

Chapter 9.04 - MOTORBOATS*

Sections:

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 and the United States.

(Res. 83-88 (part), 1988).

9.04.020 - Definitions.

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

- (1) ~~(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 the blue warning lights and siren.
- (2) "COLREGS" means the International Regulations for Preventing Collisions at Sea.
- (2) "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.
- (3) "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.
- (4) "Operator" means the person who is in control or in charge of a vessel while it is in use. means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.
- (5) "Person" means any natural person, partnership, association, or corporation.
- (6) "Personal flotation device" means life preservers, buoyant vests, special purpose water safety devices, buoyant cushions, ring buoys, and work vests.
- (7) "Personal watercraft" is a vessel of less than sixteen feet which uses a motor powering a jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.
- (8) "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.
- (9) "RCW" mean Revised Code of Washington.
- (910) "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.
- (4011) "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.

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

(14.13) "Vessel" means any contrivance used or designed for navigation or as a means of transportation on water.

(14.14) "Waters" ~~means all navigable waters, salt and fresh,~~ means any waters within the territorial limits of ~~in~~ Mason County.

(14.15) "Water skier" means a person in tow from a vessel riding on water skis, aquaplane, surfboard, or other similar device.

(Ord. 88-92 (part), 1992; Res. 83-88 (part), 1988).

9.04.030 - Numbering required.

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

(Res. 83-88 (part), 1988).

9.04.035 – Requirements to operate motor driven boats/vessels

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Operators shall comply with requirements in RCW 79A.60.640 as now or hereafter amended

(1) No person shall operate or permit the operation of motor driven boats and vessels with a mechanical power of fifteen horsepower or greater unless the person:

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(a) Is at least twelve years of age, except that an operator of a personal watercraft shall comply with the age requirements under RCW 79A.60.190; and

(b)(i) Has in his or her possession a boater education card, unless exempted under subsection (3) of this section; or

(ii) Is accompanied by and is under the direct supervision of a person sixteen years of age or older who is in possession of a boater education card.

(2) The following persons are not required to carry a boater education card:

(a) The operator of a vessel engaged in a lawful commercial fishery operation as licensed by the department of fish and wildlife under Title 77 RCW. However, the person when operating a vessel for recreational purposes must carry either a valid commercial fishing license issued by the department of fish and wildlife or a boater education card;

(b) Any person who possesses a valid marine operator license issued by the United States coast guard when operating a vessel authorized by such coast guard license. However, the person when operating a vessel for recreational purposes must carry either a valid marine operator license issued by the United States coast guard or a boater education card;

(c) Any person who is legally engaged in the operation of a vessel that is exempt from vessel registration requirements under chapter 88.02 RCW and applicable rules and is used for purposes of law enforcement or official government work. However, the person when operating a vessel for recreational purposes must carry a boater education card;

(d) Any person at least twelve years old renting, chartering, or leasing a motor driven boat or

vessel with an engine power of fifteen horsepower or greater who completes a commission-approved motor vessel safety operating and equipment checklist each time before operating the motor driven boat or vessel, except that an operator of a personal watercraft shall comply with the age requirements under RCW 79A.60.190;

(e) Any person who is not a resident of Washington state and who does not operate a motor driven boat or vessel with an engine power of fifteen horsepower or greater in waters of the state for more than sixty consecutive days;

(f) Any person who is not a resident of Washington state and who holds a current out-of-state or out-of-country certificate or card that is equivalent to the rules adopted by the commission;

(g) Any person who has purchased the boat or vessel within the last sixty days, and has a bill of sale in his or her possession to document the date of purchase;

(h) Any person, including those less than twelve years of age, who is involved in practicing for, or engaging in, a permitted racing event where a valid document has been issued by the appropriate local, state, or federal government agency for the event, and is available for inspection on-site during the racing event;

(3) Except as provided in subsection (3)(a) through (i) of this section, a boater must carry a boater education card while operating a vessel and is required to present the boater education card, or alternative license as provided in subsection (3)(a) and (b) of this section, to a law enforcement officer upon request.

