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## SNOHOMISH COUNTY CODE

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### TITLE 12 – RECREATIONAL WATER USE ACTIVITIES

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## Chapter 12.04 RULES OF CONSTRUCTION -- DEFINITIONS

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#### **12.04.010 Title supplements--General law.**

This title is intended to supplement but not infringe upon the boating safety laws and regulations of the state and of the United States. Nothing contained in this title shall be construed to conflict with any valid applicable state or federal law or regulation. (Res. adopted June 30, 1975).

#### **12.04.011 Applicable waterways.**

This title is intended to regulate conduct and use of vessels in and on fresh water lakes located in Snohomish county and not located entirely within the jurisdiction of an incorporated city or town. (Added Ord. 86-023, § 1, March 19, 1986).

#### **12.04.020 Construction of words.**

Construction of certain words for the purpose of this title, unless the context clearly otherwise requires: (1) Words that impart the singular number only may also be applied to the plural of persons and things and the plural may also be applied to the singular; and

- (2) The word "shall" is mandatory; and
- (3) The word "may" is permissive.

(Res. adopted June 30, 1975).

#### **12.04.030 Definitions.**

Unless otherwise provided in this title, the following terms used in this title are defined as follows:

- (1) "County" means the county council.
- (2) "Darkness" means that period between one-half hour after sunset and one-half hour before sunrise.
- (3) "Float" means any anchored man-made structure unattached to the shore where any vessel may dock.
- (4) "Idling speed" means that speed of any motorboat while underway resulting while its propulsion machinery is set at the machine's slowest possible speed.

(5) "Length" as it refers to vessels means the overall distance measured in a straight line parallel to the centerline from the foremost part of the vessel to the aftermost part of the vessel, excluding bowsprits, bumpkins, rudders, outboard motors and brackets, and similar fittings and attachments.

(6) "Motorboat" means any vessel underway under propulsion in whole or in part by machinery. The term shall include seaplanes while taxiing and/or while otherwise not subject to any valid state or federal law or regulation governing the operation of seaplanes.

(7) "Operator" means any natural person in actual physical control of any vessel.

(8) "Person" means any natural person, partnership, association, corporation, or organization.

(9) "Personal watercraft" means a vessel that is less than sixteen feet in length, that uses a motor powering a water jet pump as its primary source of motive power, and that 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.

(10) "Race-type boat" means any motorboat operated at a speed in excess of 35 miles per hour.

(11) "Rowboat" means any vessel underway under propulsion in whole manually.

(12) "Sailboat." Any vessel underway under propulsion in whole by sail, or in part by sail and in part manually, shall be considered a sailboat.

(13) "Safety buoy" means any buoy established as herein provided and constructed to conform to the state uniform waterway marking system.

(14) "Safety buoy line" means the straight line between any two safety buoys or the straight line between any safety buoy and the point on the shoreline closest to such safety buoys.

(15) "Sheriff" means the sheriff of Snohomish county or any duly appointed deputy sheriff of Snohomish county.

(16) "Shoreline" means the land bordering any existing body of water.

(17) "Vessel" means every description of watercraft used or capable of being used as a means of transportation.

(18) "Visible," as it refers to the hours of darkness, means capable of being seen on a dark night with a clear atmosphere; as it refers to the daytime hours, means capable of being seen on a dull day with the atmosphere clear of fog, haze, or rain.

(19) "Water-ski" means to plane over the water with or without any floating device while being towed by any vessel. The term shall include water-skiing, freeboarding, aquaplaning and similar devices and/or activities.

(20) "Wharf" means any manmade structure attached to the shore where any vessel may dock.

(Res. adopted June 30, 1975; Amended Ord. 99-098, § 1, Dec. 8, 1999, Eff date Dec. 20, 1999).

## **Chapter 12.08**

### **INTENSITY CLASSIFICATIONS FOR SPECIFIED LAKES**

#### **12.08.010 Water-skiing authorized.**

Due to the speed required for efficient planning action and large area of a lake required for maneuvering of vessels and persons being towed and the substantial interference with other water users, or danger of impact and wake damage presented to other water users and health hazards, the operation of vessels for towing water skiers and water-skiing is prohibited in all lakes in Snohomish county, except those in which such activity is expressly permitted by this section.

It is intended to prohibit such activity in all lakes having a surface area of less than 100 acres and in upland lakes over 1,500 feet in elevation and lakes being used as a public water supply.

In lakes permitting towing of water skiers and water-skiing such activity may be conducted only during daylight hours.

Waterskiing activities which require the placement of buoys, jumps or floats will only be allowed when such fixtures are placed and maintained in accordance with a valid and current aquatic lands use permit or lease where such permits or leases are required by the Washington state department of natural resources. Snohomish county shall have no responsibility to establish or maintain such buoys, jumps or floats for waterskiing activities. Any individual may apply to the Washington state department of natural resources for an aquatic lands permit.

