


ORDINANCE NO. 88-92

AN ORDINANCE AMENDING ORDINANCE NO. 83-88

BE IT ORDAINED by the Board of County Commissioners of Mason County that Attachment A is hereby adopted and is effective January 1, 1993.

DATED this 25th day of August, 1992.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON




Laura E. Porter, Chairperson


Resigned 7/31/92

Michael D. Gibson, Commissioner

ATTEST:


Rebecca S. Rogers, Clerk of the Board
William O. Hunter, Commissioner

APPROVED AS TO FORM:


Michael D. Clift, Deputy Prosecutor

c: Department Heads
Elected Officials
File

ATTACHMENT A

PROPOSED AMENDMENTS TO BOATING ORDINANCE NO. 83-88

9.04.020 Definitions

To Item 5 "Vessel", add the following Item 5a:

- 5a. "Personal watercraft" is a vessel of less than sixteen (16) 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.

Delete existing 9.04.130 and replace with the following:

9.04.130 SPEED REGULATIONS

- A. Speed Limits. No vessel shall exceed the following speeds:
1. Within one hundred feet (100) of a swimmer, six (6) miles per hour;
 2. Within one hundred fifty (150) 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 (6) miles per hour;
 3. Within one hundred fifty (150) feet of any vessel not propelled by a motor, six (6) miles per hour;
 4. In fresh water lakes, one half hour after sunset to one half hour before sunrise, eight (8) miles per hour;
 5. During daylight hours in unrestricted areas, fifty (50) miles per hour, unless otherwise posted;
 6. Within three hundred (300) feet on any public boat launch, six (6) 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.

Revise 9.04.170 as follows:

9.04.170 Operation-Right-Of-Way Rules. 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

- 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 one hundred (100) 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.

Replace existing 9.04.220 with the following:

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.

Add new sections:

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

9.04.230 Restricted Areas/Special Use Regulations

1. 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.
2. The Board of County Commissioners may designate special use regulations for specific bodies of waters and/or specific areas within those bodies of water.
3. 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:
 - a. Petition with 25 or more signatures
 - b. Public hearing
 - c. Public meeting for consideration/decision
 - d. Report from Sheriff addressing safety and enforcement issues.

The Board shall consider the following factors when deciding upon designation of a restricted area and/or special use regulation(s).

- * Does the request improve/enhance the public use of the waterway?
 - * Does the request increase public safety of life and property?
 - * Will the request increase the public liability?
4. Designations under this section shall be made by resolution.
 5. Designations under this section shall be fully enforceable under this ordinance.
 6. When special use designations conflict with other regulations, the more restrictive regulations shall apply.

9.04.235 Shoreline Marker Buoys. Lake waterfront property owners may place one appropriate floating buoy one hundred fifty (150) 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 (12) inches, and shall be red in color. Any person choosing to place out such a buoy shall assume all responsibility for the buoy.

Revise 9.04.260 as follows:

9.04.260 Underwater Diving

Add Section C.

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

Revise 9.04.270 as follows:

9.04.270 Water Skiing

1. No vessel shall be operated with a water skier or other occupied contrivance in tow unless:
 - a. The vessel is occupied by two persons, one legal operator according to 9.04.110 and one observer at least twelve (12) years of age.
 - b. Pattern. All vessels shall go in a counter-clockwise pattern in accordance with 9.04.225 Traffic Pattern.
 - c. Both vessel and person in tow are over three (300) hundred feet from shoreline of saltwater or one hundred fifty (150) 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 (300) feet from the shoreline of saltwater or one hundred fifty (150) 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 45 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.

Revise 9.04.420 Restricted Lakes as follows:

9.04.420 Restricted Lakes. Internal combustion (i.e. gasoline and/or diesel) powered motorboats shall not be permitted

at any time on any of the following named lakes of less than twenty-five (25) acres in area, and/or listed below.

Lakes of 25 Acres or Less

Aldrich	Dry Beds	Johns	Standstill
Armstrong	Emmons	Kent	Steves
Cady	Erdman	Tena	Carson
Erickson	Larson	Trask	Catfish
Grass	Maggie	Twin	Clara
Hanks Big	Oak	U	Clear
Hanks Little	Osborne	Wheeler	Collins
Hatchery	Panhandle	Wildberry	Coon
Howell	Robinson	Wood	Crater
Jiggs	Shoe		

See 9.04.230 for information on the process of restricting activities on Mason County bodies of water.

Notice: There may be additional specific restrictions on bodies of water in Mason County adopted under 9.04.230