(4) Failure to possess a boater education card required by this section is an infraction under chapter 7.84 RCW. The penalty shall be waived if the boater provides proof to the court within sixty days that he or she has received a boater education card.

(5) No person shall permit the rental, charter, or lease of a motor driven boat or vessel with an engine power of fifteen horsepower or greater to a person without first reviewing with that person, and all other persons who may be permitted by the person to operate the vessel, all the information contained in the motor vessel safety operating and equipment checklist.

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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.

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(Res. 83-88 (part), 1988).

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.

(Res. 83-88 (part), 1988).

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 therefor, or aquatic events which have been authorized by the board of county commissioners. Such vessels shall not exceed any applicable county noise requirements as now or hereafter amended.

(Res. 83-88 (part), 1988).

9.04.070 - Negligent operation.

~~It is 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. A person shall not operate a vessel in a negligent manner. For the purposes of this section, to "operate in a negligent manner" means operating a vessel in disregard of careful and prudent operation, or in disregard of careful and prudent rates of speed that are no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, size of the lake or body of water, freedom from obstruction to view ahead, effects of vessel wake, and so as not to unduly or unreasonably endanger life, limb, property or other rights of any person entitled to the use of such waters.~~

(Res. 83-88 (part), 1988).

9.04.080 - Reckless operation.

It is 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 wilful or wanton disregard for the safety of persons or property.

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(Res. 83-88 (part), 1988).

9.04.090 - Operation while under the influence of liquor or drugs.

It is unlawful for any person to operate a vessel while under the influence of liquor or drugs in accordance with RCW 79A.60.040 as now or hereafter amended.

(a) It is unlawful for a person to operate a vessel while under the influence of intoxicating liquor, marijuana, or any drug. A person is considered to be under the influence of intoxicating liquor, marijuana, or any drug if, within two hours of operating a vessel:

(1) The person has an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(2) The person has a THC concentration of 5.00 or higher 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, marijuana, or any drug; or

(4) The person is under the combined influence of or affected by intoxicating liquor, marijuana, 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.

(c)(1) Any person who operates a vessel within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of the person's breath for the purpose of determining the alcohol concentration in the person's breath if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person was operating a vessel while under the influence of intoxicating liquor or a combination of intoxicating liquor and any other drug.

(2) When an arrest results from an accident in which there has been serious bodily injury to another person or death or the arresting officer has reasonable grounds to believe the person was operating a vessel while under the influence of THC or any other drug, a blood test may be administered with the consent of the arrested person and a valid waiver of the warrant requirement or without the consent of the person so arrested pursuant to a search warrant or when exigent circumstances exist.

(3) Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(4) An arresting officer may administer field sobriety tests when circumstances permit.

(d) The test or tests of breath must be administered pursuant to RCW 46.20.308. The officer shall warn the person that if the person refuses to take the test, the person will be issued a class 1 civil infraction under RCW 7.80.120.

(e) A violation of subsection (a) of this section is a gross misdemeanor. In addition to the statutory penalties imposed, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

(f) The refusal of a person to submit to a test of the alcohol concentration, THC concentration, or presence of any drug in the person's blood or breath is not admissible into evidence at a subsequent

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~~criminal trial.~~ — Leave in

~~(g) A person's refusal to submit to a test or tests pursuant to RCW 79A.60.040(4)(a) constitutes a class 1 civil infraction under RCW 7.80.120~~

~~It is 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~~

~~(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.~~

(Res. 83-88 (part), 1988).

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.

(Res. 83-88 (part), 1988).

~~9.04.110 Underage operator. Covered under 9.04.035~~

~~It is unlawful for any minor under the age of sixteen years to operate or be permitted, by the owner or person having charge of a motorboat, to operate a motorboat powered by a motor of ten horsepower or more unless accompanied by a person who is over the age of eighteen 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.~~

~~(Res. 83-88 (part), 1988).~~

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).

(Res. 83-88 (part), 1988).

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9.04.2125 - Traffic pattern.

All vessels in fresh water lakes shall travel in a counter-clockwise pattern at all times.

(Ord. 88-92 (part), 1992).