The county council may enact additional restrictions, but only as a result of a public notice and public hearing, which may restrict time of year, days of week, hours and manner of operation in which such activity is permitted. (This paragraph shall not be construed to limit the authority granted by chapter 6.40 SCC.)

Said restrictions are effective as to any lake only when signs or buoys advising of the restrictions have been placed.

Lakes in which water-skiing is permitted are:

<b>Name</b>	<b>Acreage</b>	<b>Location</b>
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Lake Stevens	1021.1	8 29 6
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Lake Goodwin	1546.8	33 31 4
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Lakes in which water-skiing is conditionally permitted, PROVIDED That special regulations under chapter 12.44 SCC have been enacted, and conditioned further that all buoys, signs and marking devices contemplated by such regulations are in place and any other restrictions are observed:

<b>Name</b>	<b>Acreage</b>	<b>Location</b>
Lake Roesiger	352.2	28 29 7
Flowing Lake	134.8	2 28 6
Shoecraft	136.8	33 31 4

(Res. adopted June 30, 1975; Amended Ord. 88-015, § 1, April 13, 1988).

**12.08.020 Motorboats permitted -- restricted speed and power.**

Due to the potential interference with other water uses and danger of impact and wake damage on smaller lakes, the maximum speed of any motorboat on the following lakes and on any lake listed in SCC 12.08.030 is restricted to eight miles per hour and the maximum power used to propel any motorboat on any such lake is restricted to 10 certified OBC horsepower:

<b>Name</b>	<b>Acreage</b>	<b>Location</b>
Cassidy	124.6	31 30 06
Silver Lake	102.3	30 28 05
Lake Ki	97.4	23 31 04
Blackman's Lake	60.1	07 28 06
Hannan Lake	48.4	23 27 04

(Ord. 82-099 § 1, adopted September 24, 1982; Res. adopted December 12, 1977; Res. adopted June 30, 1975; Ord. 94-026 § 2, March 30, 1994).

**12.08.030 Motorboats -- Internal combustion motors prohibited.**

Due to the inadequate flow or other factors where pollution from motor discharge is aggravated by internal combustion motor discharge, or the pristine character of upland lakes over 1,500 feet in elevation in danger of being seriously damaged, or the small size (under 45 acres), or shallow depth, or a configuration rendering the of internal combustion motor-powered watercraft hazardous, the propulsion of a motorboat in whole or in part by an internal combustion motor is unlawful upon the following lakes:

<b>Name</b>	<b>Acreage</b>	<b>Location</b>
Spada Lake	1527.0	29 29 09
Lake Chaplain	443.7	06 28 08

Blanca Lake	179.0	01 28 11
Isabel Lake	176.0	36 28 09
Lake Ballinger	103.2	32 27 04
Lake Bosworth	95.4	36 30 06
Storm Lake	78.0	31 28 06
Big Twin Lake		
(northeast of Index)	68.8	34 29 11
Goat Lake	64.0	11 29 11
Copper Lake	60.8	05 29 10
Martha Lake (south county)	59.3	01 27 04
Lake Martha (Warm Beach area)	58.4	18 31 04
Big Greider Lake	58.4	36 29 09
Wallace Lake	55.3	31 27 10
Serene Lake (near Index)	53.0	01 30 12
Byrne Lake	51.2	01 30 12
Boardman Lake	49.3	06 29 09
Panther Lake	46.7	02 28 06
Lake Twenty-two	44.1	27 30 08
Serene Lake (south county)	42.3	34 28 04
Crystal Lake	39.1	36 27 05
Sunday Lake	38.7	26 32 04
Sunset Lake	38.4	21 27 11
Fontal Lake	37.2	22 27 07
Silver Lake (east county)	36.9	28 29 11
Crabapple Lake	36.3	34 31 04
Hanson Slough (Snohomish River)	35.0	24 28 05
Upper Twin Lake (USN Reservation)	33.9	07 31 07
Cochran Lake	33.6	16 28 07

Pear Lake	33.0	32 28 13
Lower Twin Lake (USN Reservation)	31.7	07 31 07
Lake Armstrong	30.7	26 32 05
Riley Lake	30.0	19 32 07
Janus Lake	29.0	14 27 13
Tomtit Lake	27.9	21 27 08
Dagger Lake	27.7	21 27 08
Helena Lake	27.5	31 31 10
Lake Ketchum	27.4	06/07 32 04
Howard Lake	27.1	20 31 04
Stickney Lake (south county)	25.7	35 28 04
East Boardman Lake	24.7	09 29 09
Box Mountain Lakes (lower)	24.6	35 32 12
Echo Lake (north of Sultan)	24.6	21 29 08
Twin Lakes (lower -- near Index)	24.5	03 28 11
Little Lake	23.4	26 32 06
Kelcema Lake	23.2	01 30 09
Chain Lake	22.8	24 28 06
Peek-a-Boo Lake	22.4	35 31 10
Blue Lake	22.0	20 29 13
Boulder Lake	21.7	05 28 10
Indigo Lake	21.7	31 32 12
Canyon Lake	21.3	21 32 15
Unnamed Lake (Milk Lake --1g)	21.1	01 31 12
Crystal Lake	20.8	06 31 12
Rivord Lake	20.8	36 32 12
Woods Lake	20.5	12 28 07

