

Council by resolution finds that the improvement of such portion by the construction or reconstruction of a sidewalk thereon is necessary for the public safety and convenience, the duty, burden and expense of constructing or reconstructing such sidewalk shall devolve upon the property directly abutting upon such portion (which term "property directly abutting" or "abutting property," as used in this chapter, shall be deemed to be all property having a frontage upon the sides or margins of any such portion); provided, that such abutting property shall not be charged with any costs of construction or reconstruction under this chapter in excess of fifty percent of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for purpose of general taxation.

(Ord. 108992 § 1, 1980; Ord. 65482 § 1, 1935.)

15.70.030 Notification to construct or reconstruct—When work to be done by Department of Engineering.

Whenever the City Council has adopted such resolution, it shall cause a notice to be served on the owner of the property directly abutting on such portion of such street instructing said owner to construct or reconstruct a sidewalk on such portion in accordance with plans and specifications which shall be attached to such notice. Such notice shall be served by delivering it in person to the owner or leaving at his home with a person of suitable age and discretion then resident therein, or with an agent of such owner, authorized to collect rentals on such property, or, if the owner is a nonresident of the state, by mailing a copy to his last known address, or, if the owner is unknown or if his address is unknown, then by posting a copy in a conspicuous place on such portion of said street where such improvement is to be made. Such notice shall specify a reasonable time within which such construction or reconstruction shall be made, and shall state that in case the owner fails to make the same within such time, the city will proceed to make the same through its Department of Engineering and at a subsequent date, to be definitely stated in the notice, said department will report to the City Council an assessment roll showing the lot or parcel of land directly abutting on such portion of such

street so improved, the cost of such improvement, the name of the owner, if known, and that the City Council at the time stated in the notice or at the time or times to which the same may be adjourned, will hear any and all protests against the proposed assessment. Upon the expiration of the time fixed within which the owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such work, the city may proceed to perform the work and shall, within the time fixed in said notice, report to the City Council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such work, and the name of the owner, if know, the City Council shall, at the time in such notice designated, or at an adjourned time or times, assess the cost of such improvement against the property and shall fix the time and manner for payment thereof, which assessment shall become a lien upon the property and shall be collected in the manner provided by law for collection of local improvements assessments under Title 35 of the Revised Code of Washington.

(Ord. 108992 § 2, 1980; Ord. 65482 § 2, 1935.)

Title 16

HARBOR CODE

Chapter 16.12

PORT WARDEN

Sections:

16.12.010 Duties.

16.12.030 Authority supplemental to Superintendent of Parks and Recreation when.

16.12.010 Duties.

The duties of the Port Warden shall be:

A. To enforce the ordinances and regulations of the city upon the waters of the harbor and adjacent thereto when the harbor is affected;

B. To maintain regular patrols in the harbor for the protection of life and property including, but not limited to, the removal and disposition of oil pollution, drifting debris and nuisances

from the waters of the harbor;

C. To investigate and report upon marine and maritime accidents in the harbor;

D. To perform all necessary functions in connection with search and rescue in the harbor;

E. To cooperate with the authorities of the United States, the state and its political subdivisions in the enforcement of the laws and regulations of the United States, the state and its political subdivisions;

F. To designate, indicate the location of, and to patrol anchorage locations for watercraft or vessels within areas set forth by the ordinances of the city, and to designate, indicate the location of and to patrol take-off and landing areas for aircraft on the water within areas permitted by the ordinances of the city;

G. To establish, maintain and regulate the use of moorage buoys in the harbor for the convenience of watercraft and vessels;

H. To designate restricted areas and testing courses;

I. To promulgate rules and regulations governing the use of the navigable portions of waterways, to issue permits for movement of unseaworthy craft and anchoring or moorage of vessels or watercraft in anchorage areas; to issue permits for skin diving or scuba diving; and to charge for all such permits the fee established by ordinance;

J. To remove, impound or sell any vessel, watercraft or obstruction anchored or moored in violation of this title deemed a public nuisance or a hazard to navigation or operated or afloat under conditions deemed unsafe for water transportation.

