment is reasonably necessary in such instance to obtain or preserve such evidence.

B. Nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required.

Mason County Code
Chapter 9.04 Motorboats

9.04.330 When a Vessel May Be Impounded After Notice. A vessel not subject to impoundment under Section 9.04.320 may be impounded after notice of such proposed impoundment has been securely attached to and conspicuously displayed on the vessel for a period of 24 hours prior to such impoundment, for the following reasons:

A. When such vessel is moored, anchored and/or used in violation of any law, ordinance or regulation; or

B. When such vessel is abandoned, as that term is defined in 9.04.400.

9.04.340 How Impoundment Is To Be Effectuated. When impoundment is authorized by this chapter, a vessel may be impounded by an officer or authorized agent of the Sheriff's Department.

9.04.350 Owner of Impounded Vessel To Be Notified.

A. Not more than 48 hours after impoundment of any vessel, the Sheriff shall mail a notice to the registered owner of the vessel, as may be disclosed by the vessel registration number, if such be obtainable, and to any other person who claims the right to possession of the vessel, if such a claim is known to an officer, agent or employee of the Sheriff's Department who has knowledge of the impoundment. The notice shall be mailed to the registered owner at the address provided by the Washington State Department of Licensing or the corresponding agency of any other state or province. If a peace officer who has knowledge of the impoundment has reason to believe that an owner, or one who claims to be an owner, is residing or in custody at some different address which is known to the officer, a copy of the notice shall also be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to him or her. The notice shall contain the full particulars of the impoundment, redemption and opportunity for hearing to contest the propriety of the impoundment as hereinafter provided.

B. Similar notice shall be given to each person who seeks to redeem an impounded vessel, except that if a vessel is redeemed prior to the mailing of notice, then notice need not be mailed.

C. Similar notice shall likewise be given at the time of releasing a vessel impounded for investigatory purposes pursuant to Section 9.04.330 (B), except that if a vessel is redeemed following notice by telephone and prior to the mailing of notice, then notice need not be mailed.

9.04.360 Redemption of Impounded Vessels. Vessels impounded by the County shall be redeemed only under the following circumstances.

A. Only the registered owner, a person authorized by the registered owner or one who has purchased a vessel from the registered owner who produces proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vessel.

B. Any person so redeeming an impounded vessel shall pay the costs of towing and storage prior to redeeming such vessel, except as provided for by subsection 9.04.360 (C).

C. Any person seeking to redeem an impounded vessel has a right to a hearing in District Court to contest the validity of impoundment or the amount of towing and storage charges and such person shall have his or her vessel released when such person makes such request for a hearing in writing on a form approved by the court and signed by such person; provided further that at the time of requesting such hearing such person shall also execute a promise in writing in the form of a promissory note in an amount to include the costs of towing and storage, a civil penalty of One Hundred (\$100.00) Dollars, plus any collection costs, which promissory note shall immediately become due and owing in the event such person either: (1) fails to appear at the requested hearing provided for in this chapter, or (2) fails to pay, or make arrangements to pay within forty-eight (48) hours after such hearing, any towing and storage charges for which such person may be found liable at such hearing. Such promissory note shall be automatically

Mason County Code
Chapter 9.04 Motorboats

cancelled and discharged when person either (1) cancels his or her request for a hearing and pays the towing and storage charges and the cancellation fee as provided in Section 9.04.370 or (2) pays or makes arrangements to pay the towing and storage charges and other costs within forty-eight (48) hours after having been found liable therefor at the hearing provided for in this section and Section 9.04.380.

9.04.370 Cancellation of Hearing. Any persons redeeming an impounded vessel in accordance with subsection C of Section 9.04.370, shall have until seven (7) days after the date of the request for a hearing to cancel such hearing.

9.04.380 Post-Impoundment Hearing Procedure. Hearings requested pursuant to Section 9.04.360 shall be held in the District Court, which court shall determine whether the impoundment was proper and whether the towing and/or storage fees charged in such connection were proper. If the impoundment is found to be proper, then towing and storage fees shall be assessed against the owner of the vessel in addition to the fine for the offense. In the event a person requesting a hearing either: (1) fails to appear at the hearing, or (2) fails to pay or make arrangement to pay within forty-eight (48) hours after the hearing any impoundment fee assessed by the court at the hearing, a civil penalty and the costs of collection may be assessed by the District Court and the Court may enter judgment on the promissory note provided for in Section 9.04.360 (C) in addition to the fine for the offense.