Weallup Lake	20.4	04 30 04
Bryant Lake	20.2	27 32 05
Hughes Lake	20.2	27 29 07
Kellogg Lake	20.2	22 28 08
Purdy Creek	20.0	15 29 07
Wagner Lake	28 07	
Lake Connor	9.0	09 29 06
Blackmans Lake	60.0	06/07 28 06

(Added Res. June 30, 1975; Amended Ord. 85-039, May 8, 1985; Ord. 84-160, § 1, Jan. 28, 1985; Ord. 82-099, § 2, Sept. 24, 1982; Ord. 94-026 § 3, March 30, 1994; Amended Ord. 97-012, § 2, April 2, 1997, Eff date April 13, 1997).

**12.08.040 Motorboats prohibited on certain lakes**

Due to the inadequate flow and other factors including use of water as a public water supply, wherein pollution is aggravated by internal combustion motor discharge or sedimentation from lake bottoms is unduly disturbed by motor-driven propellers, and a small size, shallow depth or configuration of the lake renders the use of motorboats hazardous, it is unlawful to operate motorboats on the following Snohomish county lakes:

Name	Acreage	Location
Loma Lake	21.1	35 31 04

(Res. adopted June 30, 1975).

**12.08.050 Regulations, restrictions and prohibitions.**

The council may enact comprehensive restrictions for any given lake to supplement the general restrictions imposed by this chapter. Lake-specific restrictions may impose water use restrictions in specific areas and during specific hours for a given use in order to provide for the safety of water users and freedom from undue interference from conflicting uses.

(Res. adopted June 30, 1975; Amended Ord. 99-098, § 2, Dec. 8, 1999, Eff date Dec. 20, 1999).

## Chapter 12.12 WATER USE REGULATION EQUIPMENT

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**12.12.010 Publicly installed equipment--Buoy locations.**

The county parks director, in accordance with regulations established by the council, is hereby authorized and directed to designate locations in the water areas of the lakes

within Snohomish county when and where safety buoys are reasonably necessary for the public safety, welfare, health and peace. The designated locations of safety buoys shall be determined upon taking into consideration, for each particular lake, its size and configuration, hazardous conditions such as shallow water, rocks or snags, population at and about said lake, time and location of pleasure boating, swimming, bathing, fishing, water-skiing, diving, and other water uses upon said lake.

(Res. adopted June 30, 1975; Amended Ord. 93-066, Aug. 18, 1993, Eff date Aug. 28, 1993; Amended Ord. 99-098, § 3, Dec. 8, 1999, Eff date Dec. 20, 1999).

#### **12.12.020 Board approvals--Effective date.**

Safety buoy location designations when located upon a map and approved by the council shall establish the boundaries of speed control areas; swimmer only, or swimmer restricted areas; vessel prohibited, or vessel-type restricted areas; or other water use restriction zones within the lake. Such boundaries shall become effective when the buoys, as designated, are installed.

(Res. adopted June 30, 1975; Amended Ord. 99-098, § 4, Dec. 8, 1999, Eff date Dec. 20, 1999).

#### **12.12.030 Buoy design.**

The county parks director is authorized and directed to approve buoy designs that will accomplish the contemplated regulatory purposes in accordance with the state uniform waterway marking system.

(Res. adopted June 30, 1975; Amended Ord. 93-066, Aug. 18, 1993, Eff date Aug. 28, 1993; Amended Ord. 99-098, § 5, Dec. 8, 1999, Eff date Dec. 20, 1999).

#### **12.12.040 Signs or other signaling devices.**

The county parks director, in accordance with regulations properly adopted by the council, shall install such signs and signaling devices as will properly apprise water users of the water use regulation. It shall be deemed sufficient notice for any sign bearing general information to be placed only at the points of public access of any given lake where they shall be visible from both shore and water.

(Res. adopted June 30, 1975; Amended Ord. 93-066, Aug. 18, 1993, Eff date Aug. 28, 1993; Amended Ord. 99-098, § 6, Dec. 8, 1999, Eff date Dec. 20, 1999).

#### **12.12.050 Privately installed water use regulation equipment--Diving flags.**

Individuals may maintain divers' flags which shall be used only in the manner and at such places as are authorized by this code. A diver's flag shall be a red flag, five units of measurement on the hoist by six units of measurement on the fly, with a white stripe having a width of one unit of measurement crossing the red diagonally. The flag shall have a stiffener to make it stand out from the pole or mast. A unit of measurement shall be not less than two inches. (Res. adopted June 30, 1975).