9.04.170126 - Operation right-of-way rules.

The operation rules between vessels shall be in accordance with current version of COLREGS and are provided as follows:

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(a) When two vessels are approaching each other head on, or so nearly as to involve the risks of collision, each vessel shall bear to the right and pass the other on its left side;

(b) One vessel may overtake another on either side but shall grant the right-of-way to the overtaken vessel;

(c) When two vessels are approaching each other obliquely or at right angles, the vessel approaching on the right side has the right-of-way;

(d) A vessel underway must yield the right-of-way to a vessel not underway;

(e) A motor powered vessel underway must yield the right-of-way to a sailboat, rowboat, canoe, or other vessel not propelled by a motor;

(f) A seaplane underway shall yield right-of-way to all other vessels or craft;

(g) A swimmer, including a person on a flotation device, or a fallen skier, has the right-of-way over any craft;

(h) No vessel shall approach within two hundred feet of a diver's flag indicating the presence of a person operating or swimming under water;

(i) All vessels shall reduce speed and, if necessary, stop and, in any event, yield right-of-way upon the approach of an emergency vessel.

(Ord. 49-04 (part), 2004; Ord. 88-92 (part), 1992; Res. 83-88 (part), 1988).

9.04.130 - Speed regulations.

(a) Speed Limits. No vessel shall exceed the following speeds:

- (1) Within one hundred feet of a swimmer, six miles per hour;
- (2) Within ~~one hundred fifty~~ 200 feet from shore on every body of water, any speed capable of creating a harmful wake, but in no event, a speed in excess of ~~six~~ 10 miles per hour;
- (3) Within ~~one hundred fifty feet~~ 200 of any vessel not propelled by a motor, ~~six~~ 10 miles per hour;
- (4) In fresh water lakes, one ~~half~~ hour after sunset to one ~~half~~ hour before sunrise, ~~eight~~ 10 miles per hour;
- (5) During daylight hours in unrestricted areas, fifty miles per hour, unless otherwise posted;
- (6) Within three hundred feet on any public boat launch, six miles per hour.

(b) Due Care and Caution Required. Compliance with the speed regulations contained herein shall not relieve the operator of any vessel from any further exercise of due care and caution as circumstances shall require.

(Res. 88-92 (part), 1992; Res. 83-88 (part), 1988).

9.04.27135 - Water skiing.

No vessel shall be operated with a water skier or other occupied contrivance in tow unless:

(1) The vessel is occupied by two persons, one legal operator according to Section 9.04.140035 and one observer at least twelve years of age.

(2) Pattern. All vessels shall go in a counter-clockwise pattern in accordance with Section 9.04.2125.

(3) Both vessel and person in tow are over three hundred feet from shoreline of saltwater or ~~one hundred fifty~~ 200 feet from the shoreline of freshwater and any pier or restricted area thereof; provided that the person being towed may start at the shore or a pier and must proceed directly to a point at least three hundred feet from the shoreline of saltwater or ~~one hundred fifty~~ 200 feet from the shoreline of freshwater before paralleling the shoreline; provided further, that persons in tow may return to shore or a pier at an angle of no less than forty-five degrees to the shoreline with the shoreline on the right of the person being towed, maintaining the counter-clockwise direction. The towing vessel must maintain its distance from shoreline and reduce speed on returning towards shore to avoid any shoreline wake damage to docks and frontage.

(Ord. 88-92 (part), 1992; Res. 83-88 (part), 1988).

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 rap shall constitute interference with navigation.

(Res. 83-88 (part), 1988).

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.

(Res. 83-88 (part), 1988).

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.

(Res. 83-88 (part), 1988).