(Ord. 109555 § 3, 1980; Ord. 100171 § 2, 1971; Ord. 94587 § 2, 1966; Ord. 87983 § 3, 1959.)

16.12.030 Authority supplemental to Superintendent of Parks and Recreation when.

The granting of authority to the Port Warden to enforce the Harbor Code in any fairway within property under the jurisdiction of the Department of Parks and Recreation shall be supplemental to the authority of the Superintendent of Parks and Recreation and shall not diminish any authority granted to the Superintendent by the City Charter¹ or by ordinance.

(Ord. 109227 § 5, 1980; Ord. 87983 § 75, 1959.)

1. Editor's Note: The Charter is included at the beginning of this Code.

Chapter 16.20

OPERATION AND REGULATIONS FOR VESSELS AND WATERCRAFT

Sections:

16.20.070 Interference with navigation.

16.20.130 Speed regulations—Watercraft and vessels.

16.20.131 Speed regulations—Aircraft on the water.

16.20.132 Speed regulations—Liability not affected.

16.20.070 Interference with navigation.

No person shall operate any watercraft or vessel or aircraft on the water in a manner which shall unreasonably or unnecessarily interfere with other watercraft, vessels or aircraft on the water or with the free and proper navigation of the fairways of the city or the launching of any watercraft at any public boat launching ramp. Anchoring or mooring under a bridge or in a heavily traveled channel or in an approach to a public boat launching ramp shall constitute such interference if unreasonable under the prevailing circumstances.

(Ord. 109227 § 2, 1980; Ord. 100171 § 6, 1971; Ord. 87983 § 8, 1959.)

Note: Federal law provides sailboats must forfeit right-of-way in confined waters.

16.20.130 Speed regulations—Watercraft and vessels.

Within the harbor limits of the city it shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of the following maximum limits:

A. Seven nautical miles per hour within one hundred yards of any shoreline, pier, restricted area or shore installation in Lake Washington easterly of Webster Point light and two hundred yards of any shoreline, pier, restricted area or shore installation in all other waters of the city;

B. Seven nautical miles per hour in Lake Union provided that the seven-knot speed limit shall not apply in a speed test area one hundred yards wide and four hundred yards long marked by buoys and bounded by the following coordinates:

Beginning at a point (existing northeast corner buoy) Latitude 47 degrees 38' 26.829"

North; Longitude 122 degrees 19' 53.430" west; thence on an azimuth (astronomic north is 0 degrees) of 180 degrees a distance of 100 yards; thence on an azimuth of 270 degrees a distance of 400 yards; thence on an azimuth of 0 degrees a distance of 100 yards; thence on an azimuth of 90 degrees a distance of 400 yards to the point of beginning.

except that in no event shall any watercraft or vessel(s) operate at a speed in excess of seven knots in said area prior to making a U-turn;

C. Four nautical miles per hour from the western end of the west guide pier of the Hiram M. Chittenden Locks of the Lake Washington Ship Canal to the eastern end of the east guide pier at said Locks; or

D. Three nautical miles per hour south of the outermost headlands of Andrews Bay (a line drawn due west from the north tangent of Bailey Peninsula).

If a location shall be within an area described by two subsections of this section, the lowest maximum speed shall control.

(Ord. 109227 § 1(part), 1980: Ord. 104583 § 1, 1975: Ord. 102301 § 1, 1973: Ord. 101866 § 1, 1973: Ord. 100171 § 5, 1971: Ord. 96875 § 1, 1968: Ord. 90653 § 2, 1961: Ord. 87983 § 7A, 1959.)