## **Chapter 12.16**

### **BOATING EQUIPMENT**

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#### **12.16.010 Equipment required on all vessels--Personnel flotation equipment.**

All vessels when underway on any lake in Snohomish County are required to carry on board in a readily accessible place one personnel flotation device per person aboard. Such device shall be of the size and type as is required at the time of operation by the United States Coast Guard for vessels of similar size and equipment operating in inland waters.

(Res. adopted June 30, 1975).

#### **12.16.020 Equipment required--Lighting.**

During hours of darkness, every vessel shall be equipped with and, while underway or at anchor at any place other than a dock or shoreline, shall display navigation lights as hereafter prescribed. Such lights shall be a white light which shall be temporarily exhibited in sufficient time to prevent a collision; PROVIDED, That any motorboat while underway shall continuously display a white light distinctly visible for a distance of at least 500 feet; and PROVIDED FURTHER, That it shall be deemed a compliance of this section when any vessel displays navigation lights of a type approved by competent authority for operation of such vessel in inland waters. (Res. adopted June 30, 1975).

#### **12.16.030 Boating equipment--Motorboats--Fire extinguishers.**

Every motorboat and every boat carrying gas, gasoline or electrical systems shall have on board, and in a readily accessible place, a hand portable fire extinguisher appropriate for the extinguishing of such gas, gasoline, oil and grease or electrical fires. Such fire extinguisher shall be in good and serviceable condition. (Res. adopted June 30, 1975).

#### **12.16.040 Boating equipment--Motorboats--Bilge ventilators.**

Every motorboat shall have two or more ventilators with cowls or the equivalent, capable of removing gases in bilges in any compartment containing gasoline engines or gasoline tanks. Motorboats so constructed as to have the greater portion of the bilges under the engine and fuel tanks open and exposed to the natural atmosphere at all times are not required to be fitted with such ventilators. (Res. adopted June 30, 1975).

#### **12.16.050 Boating equipment--Motorboats--Backfire arresters.**

Every motorboat having an inboard gasoline engine shall have such engine's carburetor equipped with a device for arresting backfire. Such device shall be in good and serviceable condition. (Res. adopted June 30, 1975).

### **12.16.060 Boating equipment--Motorboats--Mufflers.**

Every motorboat equipped with an internal combustion motor shall be equipped with a device so constructed and used as to effectively and adequately muffle the noise of the exhaust of every such internal combustion engine. (Res. adopted June 30, 1975).

### **12.16.070 Boating equipment--Motor boating equipment exceptions.**

The provisions of SCC 12.16.040, 12.16.050 and 12.16.060 shall not apply to race-type boats operated on any racecourse approved for the purpose of testing by the council when such operation is of the dates and hours permitted for the course and all warning signs or markers and safety patrolling requirements for the course are met.

(Res. adopted June 30, 1975; Amended Ord. 99-098, § 7, Dec. 8, 1999, Eff date Dec. 20, 1999).

## **Chapter 12.20 VESSEL OPERATORS**

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### **12.20.010 Vessel operators--Age restrictions.**

It shall be unlawful for any motorboat to be operated by, or for any person owning or in charge of any motorboat to authorize any motorboat to be operated by, any person under the age of 14 years when such motorboat is powered by a motor of 10 horsepower or more unless such person is accompanied by a person who is over the age of 14 years. (Res. adopted June 30, 1975).

### **12.20.020 Vessel operators--Capability restrictions.**

It shall be unlawful for any person owning or in charge of any vessel to operate such vessel or to knowingly authorize any person to operate any vessel when such person is:

- (1) Under the influence of intoxicating liquor, or controlled substance; or
- (2) By reason of a physical or mental disability incapable of safely operating such vessel under the prevailing circumstances.

(Res. adopted June 30, 1975).

### **12.20.030 Vessel operators--Minimum crew--Water-skiing.**

Every vessel towing water skiers or other floating objects shall carry an observer in addition to the operator. Such observer shall be a minimum of 10 years of age and shall have the duty of keeping a lookout for hazards to, or created by, the tow and of reporting same to the operator. All persons in motorboats traveling in excess of eight miles per hour shall remain seated, unless such vessel is specifically designed for persons to not be seated while underway.

(Res. Adopted June 30, 1975; Amended Ord. 86-023, § 2, March 19, 1986; Amended Ord. 88-015, § 2, April 13, 1988).

## **Chapter 12.24**

### **VESSEL OPERATION**

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#### **12.24.010 Speed--General regulations.**

It shall be unlawful for any person to operate any vessel in other than a careful and prudent manner or at a rate of speed greater than is reasonable and proper under the conditions existing at the time and point of operation, taking into account the condition of the water, amount and character of traffic and congestion, weather, size and configuration of the lake, freedom from obstruction to view around or other circumstances so as not to unduly or unreasonably endanger the life, limb, property, or other rights of any person. (Res. adopted June 30, 1975).