~~9.04.170 - Operation right of way rules.~~ [MOVED TO 9.04.126](#)

~~The operation rules between vessels are provided as follows:~~

- ~~(a) When two vessels are approaching each other head on, or so nearly as to involve the risks of collision, each vessel shall bear to the right and pass the other on its left side;~~
- ~~(b) One vessel may overtake another on either side but shall grant the right of way to the overtaken vessel;~~
- ~~(c) When two vessels are approaching each other obliquely or at right angles, the vessel approaching on the right side has the right of way;~~
- ~~(d) A vessel underway must yield the right of way to a vessel not underway;~~
- ~~(e) A motor powered vessel underway must yield the right of way to a sailboat, rowboat, canoe, or other vessel not propelled by a motor;~~
- ~~(f) A seaplane underway shall yield right of way to all other vessels or craft;~~
- ~~(g) A swimmer, including a person on a flotation device, or a fallen skier, has the right of way over any craft;~~
- ~~(h) No vessel shall approach within two hundred feet of a diver's flag indicating the presence of a person operating or swimming under water;~~
- ~~(i) All vessels shall reduce speed and, if necessary, stop and, in any event, yield right of way upon the approach of an emergency vessel.~~

~~(Ord. 49-04 (part), 2004; Ord. 88-02 (part), 1992; Res. 83-88 (part), 1988).~~

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 of the ordinance codified in this chapter) as now as hereafter amended.

(Res. 83-88 (part), 1988).

9.04.190 - Obedience to peace officers.

No person shall wilfully 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.

(Res. 83-88 (part), 1988).

9.04.200 - Refusal to stop for law enforcement.

~~No person shall, while operating or in charge of a vessel, refuse or neglect to stop when signaled to stop by any peace officer. Any operator of a vessel who willfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer is guilty of a gross misdemeanor~~

(Res. 83-88 (part), 1988).

9.04.210 Eluding a law enforcement vessel.

Any operator of a vessel who willfully fails or refuses to immediately bring the vessel to a stop and who operates the vessel in a manner indicating a wanton or willful disregard for the lives or property of others while attempting to elude a pursuing law enforcement vessel, after being given a visual or audible signal to bring the vessel to a stop, shall be guilty of a class C felony punishable under chapter 9A.20 RCW. The signal given by the law enforcement officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his or her vessel shall be appropriately marked showing it to be an official law enforcement vessel.

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9.04.210 - Examination of equipment.

No person shall, while operating or in charge of a vessel, refuse to permit a ~~peace officer~~ law enforcement officer to make an examination of any equipment of such vessel. Such law enforcement officers include, but are not limited to, county sheriffs, officers of other local law enforcement entities, fish and wildlife officers, through the director, the state patrol, and state park rangers.

(Res. 83-88 (part), 1988).

9.04.220 - Overloading and overpowering.

It is unlawful for any vessel to be loaded with passengers or cargo which exceed the safe carrying capacity of the vessel where the safe carrying capacity of the vessel is specified by the manufacturer. Such limitation shall be considered the maximum safe load, and in no event shall a vessel be loaded beyond a capacity which is reasonable and prudent under given atmospheric conditions and other actual and potential hazards affecting operation.

(Ord. 88-92 (part), 1992; Res. 83-88 (part), 1988).

~~9.04.225 Traffic pattern.~~ Moved to 9.04.125

~~All vessels in fresh water lakes shall travel in a counter-clockwise pattern at all times.~~

~~(Ord. 88-92 (part), 1992).~~

9.04.230 - Restricted areas—Special use regulations.

- (a) The board of 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.

- (b) The board of county commissioners may designate special use regulations for specific bodies of waters and/or specific areas within those bodies of water.
- (c) The board of county commissioners shall establish a process for citizen petition, for establishing restricted areas/special use regulations which shall, at a minimum, contain the following steps:
 - (1) Petition with twenty-five or more signatures from permanent residents of Mason County. A permanent resident of Mason County is a person who spends most of their time in Mason County and who has a verifiable Mason County address. The board of county commissioners shall determine the sufficiency of the petition;
 - (2) Public hearing;
 - (3) Public meeting for consideration/decision;
 - (4) Report from sheriff addressing safety and enforcement issues.
- (d) The board shall consider the following factors when deciding upon designation of a restricted area and/or special use regulation(s):
 - (1) Does the request improve/enhance the public use of the waterway?
 - (2) Does the request increase public safety of life and property?
 - (3) Will the request increase the public liability?
- (e) Designations under this section shall be made by resolution.
- (f) Designations under this section shall be fully enforceable under this chapter.
- (g) When special use designations conflict with other regulations, the more restrictive regulations shall apply.