16.20.131 Speed regulations—Aircraft on the water.

Except for aircraft in the process of taking off or landing, it shall be unlawful for any person to operate any aircraft on the water or step-taxiing over the water in excess of seven nautical miles per hour within the jurisdiction of the city:

A. In Lake Union and Portage Bay except for an area one hundred yards wide and four hundred yards long marked by buoys and bounded by the following coordinates:

Beginning at a point (existing northeast corner buoy) Latitude 47 degrees 38' 26.829" North; Longitude 122 degrees 19' 53.430" West; thence on an azimuth (astronomic north is 0 degrees) of 180 degrees a distance of 100 yards; thence on an azimuth of 270 degrees a distance of 400 yards; thence on an azimuth of 0 degrees a distance of 100 yards; thence on an azimuth of 90 degrees a distance of 400 yards to the point of beginning;

B. Within one hundred yards of any shoreline, pier, restricted area or shore installation in Lake Washington easterly of Webster Point;

C. Within two hundred yards of any shoreline, pier, restricted area or shore installation in all other waters of the city; and

D. Within a designated anchorage or restricted area;

Provided, such speed limits shall not apply to aircraft during emergency conditions or on rescue operations where time is of the essence.

(Ord. 109227 § 1(part), 1980: Ord. 87983 § 7B, 1959.)

16.20.132 Speed regulations—Liability not affected.

Nothing in Sections 16.20.130 or 16.20.131 shall be construed as exempting any person from liability caused by wake action from operation of any watercraft, vessel or aircraft in the areas designated therein nor shall Sections 16.20.130 or 16.20.131 be construed as exempting any person from liability for negligent or reckless operation of any watercraft, vessel or aircraft.

(Ord. 109227 § 1(part), 1980: Ord. 87983 § 7C, 1959.)

Chapter 16.28

WATER SPORTS

Sections:

16.28.020 Skin diving or scuba diving permit—Areas required.

16.28.025 Skin diving or scuba diving permit—Issuance.

16.28.020 Skin diving or scuba diving permit—Areas required.

A. It shall be unlawful to engage in skin diving or scuba diving in the following areas of the harbor without a written permit issued by the Port Warden therefor:

1. To the east of a line from the northwest corner of Harbor Island to the westernmost corner of the U.S. Naval property located in Smith Cove, in the waters of the Lake Washington Ship Canal from the mid-channel buoy in Shilshole Bay to Webster Point light, including the waters of Lake Union and Portage Bay, all of the inner moorage area of the Port of Seattle moorings at Shilshole Bay and within three hundred feet of the perimeter of the United States National Oceanic and Atmospheric Administration facility at Sand Point; or

2. Within three hundred feet of any ferry slip, public boat ramp, patrolled public beach designated as a swimming area.

B. Anyone engaged in skin diving or scuba diving shall be accompanied by a watercraft or the area in which the diving occurs shall be marked by an adequately displayed diver's flag.

(Ord. 109555 § 1, 1980; Ord. 90653 § 6, 1961; Ord. 87983 § 22, 1959.)

16.28.025 Skin diving or scuba diving permit—Issuance.

A. The Port Warden may issue permits authorizing skin diving and scuba diving for commercial or instructional purposes in harbor areas where skin diving or scuba diving would otherwise be prohibited.

B. Permits may be issued for a particular occasion up to thirty days in duration or for a year. Every permit shall describe the activity authorized and its location; each permit may contain such other terms and conditions as the Port Warden deems to be in the public interest, including provisions for marking or lighting, for accommodating passage of vessels and watercraft, and for providing insurance or an indemnity in event of accident or injury. Diving permits shall be supplemental to waterway use permits when required by Chapter 16.60, and use permits for submerged street area when required by Ordinance 90047.¹

C. Except for emergencies to save life or prevent injury, no skin diving or scuba diving shall occur sooner than one-half hour before sunrise or later than one-half hour after sunset.

D. All diving permits shall be subject to revocation upon noncompliance with the terms or conditions of the permit or the Harbor Code,² and to immediate suspension whenever the activities conducted interfere with free and proper navigation within the harbor.

(Ord. 109555 § 2, 1980; Ord. 87983 § 76, 1959.)

1. Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

2. Editor's Note: The Harbor Code is codified in Title 16 of this Code.

Chapter 16.32

TOWING—OBSTRUCTIONS

Sections:

16.32.020 Removal of obstructing vessels.

16.32.020 Removal of obstructing vessels.

A. Other than as provided in Sections 16.40.010 and 16.60.020, or as authorized by the Superintendent of Parks and Recreation at a Park and Recreation Department facility, no master or person having charge of any vessel, watercraft or obstruction shall anchor the same in any anchorage or fairway nor make the same fast to any buoy, pier or other structure owned by or under the authority and control of the city without first obtaining a permit therefor from the city.

B. No master, owner or other person in charge of any towboat shall while towing any vessel, watercraft or obstruction obstruct any channel or fairway.

C. The Port Warden shall have the power to order the removal of:

1. Any vessel, watercraft or obstruction anchored in any anchorage or fairway or made fast to any buoy, pier or other structure owned by or under the authority and control of the city;

2. Any towboat and/or its tow obstructing navigation in any channel or fairway; and

3. Any vessel, watercraft or obstruction lying at any pier in the harbor which is obstructing any slip, fairway or other vessel or watercraft; and it is unlawful to fail, neglect or refuse to do so.

D. In the event any vessel, watercraft or obstruction identified in subsection C of this section is not removed as directed by a written order of the Port Warden within seventy-two hours, or such order of the Port Warden is not fully complied with in other respects, the Port Warden shall have the power to take immediate possession of and/or impound such vessel, watercraft or obstruction and remove the same, using such methods as in his judgment will prevent unnecessary damage to the vessel, watercraft or obstruction, and/or assign the removal and impounding of the vessel, watercraft or obstruction to a private person or

corporation.
 (Ord. 109227 § 3, 1980: Ord. 100171 § 7,
 1971: Ord. 87983 § 10, 1959.)

Chapter 16.36

IMPOUNDMENT

Sections:

- 16.36.010 Authority to impound.
- 16.36.020 Expenses.
- 16.36.030 Sale of impounded craft—
Collection of charges.
- 16.36.040 Impounding-in-place.
- 16.36.050 Liability.

16.36.010 Authority to impound.

The Port Warden may take immediate possession and/or impound and remove any vessel, watercraft, or obstruction, when:

A. The operator or master of the same reasonably appears incapable of safely operating the same or appears incapable of directing the disposition of the same;

B. The operator or master of the same refuses to sign a citation, or refuses or neglects to obey an order of the Port Warden to proceed from or to an area following a citation or in an emergency;

C. The operator or master operates a vessel, watercraft or obstruction in a negligent, reckless or other manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other watercraft and vessels, and the Port Warden believes such operation of the vessel, watercraft or obstruction would continue unless possession be taken of the same;

D. The vessel, watercraft or obstruction appears unsafe for water transportation; or

E. The vessel, watercraft or obstruction appears abandoned, or is anchored or moored in an anchorage, waterway or submerged street area after expiration, cancellation, or violation of a permit, or in violation of this title without a permit seventy-two hours after an order to remove the same has been given by the Port Warden as provided in Section 16.32.020 C or D; or

F. The vessel, watercraft or obstruction is obstructing a launch ramp area or public dock, or has remained at a facility under the jurisdiction of the Department of Parks and

Recreation for one hour longer than the maximum mooring or anchoring time; and remove the same, using such methods as in his judgment will prevent unnecessary damage to said vessel, watercraft or obstruction and/or assign the removal and impounding of the vessel, watercraft or obstruction to a private corporation.

(Ord. 109227 § 4(part), 1980: Ord. 100171 § 16(part), 1971: Ord. 87983 § 72(a), 1959.)

16.36.020 Expenses.

In the event possession is taken of any vessel, watercraft or obstruction as authorized in Section 16.36.010 or in Section 16.32.020 D, the expenses incurred by the Port Warden in the removal, towing, impounding, and moorage of the same shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. When a vessel, watercraft or obstruction is moored or impounded at a city facility, the Port Warden shall assess a reasonable moorage charge therefor, which shall be paid by such vessel, watercraft or obstruction or the owner or other person in charge thereof. The Port Warden may decline to release possession of any vessel, watercraft, or obstruction until all charges are paid.

(Ord. 109227 § 4(part), 1980: Ord. 100171 § 16(part), 1971: Ord. 87983 § 72(b), 1959.)