#### **12.24.020 Speed--Hours of darkness.**

It shall be unlawful for any person to operate any vessel at a speed greater than eight miles per hour during hours of darkness. (Res. adopted June 30, 1975).

#### **12.24.030 Speed--Daylight hours--Restricted-waters.**

It shall be unlawful for any person to operate a motorboat in a lake during daylight hours at a speed greater than eight miles per hour except in such lakes where water-skiing, race-type boat operation or racing is permitted, and when such operation is in the manner permitted by the rules applicable to such lakes. (Res. adopted June 30, 1975).

#### **12.24.040 Speed--Skiing-waters.**

It shall be unlawful for any person to operate a motorboat in a lake where water-skiing is permitted at a speed greater than 35 miles per hour except in waters where race-type boat operation or racing is permitted, when such operation is at the time and in the manner permitted by the regulations applicable to such lakes. (Res. adopted June 30, 1975).

#### **12.24.050 Speed regulations--Special circumstances.**

(1) Unless conditions of the water, traffic and congestion, weather, size and configuration of the lake, freedom from obstruction to view, or other circumstances demand greater distance and/or slower speed, it shall be unlawful for any person to operate any vessel:

(a) At a speed greater than idling speed or eight miles per hour, whichever is the lesser, within 100 feet of any swimmer, skin and/or scuba diver's flag or artificially illuminated marker buoy, other vessel, floating objects, except water-ski jumps and water-ski slalom marker buoys or water-skier, except any water skier being towed by said vessel;

(b) In the water area of any lake designated as a "swimming only" area, or as a "vessel prohibited" area, except this provision does not apply to vessels actually used in the rescue of persons in distress;

(c) At a speed greater than idling speed or eight miles per hour, whichever is the lesser, within 100 feet of any shoreline, safety buoy, safety buoy line, float, or wharf, except as provided in subsection (2) of this section;

(2) For the purpose of launching and returning any water skier and only for such purpose, any vessel towing said water skier may be operated within 100 feet of any shoreline, safety buoy, safety buoy line, float, or wharf, or in the water area of the lake between the shoreline and a safety buoy and/or safety buoy line; PROVIDED, That:

(a) While launching or returning any water skier said vessel moves at a speed not greater than 35 miles per hour,

(b) While moving outward away from the shoreline, float or wharf, said vessel shall leave the shoreline at an angle of not less than 45 degrees nor more than 60 degrees with the shoreline on the starboard side of said vessel,

(c) While moving inward toward the shoreline, float or wharf, said vessel shall approach the shoreline at an angle of not less than 45 degrees nor more than 60 degrees with the shoreline on the starboard side of said vessel,

(d) That after any returning water skier releases the tow rope of said vessel, said vessel shall move at a speed not greater than idling speed or eight miles per hour, whichever is the lesser,

(e) That no launching skiers or returning skiers shall be allowed from a dock or shoreline without the owner's prior permission,

(f) That no launching skiers or returning skiers shall be allowed within 100 feet of a designated swimming area or swimmer, wader or scuba diver; and PROVIDED, FURTHER, That if water-ski launch floats or jumps be provided for the launching or use of water skiers, the park division may regulate operations to and from such floats; PROVIDED, FURTHER, That nothing herein shall require the park division to install, mark or maintain such floats or jumps.

((Res. adopted June 30, 1975; Amended Ord. 86-023, § 3, March 19, 1986).

#### **12.24.060 Motorboats--Right-of-way.**

Every motorboat shall at all times yield right-of-way to sailboats, rowboats, water skiers, swimmers and divers. Every motorboat shall yield to other motorboats in accordance with the "inland steering and sailing rules" promulgated by the United States coast guard. Violation of this section shall be a misdemeanor and punishable as such.

(Res. adopted June 30, 1975; Amended Ord. 86-023, § 4, March 19, 1986).

#### **12.24.070 Vessel operation--Overloading.**

It shall be unlawful for any person to operate, or being owner or in charge to authorize any person to operate, any vessel loaded with passengers or cargo which exceeds the particular vessel's maximum safe loading capacity. In addition to penalties which are provided for the unlawful operation of such vessels, the sheriff may require that any such overloaded vessel immediately put to shore to lighten its load.

The maximum safe loading capacity of any vessel shall be determined by the sheriff, taking into consideration the size, configuration, construction, type and condition of the particular vessel; PROVIDED, That where the manufacturer of any vessel has specified the maximum safe loading capacity for the particular vessel, such specified maximum shall be considered the maximum safe loading capacity of the particular vessel for the purposes of this title. PROVIDED, FURTHER, That in the absence of capacity plates, the following formula may be considered:

First, a check of the number of persons.