(Ord. 88-92 (part), 1992; Res. 83-88 (part), 1988).

9.04.235 - Shoreline marker buoys.

Lake waterfront property owners may place one appropriate floating buoy one hundred fifty feet two hundred feet from their respective shoreline to mark the minimum water skiing distance on fresh water. Such buoys shall be anchored individually and shall not be connected to any other neighboring buoy by any means. An appropriate buoy shall be round in shape, with a diameter of at least twelve inches, and shall be red in color. Any person choosing to place out such a buoy shall assume all responsibility for the buoy.

(Ord. 88-92 (part), 1992).

9.04.240 - Regattas, races, or aquatic events.

- (a) Definitions.
 - (1) "Frequency" means the number of regattas, races or aquatic events which may be held pursuant to the application and permit procedures provided for herein.
 - (2) "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.
- (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 county commissioner's office. County staff shall provide a copy of the application to the sheriff's office and

- the county department of ~~general services community services~~ for ~~review~~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 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 five~~ two five hundred 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;
 - (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 community services~~ and 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 county sheriff's office and the county department of ~~general services community 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 county sheriff's office and the county department of ~~general services~~ community services to the county commissioners not less than thirty days prior to event. ~~of general services to the county commissioners not less than thirty days prior to event.~~
- (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 and/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 days prior to any cancellation of the insurance, which shall have a minimum coverage of one million dollars per accident.
- (l) The approval of any application and granting of a permit is within the discretion of the 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 is unlawful to tamper with or remove any cautionary signs as required except, by the applicant as specified in subsection e of this section.
- (o) Any testing for a motorboat race or regatta authorized under this section shall be limited as further authorized in the application finally approved.

(Res. 83-88 (part), 1988).

9.04.250 - Swimming.

- (a) Swimming shall be confined to:
 - (1) Restricted areas designated for swimming only; or
 - (2) The area within one hundred 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.

(Res. 83-88 (part), 1988).

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 two hundred feet 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 county commissioners.

(b) It is unlawful to operate a vessel within two hundred feet of a diver's flag.

(c) When the density of divers flags would prohibit reasonable ingress or egress to a beach or dock.

(Ord. 49-04 (part), 2004; Ord. 88-92 (part), 1992; Res. 83-88 (part), 1988).

~~9.04.27 - Water skiing-~~ Moved to 9.04.135

~~No vessel shall be operated with a water skier or other occupied contrivance in tow unless:~~

- ~~(1) The vessel is occupied by two persons, one legal operator according to Section 9.04.110 and one observer at least twelve years of age.~~
- ~~(2) Pattern. All vessels shall go in a counter-clockwise pattern in accordance with Section 9.04.225.~~
- ~~(3) Both vessel and person in tow are over three hundred feet from shoreline of saltwater or one hundred fifty feet from the shoreline of freshwater and any pier or restricted area thereof, provided; that the person being towed may start at the shore or a pier and must proceed directly to a point at least three hundred feet from the shoreline of saltwater or one hundred fifty feet from the shoreline of freshwater before paralleling the shoreline; provided further, that persons in tow may return to shore or a pier at an angle of no less than forty five degrees to the shoreline with the shoreline on the right of the person being towed, maintaining the counter-clockwise direction. The towing vessel must maintain its distance from shoreline and reduce speed on returning towards shore to avoid any shoreline wake damage to docks and frontage.~~

~~(Ord. 88-92 (part), 1992; Res. 83-88 (part), 1988).~~

~~9.04.280 - Personal flotation devices to be worn-~~ Covered in 9.04.040

~~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.~~

(Res. 83-88 (part), 1988).

9.04.290 - Dumping debris.

It is 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.

(Res. 83-88 (part), 1988).

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.

(Res. 83-88 (part), 1988).

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 lineal feet of berthing space to each of which shall be attached at least two hundred 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 is 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.

(Res. 83-88 (part), 1988).

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.