**16.36.030 Sale of impounded craft—
Collection of charges.**

In the event a vessel, watercraft or obstruction shall remain impounded for ninety days and the charges of towing and impounding remain unpaid, the Port Warden may sell the same at public auction. The city may maintain an action against the owner or person in charge of the vessel, watercraft or obstruction for the recovery of the expenses of towing and impounding, or the remaining balance thereof, in the event of sale of the same.

(Ord. 109227 § 4(part), 1980: Ord. 100171 § 16(part), 1971: Ord. 87983 § 72(c), 1959.)

16.36.040 Impounding-in-place.

When taking possession as authorized in Section 16.36.010 or in Section 16.32.020 D, the Port Warden may impound the vessel, watercraft or obstruction in place by posting the same with one or more signs or notices in conspicuous places stating "POLICE IMPOUND—KEEP OFF" and notifying the owner, master or person in

charge of the impounding. The Port Warden may in his discretion appoint as custodian the owner or master, the owner or operator of the facility or property where the vessel is moored or anchored. Upon the posting of such signs, it shall be unlawful for any person:

A. To move, load or unload, rebuild, or enter upon such vessel, watercraft, or obstruction without written permission from the Port Warden, other than for necessary maintenance and repair to prevent deterioration of the same or sinking;

B. To remove, mutilate, destroy or conceal any notice or sign posted by the Port Warden or the Director of Engineering pursuant to the provisions of this title.

(Ord. 109227 § 4(part), 1980; Ord. 100171 § 16(part), 1971; Ord. 87983 § 72(d), 1959.)

16.36.050 Liability.

The Port Warden shall not be held responsible for damages incurred as a result of impound of a vessel or watercraft so long as all reasonable and safe practices are employed in said operation.

(Ord. 109227 § 4(part), 1980; Ord. 100171 § 16(part), 1971; Ord. 87983 § 72(e), 1959.)

Chapter 16.44

RESTRICTED AREAS

Sections:

16.44.020 Restricted areas—Designation.

16.44.020 Restricted areas—Designation.

In the interests of safe navigation, life safety and the protection of property, motor-powered watercraft shall be prohibited on Haller Lake and Bitter Lake and the Port Warden shall also designate restricted areas and the purpose for which same shall be used. No person shall operate any vessel or watercraft within a restricted area; provided, that this section shall not apply to vessels or watercraft engaged in or accompanying the activity to which an area is restricted, nor to patrol or rescue craft or in the case of an emergency.

(Ord. 109228 § 1, 1980; Ord. 87983 § 20, 1959.)

Chapter 16.60

USE OF WATERWAYS—PERMITS

Sections:

16.60.030 Permits for use of waterways.

16.60.030 Permits for use of waterways.

E. Issuance. The Board of Public Works may issue a permit for the use and occupancy of a waterway with appropriate terms and conditions upon finding that the use and occupation sought is compatible with use of the waterway as public ways for watercraft and the convenience of commerce, is consistent with the city's land use planning in the immediate vicinity, and does not deprive adjacent properties of reasonable water access. The Board may waive compliance with the terms and conditions of this section with permit applications by the United States of America and its agencies, by the state and by municipal corporations, and in the case of an application for moorage of a vessel listed upon the national historic register maintained by the United States, with the bond requirements in subsection G of this section.

Among other terms and conditions, the Board may, but need not require that the vessel or watercraft connect its plumbing system to the nearest available city sanitary sewers; that the vessel or watercraft permit the anchorage or fastening of vessels or watercraft alongside and access thereto; or that the vessel or watercraft be removed as soon as privately-owned or privately-controlled moorage space becomes available. The applicant shall comply with the terms and conditions of the permit, shall pay the fees prescribed in advance of each month, and shall cease the use and occupancy of the waterway on expiration of the permit, unless an additional permit be issued.

(Ord. 109250 § 1, 1980; Ord. 101820 § 1, 1973; Ord. 100171 § 12, 1971; Ord. 87983 § 68, 1959.)