LxB

15 = \_\_\_\_\_ number of persons

L = Overall length

B = Maximum width (both dimensions in feet and tenths of a foot)

The result taken to the nearest whole number gives the number of persons that can be put aboard without crowding in good weather conditions.

Second, the weight-carrying capacity shall be ascertained by determining the allowable weight in pounds from the expression:

$7.5 \times L \times B \times De =$  \_\_\_\_\_ pounds for persons, engine, fuel and equipment

L = Overall length

B = Maximum width

De = Minimum effective depth of the boat

Measure "De" at the lowest point that water can enter. This takes account of low transom cut-out or credits an acceptable engine well. All dimensions are in feet and tenths of a foot.

The weather and water conditions shall also be taken into account. If the water is rough, the number of persons carried shall be reduced. (Res. adopted June 30, 1975).

## Chapter 12.28

### WATER USER REGULATIONS

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#### 12.28.010 Water skier speed and operation regulations.

Unless conditions of the water, traffic congestion, weather, size and configuration of the lake, freedom from obstruction to view, or other circumstances demand greater distance, it shall be unlawful for any persons to water ski:

(1) Within 100 feet of any swimmer, bather, skin and/or scuba diver's flag or artificially illuminated marker buoy, other vessel except the vessel towing said water skier, floating objects except water ski jumps and water ski slalom marker buoys, or other water skiers except those water skiers being towed by the same vessel;

(2) In the water area of the lake between the shoreline and a safety buoy and/or safety buoy line except that for the purpose of launching and returning and only for such purpose any water skier may approach within 100 feet of any shoreline, safety buoy, safety buoy line float or wharf or in the water area of the lake between the shoreline and a safety buoy and/or safety buoy line, PROVIDED:

(a) While moving outward from any shoreline, float or wharf, said water skier shall leave the shoreline at an angle of not less than 45 degrees nor more than 60 degrees with the shoreline on the right-hand side of the water skier,

(b) While moving inward toward the shoreline, said water skier shall approach the shoreline at an angle of not less than 45 degrees nor more than 60 degrees with the shoreline on the right-hand side of the water skier;

(c) That no launching skiers or returning skiers shall be allowed from a dock or shoreline without the owner's permission;

(d) That no launching skiers or returning skiers shall be allowed within 100 feet of a designated swimming area or swimmer or wader. (Res. adopted June 30, 1975; Amended Ord. 86-023, § 5, March 19, 1986).

#### **12.28.011 Boat direction.**

No person may water ski or tow a water skier except in a counter clockwise direction.

(Added Ord. 86-023, § 8, March 19, 1986; Amended Ord. 88-015, § 3, April 13, 1988; Amended Ord. 99-098, § 8, Dec. 8, 1999, Eff date Dec. 20, 1999).

#### **12.28.020 Water Users--Swimmers.**

No person may swim or float in a swimming-restricted area unless accompanied by a vessel that remains within 20 feet of the person at all times; PROVIDED, HOWEVER, That this prohibition shall not apply to any water skier who falls or otherwise ceases to be towed if a vessel travels to within 20 feet of the water skier as soon as is reasonably possible after the fall or cessation of towing.

In lakes where water skiing and/or boating in race-type boats is permitted, the swimming-restricted area is any area more than 100 feet out into the lake from any and all shorelines during the hours water skiing or boating in race-type boats is permitted.

No person may swim or float in an area expressly prohibited to swimming.

(Res. adopted June 30, 1975; Amended Ord. 99-098, § 9, Dec. 8, 1999, Eff date Dec. 20, 1999).

### **12.28.030 Water Users--Divers.**

All persons engaging in diving shall mark the water areas where the operations are being conducted. When the operations are being conducted during daylight hours, the water use areas shall be marked with one or more diver's flags of sufficient size to be visible at a distance of not less than 100 yards. Where such operations are conducted during hours of darkness, the water areas shall be marked with one or more artificially illuminated marker buoys of sufficient size and illumination to be visible at a distance of not less than 100 yards. No person may display diver flags or marker buoys except during the time and in the water areas where diving operations are being conducted.

(Res. adopted June 30, 1975; Amended Ord. 99-098, § 10, Dec. 8, 1999, Eff date Dec. 20, 1999).

### **12.28.040 Swimming and diving prohibited areas.**

No person may swim or dive within 100 feet of a water ski area; PROVIDED, That this prohibition shall not apply to a water skier unable to ski who is seeking safety.

(Res. adopted June 30, 1975; Amended Ord. 99-098, § 11, Dec. 8, 1999, Eff date Dec. 20, 1999).

### **12.28.050 Water Use equipment--Skiers.**

No person may water ski or tow a water skier unless the water skier is wearing a coast guard-approved type I, II, or III personal flotation device.

(Res. adopted June 30, 1975; Amended Ord. 86-023, § 6, March 19, 1986; Amended Ord. 99-098, § 12, Dec. 8, 1999, Eff date Dec. 20, 1999).