9.04.390 Responsibility for Fees as to Standby Time, Stolen Vessels or Vessels Held for Investigatory Purposes.

A. No towing or storage charges shall be assessed against the owner of a vessel when the vessel is impounded by order of the Sheriff's Department, and not by direction of the vessel owner, and verified as stolen by the Sheriff's Department when:

- (1) Substantial evidence of the theft exists, as determined by the covering officer, or
- (2) The vessel was reported stolen before it was impounded, and there is no tangible evidence of negligence by an authorized operator which contributed to the theft, including but not limited to keys left on or in the vessel.

Provided that the owner or the person authorized to redeem the vessel shall pay storage charges commencing on the sixth (6th) day after impoundment for such purpose.

B. No towing or storage charges shall be assessed against the owner of a vessel which is being held for investigatory purposes pursuant to Section 9.04.320 (8) and which is redeemed within ninety-six (96) hours after the Sheriff's Department shall have notified the owner of the release of such vessel in writing in the manner provided in Section 9.04.350 (C): provided that such owner or person authorized to obtain possession of such impounded vessel shall pay any charges assessed for storage after such ninety-six (96) hour period; provided further, that if the registered owner or the operator authorized by the registered owner is arrested or charged with a crime in connection with the incident leading to impoundment, the owner is not exempted from towing or storage charges.

9.04.400 Abandoned Vessel.

Any impounded vessel not redeemed within fifteen (15) days of mailing of the notice required by Section 9.04.350 shall be deemed abandoned; provided, that if the Sheriff has reason to believe that the owner of such impounded vessel is in custody, it shall be presumed that the vessel is not abandoned and such vessel shall not be deemed abandoned except upon a determination by the court after the prisoner has had an opportunity to be heard regarding the propriety of the impoundment and circumstances giving rise to such impoundment; provided further that, in the case of a vessel impounded by order of a peace officer and held

Mason County Code
Chapter 9.04 Motorboats

pursuant to such order, the fifteen (15) days shall not begin until forty-eight (48) hours after the Sheriff shall have notified the owner in accordance with Section 9.04.350 (C) that it has authorized the release of the vessel.

9.04.410 Disposition of Vessels as Unclaimed Property. An abandoned vessel not redeemed after notice within the periods provided by Section 9.04.400, with charges for towing and storage remaining due and unpaid, shall be subject to disposition under RCW 63.40.010 as unclaimed property.

9.04.420 Restricted Lakes.

Internal combustion (i.e., gasoline and/or diesel) powered motor boats shall not be permitted at any time on any of the following named lakes of less than twenty (20) acres in area:

LAKES OF LESS THAN 10 ACRES

Oak	Standstill	Steves	Tenas
Armstrong	Wheeler	Emmons	Grass
Jiggs	Kent	Osborne	Shoe
Carson	Catfish	Clear	Coon
Crater	Dry Beds	Hanks Little	Hanks Big
Johns			

LAKES OF LESS THAN 20 ACRES

Aldrich	Clara	Collins	Erickson
Hatchery	Howell	Larson	Panhandle
Robinson	Trask	U	Wildberry
Wood	Erdman	Cady	Twin

9.04.430 Misdemeanor Penalties

Any violation of this boating ordinance is a misdemeanor punishable by a fine of not less than Fifty (\$50.00) Dollars and not more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

EXHIBIT "A"

Chapter 352-60 WAC BOATING SAFETY

WAC

352-60-010	Purpose.
352-60-020	Definitions.
352-60-030	Personal flotation devices.
352-60-040	Visual distress signals.
352-60-050	Ventilation.
352-60-060	Navigation lights and shapes and sound and light signals.
352-60-070	Steering and sailing.
352-60-080	Fire extinguishing equipment.
352-60-090	Backfire flame control.
352-60-100	Liquefied petroleum gas.
352-60-110	Canadian vessels.

WAC 352-60-010 Purpose. This chapter is promulgated in order to establish boating safety standards in accordance with RCW 43.51.400.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79). § 352-60-010, filed 5/18/84.]

WAC 352-60-020 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(2) "Coastal waters" means the high seas within the territorial limits of Washington state and the bays and sounds which empty into these waters. "Coastal waters" does not mean rivers, inside of a line drawn tangent to

their headlands, unless the distance across a river is over two miles, in which case "coastal waters" means all portions of a river from the mouth to the point at which the river first narrows to two miles.

(3) "Inland waters" means the waters within the territorial limits of Washington state which are not governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A.

(4) "Length" means a straight line measurement of the overall distance from the foremost point of a vessel to the aftermost part of a vessel, measured parallel to the centerline not including bow sprits, bumpkins, boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments.

