

ORDINANCE NO 2007-01

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to mooring vessels at the city's docks or on the city's linear moorage facilities, and amending sections 12.24.010, 12.24.020, 12.24.030, 12.24.040, 12.24.050, 12.24.100, 12.24.120 of the Bainbridge Island Municipal Code.

WHEREAS, the City Council is authorized to modify the City code in accordance with Washington State laws;

WHEREAS, the City, in the exercise of its police power, assumes power and jurisdiction over all waters, within its limits, as authorized by statute;

WHEREAS, the City Council is responding to widely expressed sentiments from Bainbridge citizens that, prior to the implementation of the approved Anchoring and Mooring Plan, management of our harbors must be brought into conformance with the operational tenets of the adopted Anchoring and Mooring Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN, as follows:

Section 1. The title of this chapter is hereby amended to read, "Waterfront Park and Other City Harbors."

Section 2. The definition of "City boat dock", section 12.24.010.C, is hereby amended as follows:

C. "City boat dock" means any public city dock located in the waters of the City of Bainbridge Island.

Section 3. Section 12.24.020 of the Bainbridge Island Municipal Code is amended as follows:

12.24.020 Applicability.

The provisions of this chapter shall be applicable to all vessels and watercraft in the harbors of the city.

Section 4. Section 12.24.030 of the Bainbridge Island Municipal Code is amended as follows:

12.24.030 Authorization.

The city, in the exercise of its police power, assumes control and jurisdiction over waters within the city's harbors.

Section 3. Section 12.24.040 of the Bainbridge Island Municipal Code is amended as follows:

A. Sunken vessels or watercraft shall be public nuisances. The owner of any sunken vessel or watercraft shall raise and remove the sunken vessel or watercraft within a reasonable

time after the sinking of the vessel or watercraft. The time in which an owner shall have to remove the sunken vessel or watercraft shall be determined by the city, based on the circumstances surrounding the removal, including, but not limited to, weather, the difficulty of removal and the degree of the public nuisance. Failure to raise and remove a sunken vessel or watercraft within the time required by the city shall be a civil infraction. If the owner fails to remove the sunken vessel or watercraft, or if the owner cannot be ascertained, the city may remove the vessel or watercraft and dispose of the vessel or watercraft and its contents in accordance with Chapter 6.32 RCW.

B. Any vessel or watercraft dragging its anchor or mooring in such a manner as to impede navigation or endanger other vessels or improvements shall be considered a nuisance. If the owner fails to secure the dragging vessel or watercraft, or if the owner cannot be ascertained, the city may remove the vessel or watercraft and dispose of the vessel or watercraft and its contents in accordance with Chapter 6.32. RCW.

C. Abandoned floats, buoys, and all other structures used for the purpose of anchoring or mooring vessels or watercraft of any kind shall constitute public nuisances. For the purpose of this section a float or buoy is "abandoned" if it is not registered with the Department of Natural Resources and has not been used for more than 30 consecutive days. Any person causing or permitting such nuisances to be placed in the waters within the city's jurisdiction shall be deemed to have committed a civil infraction and shall immediately remove such nuisances. If the person or person causing or permitting such nuisances cannot be ascertained or located, the city may remove, or cause to be removed, the nuisances. The methods for disposing of the abandoned floats or buoys shall be governed by the provisions of Chapter 6.32 RCW.

D. Except as permitted by BIMC 12.24.115, any vessel or watercraft that is left unattended in the Waterfront Park harbor, whether at a city boat dock, linear moorage, or otherwise, for a period exceeding 48 hours shall constitute a public nuisance and the owner of such vessel or watercraft shall be deemed to have committed a civil infraction. The city may remove or cause to be removed these nuisances as provided in BIMC 12.24.050.

Section 4. Section 12.24.050 of the Bainbridge Island Municipal Code is hereby amended to read:

12.24.050 Moored or anchored vessels or watercraft.

A. Excepted as permitted by BIMC 12.24.115, vessels or watercraft shall not be moored, anchored, or left unattended in waters within the Waterfront park harbor for a period exceeding 48 hours. Vessels or watercraft moored or left unattended in the park harbor in violation of this section shall be subject to the impound rules and regulations contained in Chapter 12.40 BIMC.

B. No person shall moor or tie a vessel or watercraft to the city boat docks or the city linear moorage for more than 48 hours at a time, nor for more than 48 hours within any seven-day period.

Section 5. Section 12.24.110 of the Bainbridge Island Municipal Code is amended as follows:

12.24.110 Use of dinghies.

A. No person shall moor or tie a dinghy at the city boat docks or city linear moorage or in the Waterfront Park harbor except in the areas designated for same. Dinghies may be rafted three deep in such designated areas.

B. No dinghy shall be moored or tied by any person so as to block the boat launch ramp, except for immediate loading or unloading.

C. Dinghies shall not be required to register as provided for herein, unless for purposes of a special event.

D. No dinghy shall be left unattended at city boat docks or city linear moorage between the hours of 12:30 a.m. and 5:30 a.m. unless registered for overnight moorage or allowed pursuant to a city moorage agreement.

E. Any dinghy moored or tied contrary to the provisions of this chapter or of any posted signs shall constitute a nuisance.

F. Dinghies moored, tied, or left unattended in the park harbor or at the city boat docks or city linear moorage in violation of this section shall be removed and impounded in accordance with the procedures for impounding vessels and watercraft in BIMC 12.40 to the extent applicable; provided that the notice requirements shall not apply to the removal and impound of dinghies violating subsections B or D of this section if signs notifying the public of the requirements of this section have been posted in a conspicuous place or places on or near the docks.

Section 6. Section 12.24.120.A of the Bainbridge Island Municipal Code is hereby amended as follows:

A. Any person committing overtime parking or illegal parking under BIMC 12.24.040, 12.24.100 or 12.24.110 shall be guilty of a civil infraction and shall be fined in an amount not to exceed \$100.00.

Section 7. This ordinance shall take effect on and be in force five days from and after its passage, approval, and publication as required by law.

PASSED by the City Council this 28th day of February 2007.

APPROVED by the Mayor this 1st of March 2007.


Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:


Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	December 6, 2006
PASSED BY THE CITY COUNCIL:	February 28, 2007
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