### **12.28.060 Private buoys.**

It shall be unlawful for any non-governmental person or agency to place, maintain or allow any buoy in any lake in Snohomish county which does not meet the requirement of the uniform state waterway marking system unless said buoy is approved under a current and valid aquatic lands use permit issued by the department of natural resources.

(Added Ord. 86-023, § 9, March 19, 1986; Amended Ord. 88-015, § 4, April 13, 1988).

## **Chapter 12.36 PENALTIES**

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### **12.36.010 General penalty.**

Each violation of this title shall constitute a misdemeanor punishable upon conviction as provided by SCC 1.01.100. (Res. adopted June 30, 1975).

### **12.36.020 Reckless operation.**

Any person who operates any vessel in willful or wanton disregard for the safety of persons or property is guilty of reckless operation. (Res. adopted June 30, 1975).

### **12.36.030 Exceeding speed limit evidence of reckless operation.**

The unlawful operation of a vessel in excess of the maximum lawful speeds provided in this title at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a vessel in a reckless manner by the operator thereof. (Res. adopted June 30, 1975).

### **12.36.040 Operating vessel in a negligent manner.**

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 a manner as to endanger or be likely to endanger any persons or property.

The offense of operating a vessel in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vessel in a reckless manner, and any person charged with operating a vessel in a reckless manner may be convicted of the lesser offense of operating a vessel in a negligent manner. (Res. adopted June 30, 1975).

### **12.36.050 Water littering.**

It shall be unlawful for any person to dump, throw or otherwise deposit junk, trash, garbage, ref, litter or other waste and/or foreign material into any lake in Snohomish county; PROVIDED, That nothing herein shall prohibit the cleaning of freshly caught fish and depositing the waste matter therefrom in lake areas a reasonable distance from swimming and bathing beaches. (Res. adopted June 30, 1975).

### **12.36.060 Citations authorized.**

Whenever any person is arrested for any violation of this title, the arresting officer may serve upon him a citation and notice to appear in court. The arrested person, in order to secure release and when permitted by the arresting officer, must give his written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise and notice, he may be taken into custody by such arresting officer and placed in confinement (Res. adopted June 30, 1975).

## **Chapter 12.40**

### **DUTIES OF OFFICERS AND OTHER PERSONS**

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#### **12.40.010 Parks division manager's duties.**

The county parks director is hereby authorized and directed to prepare, post and maintain at convenient public places adjacent to the lakes in this county public notices that specify the current restrictions applicable to the particular lake as set out in this title. The notices shall be conspicuously posted on or adjacent to every wharf of every boat livery and on or adjacent to every public launching ramp and/or wharf and at such other locations as will reasonably inform the public of these restrictions.

(Res. adopted June 30, 1975; Amended Ord. 93-066, Aug. 18, 1993, Eff date Aug. 28, 1993; Amended Ord. 99-098, § 13, Dec. 8, 1999, Eff date Dec. 20, 1999).

#### **12.40.020 Sheriff's duties.**

It shall be the duty of the sheriff to enforce the provisions of this title.

(Res. adopted June 30, 1975; Amended Ord. 99-098, § 14, Dec. 8, 1999, Eff date Dec. 20, 1999).

#### **12.40.030 Boat livery operator's duties.**

The owner or person in charge of every boat livery shall keep a record of the name and address of the person hiring any vessel, the identification number of said vessel, if any, and the departure time and expected time of return. Such records shall be preserved for at least 30 days and shall be available and open for inspection by the sheriff at all reasonable hours. (Res. adopted June 30, 1975).

#### **12.40.040 Duty to report accidents.**

Any water skier and/or person operating any vessel which has collided with any person or property of another shall within 24 hours report such collision to the sheriff. The sheriff shall provide forms upon which reports may be filed; PROVIDED, That no report of property damage shall be required if the damage does not exceed \$200.00 in value. Failure to report such accident shall be a misdemeanor and subject to penalty as such.

(Res. adopted June 30, 1975; Amended Ord. 86-023, § 7, March 19, 1986).

## **Chapter 12.44**

### **SPECIAL REGULATIONS -- CERTAIN LAKES**

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#### **12.44.010 Special regulations establishment.**

Special regulations for permitting a specific water use activity, establishment of course or limitation of hours of operation may be enacted by presentation to the county of a plan for implementation of such regulations including establishment and maintenance of floats, buoys, safety patrols and other measures to permit the activity without undue

restriction on other permitted water users and without undue demand on the comfort, repose and safety of other water and shoreline users. Such regulations may include the establishment of courses, hours of operation, buoy establishment and maintenance, and safety patrol requirements for race type boat operation and testing on the following lakes:

<b>Name</b>	<b>Acreage</b>	<b>Location</b>
Lake Stevens	1021.1	08 29 06
Lake Goodwin	546.8	33 31 04

Such regulations may include the establishment of courses, hours of operation, buoy establishment and maintenance for permission of water skiing in the following lakes:

<b>Name</b>	<b>Acreage</b>	<b>Location</b>
Lake Roesiger	352.2	28 29 07
Flowing Lake	134.8	02 28 06
Shoecraft	136.8	33 31 04

(Res. adopted June 30, 1975).