(5) "Motorboat" means any vessel identified in Title 46, Code of Federal Regulations, Table 24.05-1(a), Column 6, which is sixty-five feet or less in length and equipped with propulsion machinery, including vessels propelled with steam machinery, and including vessels which are temporarily or permanently equipped with a detachable motor.

(6) "Motor vessel" means any vessel which is more than sixty-five feet in length and propelled by machinery other than steam.

(7) "Passenger" means every person on board a vessel other than the following:

(a) The owner of a vessel or the representative of the owner;

(b) The operator of a vessel;

(c) The bona fide members of the crew of a vessel who are engaged in the business of a vessel, who have not contributed for their carriage, and who are paid for their services; and

(d) Guests who are on board a vessel which is being used exclusively for pleasure purposes and who have not contributed for their carriage.

(8) "Racing shell, rowing scull, and racing kayak" means any manually propelled boat that is recognized by a national or international racing association for use in competitive racing, in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and which is not designed to carry and does not carry any equipment not solely for competitive racing.

(9) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.

(10) "Use" means to operate, navigate, moor or employ.

(11) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(12) "Waters of Washington state" means any waters within the territorial limits of Washington state.

(13) "Waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A," means the waters within the territorial limits of Washington state which are identified in Title 33, Code of Federal Regulations, 80.1365, 80.1370, 80.1375, 80.1380, 80.1385, 80.1390, and 80.1395.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-020, filed 5/18/84.]

WAC 352-60-030 Personal flotation devices. When a person uses a recreational boat on the waters of Washington state that is propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel, except racing shells, rowing sculls, and racing kayaks, such persons shall comply with Title 33, Code of Federal Regulations 175.3, 175.13, 175.15, 175.17, 175.19, 175.21, and 175.23.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-030, filed 5/18/84.]

WAC 352-60-040 Visual distress signals. When a person uses a boat on the coastal waters of Washington state such person shall comply with Title 33, Code of Federal Regulations, 175.3, 175.105(a), 175.110, 175.113, 175.115, 175.120, 175.125, 175.128, 175.130, and 175.140.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-040, filed 5/18/84.]

WAC 352-60-050 Ventilation. When a person uses a boat on the waters of Washington state that has a gasoline engine for electrical generation, mechanical power, or propulsion such person shall comply with Title 33, Code of Federal Regulations, 175.3 and 175.201. When used on the waters of Washington state a motorboat or a motor vessel shall comply with Title 46, Code of Federal Regulations, 25.40-1.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-050, filed 5/18/84.]

WAC 352-60-060 Navigation lights and shapes and sound and light signals. (1) When used on the waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, a vessel shall be equipped with the navigation lights and shapes and sound and light signals as required by such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Parts 81-72 and 82-72.

(2) When used on the inland waters of Washington state, a vessel shall be equipped either with the navigation lights and shapes and sound and light signals as required by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Part 81-72 or as required by the Inland Navigational Rules Act of 1980, 33, United States Code, Chapter 34, and the Inland Navigational rules, Title 33, Code of Federal Regulations, Parts 84, 85, 86, 87, 88, and 89.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-060, filed 5/18/84.]

WAC 352-60-070 Steering and sailing. (1) When used on the waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, a vessel shall comply with the steering and sailing rules of such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Part 81-72.

(2) When used on the inland waters of Washington state, a vessel shall comply with the steering and sailing rules of the Inland Navigational Rules Act of 1980, 33, United States Code, Chapter 34.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-070, filed 5/18/84.]

WAC 352-60-080 Fire extinguishing equipment. When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the fire extinguishing equipment as required by Title 46, Code of Federal Regulations, Subpart 25.30.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-080, filed 5/18/84.]

WAC 352-60-090 Backfire flame control. When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the backfire flame control devices as required by Title 46, Code of Federal Regulations, Subpart 25.35.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-090, filed 5/18/84.]

WAC 352-60-100 Liquefied petroleum gas. When a vessel is used to carry persons for hire on the waters of Washington state the use on such vessel of any liquefied petroleum gas or certain flammable liquids for cooking, heating, or lighting is prohibited as required by Title 46, Code of Federal Regulations, Subpart 25.45 and Parts 146 and 147.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-100, filed 5/18/84.]

WAC 352-60-110 Canadian vessels. When used on the waters of Washington state for a period of less than sixty days all Canadian vessels which comply with the boating safety laws of the government of Canada shall be exempt from the provisions of chapter 352-60 WAC except for WAC 352-60-070.

[Statutory Authority: RCW 43.51.400. 84-11-057 (Order 79), § 352-60-110, filed 5/18/84.]

Chapter 352-70 WAC
BOATING ACCIDENT AND CASUALTY REPORT

(21) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other) and the type of accident (capsizing, sinking, fire, explosion, or other).