(Res. 83-88 (part), 1988).

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 twenty-four 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 Section 9.04.400.

(Res. 83-88 (part), 1988).

9.04.340 - How impoundment is to be effected.

When impoundment is authorized by this chapter, a vessel may be impounded by an officer or authorized agent of the sheriff's department.

(Res. 83-88 (part), 1988).

9.04.350 - Owner of impounded vessel to be notified.

- (a) Not more than forty-eight 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 of 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(e), except that if a vessel is redeemed following notice by telephone and prior to the mailing of notice, then notice need not be mailed.

(Res. 83-88 (part), 1988).

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 (c) of this section.
- (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 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 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 canceled 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 hours after having been found liable therefor at the hearing provided for in this section and Section 9.04.380.

(Res. 83-88 (part), 1988).

9.04.370 - Cancellation of hearing.

Any persons redeeming an impounded vessel in accordance with subsection (c) of Section 9.04.360, shall have until seven days after the date of the request for a hearing to cancel such hearing.

(Res. 83-88 (part), 1988).

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 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.

(Res. 83-88 (part), 1988).

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 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(a)(8) and which is redeemed within ninety-six 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-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.

(Res. 83-88 (part), 1988).

9.04.400 - Abandoned vessel.

Any impounded vessel not redeemed within fifteen 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 property 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 pursuant to such order, the fifteen days shall not begin until forty-eight 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.

(Res. 83-88 (part), 1988).

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.

(Res. 83-88 (part), 1988).

9.04.420 - Restricted lakes.

- (a) ~~(a)~~ — Internal combustion (i.e., gasoline and/or diesel) powered motor boats shall not be ~~permitted operated~~ at any time on any of the following named lakes and those lakes of less than twenty-five acres in area, ~~and or listed below~~.

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RESTRICTED LAKES OF 25 ACRES OR LESS

Aldrich	<u>Devereaux Crater</u>	<u>Johns Jiggs</u>	<u>Standstill Shoe</u>
Armstrong	<u>Dry Beds Devereaux</u>	<u>Kent Jiggs</u>	<u>Steves Standstill</u>
Benson	<u>Emmons Dry Beds</u>	<u>Kokanee Johns</u>	<u>Tena Steves</u>
Cady	<u>Erdman Emmons</u>	<u>Larson Kent</u>	<u>Tena</u>
Carson	<u>Erickson Erdman</u>	<u>Maggie Larson</u>	<u>Trails End (Prickett) Trask</u>
Catfish	<u>Grass Erickson</u>	<u>Oak Maggie</u>	<u>Trask Twin</u>
Clara	<u>Hanks Big Grass</u>	<u>Osborne Oak</u>	<u>Twin U</u>
Clear	<u>Hanks Little Hanks Big</u>	<u>Osborne</u>	<u>U Wheeler</u>
Collins	<u>Hatchery Hanks Little</u>	Panhandle	<u>Wheeler Wildberry</u>
Coon	<u>Howell Hatchery</u>	Robinson	<u>Wildberry Wood</u>
<u>Crater</u>	<u>Jiggs</u>	<u>Shoe</u>	<u>Wood</u>

(b) No personal watercraft (i.e. jet skis) shall be allowed on the Mason County side of Panther and Tiger Lakes.

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~~(b)~~ (c) See Section 9.04.230 for information on the process of restricting activities on county bodies of water.

~~(c)~~ (d) Notice: there may be additional specific restrictions on bodies of water in the county adopted under Section 9.04.230.

(Res. 34-97, 1997; Res. 76-96, 1996; Ord. 88-92 (part), 1992; Res. 83-88 (part), 1988).

9.04.430 ~~-- Civil Misdemeanor~~ penalties.

~~Any violation of this boating ordinance is a misdemeanor punishable by a fine of not less than fifty dollars and not more than one thousand dollars, or by imprisonment in the County Jail for a period not to exceed ninety days, or by both such fine and imprisonment.~~

A violation designated in this chapter as a civil infraction shall constitute a civil infraction pursuant to chapter 7.84 RCW.

(Res. 83-88 (part), 1988).