**12.44.020 Water skiing regulations -- Lake Roesiger, Flowing Lake, Lake Shoecraft.**

(1) Water skiing is permitted on Lake Roesiger, Flowing Lake, or Lake Shoecraft only if the following conditions are met with respect to the lake:

- (a) a community water skiing association is formed and continues to operate under the terms described in SCC 12.44.040;
- (b) a current water ski course map identifying the location of all water ski course buoys and anchoring devices is approved by and on file with the sheriff's office and the department of parks and recreation;
- (c) all water ski course buoys and anchoring devices are in sound condition and in place in the approximate locations shown on the current course map on file with the sheriff's office and the department of parks and recreation.

(2) The sheriff or the parks director may close Lake Roesiger, Flowing Lake, or Lake Shoecraft to water skiing and reduce the speed limit to eight miles per hour if, at any time:

- (a) any of the conditions stated in subsection (1) are not met;
- (b) any safety buoy is missing, damaged or out of position; or
- (b) any conditions exists within a designated water ski course area that is known and believed to create a hazardous condition.

(Added Ord. 99-098, § 18, Dec. 8, 1999, Eff date Dec. 20, 1999).

**12.44.030 Water skiing and personal watercraft regulations--Lake Roesiger, Flowing Lake, Lake Shoecraft.**

Water skiing and use of personal watercraft on Lake Roesiger, Flowing Lake, and Lake Shoecraft is subject to the following regulations:

- (1) No person may water-ski during hours of darkness or at times other than:
  - (a) Lake Roesiger--10:30 a.m. to 5:30 p.m. each day from May 25 to September 25 of each year.
  - (b) Flowing lake--10:30 a.m. to 8:00 p.m. each day from May 25 to September 25 of each year.
  - (c) Lake Shoecraft--9:00 a.m. to 9:00 p.m. each day from April 1 to September 30, and 11:00 a.m. to 4:00 p.m. each day from October 1 to March 31.
- (2) No person may water-ski or tow a water-skier outside of a water-ski course area.
- (3) No person may water ski or tow a water skier when any course buoy, anchoring device, or other safety buoy is missing, damaged or out of position.
- (4) A person operating a vessel in excess of eight miles per hour shall operate the vessel in a counterclockwise pattern and shall keep the vessel at least 200 feet from any and all shorelines and 100 feet from other vessels and swimmers.
- (5) All persons in motorboats towing water skiers shall remain seated.
- (6) No person may operate a vessel in excess of eight miles per hour in or upon what is known as the "Middle Lake" of Lake Roesiger.
- (7) No person may operate a personal watercraft on Lake Shoecraft except between the hours of 11:00 a.m. and 4:00 p.m.
- (8) No person may operate a personal watercraft on Flowing Lake except between the hours of 10:30 a.m. and 5:30 p.m.

(Added Ord. 99-098, § 19, Dec. 8, 1999, Eff date Dec. 20, 1999; Amended Ord 01-030, May 2, 2001, Eff date May 13, 2001).

**12.44.040 Community water ski association.**

- (1) An association is considered a community water skiing association for purposes of this chapter only if it:
  - (a) opens membership to all persons interested in water skiing;
  - (b) holds three annual meetings open to members and the general public;
  - (c) adopts by-laws;

- (d) annually elects officers;
  - (e) forms and maintains active committees in the areas of boating and water safety, water-ski course repair and maintenance, and community relations;
  - (f) submits written minutes of all meetings to the department of parks and recreation: and
  - (g) submits an annual roster of elected officers and members to the sheriff's office and the department of parks and recreation.
- (2) A community water skiing association is responsible for and is required to:
- (a) create, adopt, and update a water skiing plan for a lake;
  - (b) design a water ski course with buoys and anchoring devices;
  - (c) create and submit to the sheriff's office and the department of parks and recreation for approval a current map of the water ski course that identifies the location of all buoys and anchoring devices;
  - (d) purchase, install, repair, and maintain all buoys and anchoring devices on the water ski course in the approximate locations identified on the current course map.

(Added Ord. 99-098, § 20, Dec. 8, 1999, Eff date Dec. 20, 1999).

## **Chapter 12.48**

### **REPEALERS -- SEVERABILITY**

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#### **12.48.010 Repealer.**

Chapter 10.28 SCC is hereby repealed. (Res. adopted June 30, 1975).

#### **12.48.020 Severability.**

If any court shall find any provision of this title or its application to any person or circumstance to be unconstitutional or otherwise invalid, such finding shall not affect the validity of all remaining portions of this title or the application of this title to other persons or circumstances. (Res. adopted June 30, 1975).