(22) The opinion of the person making the report as to the cause of the accident or casualty.

(23) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horse power, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year) of the vessel of the person making the report.

(24) The name, address, and telephone number of each witness.

(25) The manufacturer's hull identification number, if any, of the vessel of the person making the report.

(26) The name, address, and telephone number of the person submitting the report.

[Statutory Authority: RCW 43.51.400. 84-01-060 (Order 73), § 352-70-050, filed 12/19/83.]

WAC 352-70-060 Submission of notification and report. The report required by this chapter shall be submitted to:

Washington State Parks and
Recreation Commission
Boating Safety and Education
7150 Cleanwater Lane KY-11
Olympia, Washington 98504
(206) 753-5755

[Statutory Authority: RCW 43.51.400. 84-01-060 (Order 73), § 352-70-060, filed 12/19/83.]

Chapter 352-70 WAC
BOATING ACCIDENT AND CASUALTY REPORTS

WAC

352-70-010	Purpose.
352-70-020	Definitions.
352-70-030	Applicability.
352-70-040	Written accident and casualty report.
352-70-050	Content of written accident and casualty report.
352-70-060	Submission of notification and report.

WAC 352-70-010 Purpose. This chapter is promulgated in order to establish procedures by which boating accident and casualty reports are to be submitted to the Washington state parks and recreation commission in accordance with RCW 43.51.400.

[Statutory Authority: RCW 43.51.400. 84-01-060 (Order 73), § 352-70-010, filed 12/19/83.]

WAC 352-70-020 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Commission" means the Washington state parks and recreation commission.

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

(3) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(4) "Use" means operate, navigate, or employ.

(5) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(6) "Waters of Washington state" means any waters within the territorial limits of Washington state.

[Statutory Authority: RCW 43.51.400. 84-01-060 (Order 73), § 352-70-020, filed 12/19/83.]

WAC 352-70-030 Applicability. (1) This chapter applies to each vessel used on the waters of Washington state that:

(a) Is used by its operator for recreational purposes; or

(b) Is required to register in accordance with RCW 88.02.030.

(2) This chapter does not apply to each vessel required to have a certificate of inspection in accordance with chapter I, Title 46, Code of Federal Regulations.

[Statutory Authority: RCW 43.51.400. 84-01-060 (Order 73), § 352-70-030, filed 12/19/83.]

WAC 352-70-040 Written accident and casualty report. (1) The operator of a vessel shall submit a written report to the commission when as a result of an occurrence that involves the vessel or its equipment:

(a) A person dies;

(b) A person is injured and requires medical treatment beyond first aid;

(c) Damage to the vessel and other property totals more than two hundred dollars or there is a complete loss of a vessel; or

(d) A person disappears from the vessel under circumstances that indicate death or injury.

[Title 352 WAC—p 50]

(2) A report required by this section must be submitted within forty-eight hours of the occurrence if a person dies within twenty-four hours of the occurrence, is injured and requires medical treatment beyond first aid, or disappears from a vessel.

All other reports required by this section must be submitted within ten days of the occurrence.

(3) If the operator of a vessel cannot submit the report required by this section, the owner shall submit the report, and, if the owner cannot submit the report, another person acting on behalf of the owner shall submit the report.

[Statutory Authority: RCW 43.51.400. 84-01-060 (Order 73), § 352-70-040, filed 12/19/83.]

WAC 352-70-050 Content of written accident and casualty report. Each written report required by WAC 352-70-040 shall be on a form prescribed by the commission. Each report must be dated upon completion, signed by the person who prepared it, and must contain, if available, at least the following information about the accident or casualty:

(1) The registration numbers or names as documented of each vessel involved.

(2) The name and address of each owner of each vessel involved.

(3) The name of the nearest city or town, the county, the state, and the body of water.

(4) The time and date the accident or casualty occurred.

(5) The location on the water.

(6) The visibility, weather, and water conditions.

(7) The estimated air and water temperatures.

(8) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator of the vessel of the person making the report.

(9) The name and address of each operator of each other vessel involved.

(10) The number of persons on board and towed on skis by each vessel.

(11) The name, address, and date of birth of each person injured or killed.

(12) The cause of each death.

(13) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

(14) The name and address of each owner of property involved.

(15) The number, availability, and use of personal flotation devices.

(16) The type and amount of each fire extinguisher used.

(17) The nature and extent of each injury.

(18) A description of all property damage and vessel damage with an estimate of the cost of all repairs.

(19) A description of each equipment failure that caused or contributed to the cause of the accident or casualty.

(20) A description of the vessel accident or casualty.

(1986 Ed.)