

ORDINANCE 2007-34

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the City's mooring regulations; amending Sections 12.24.040, 12.24.050, 12.24.110, 12.24.115 and 12.40.080 of the Bainbridge Island Municipal Code; and adding a new Section 12.24.125 of the Bainbridge Island Municipal Code.

WHEREAS, the City Council has determined that certain changes to the City's harbors and mooring regulations are in the best interest of the City; now therefore

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 12.24.040 of the Bainbridge Island Municipal Code is amended to read as follows:

12.24.040 Nuisances designated – Removal required.

A. Sunken vessels or watercraft shall be public nuisances. The owner or operator of any sunken vessel or watercraft in city waters shall immediately notify 911 as to the location of the sinking, the vessel description, owner identification, pollutants and fuels on board, debris or slicks observed and any other pertinent information that emergency responders may require. The owner or operator of any sunken vessel or watercraft shall raise and remove the sunken vessel or watercraft and all pieces or debris thereof, whether on the bottom or on adjacent shorelines, within a reasonable time 72 hours 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~~ unless circumstances ~~surrounding~~ pertaining to the removal, including, but not limited to, weather, the difficulty of removal or other factors give cause to the city to extend the time allowed and the degree of the public nuisance. Such a time extension must be negotiated with the city harbormaster within the first 72 hours of the vessel sinking. Failure to raise and remove a sunken vessel or watercraft and associated debris within the time required by the city shall be a civil infraction. If the owner fails to remove the sunken vessel or watercraft within the allotted timeframe, ~~or if the owner cannot be ascertained,~~ the city may will, with expenses accrued to and becoming the responsibility of the owner, remove the vessel or watercraft and dispose of the vessel or watercraft and its contents in accordance with the Bainbridge Island Municipal Code and applicable state law. Chapter 6.32 RCW.

B. Any vessel or watercraft intentionally placed, accidentally or purposely set adrift by any person or is dragging its anchor or mooring in such a manner as to impede navigation, block access to marinas, anchorage areas or launch ramps or endanger people, property, other vessels or other fixed improvements or foundering or aground on any shoreline, reef or outcropping 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 will, with expenses accrued to and becoming the responsibility of the owner, remove the vessel or watercraft and dispose of the vessel or watercraft and its contents in accordance with the Bainbridge Island Municipal Code and applicable state law 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 the owner or user of said float or buoy fails to obtain all required permits from the City and all required licenses from the State of Washington within thirty days following the posting of a notice on the float or buoy setting forth the requirements of this section and other applicable local, state and federal regulations 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 owner or user fails to comply with this section, the city will, with expenses accrued to and becoming the responsibility of the owner, remove the nuisance items and dispose of them. ~~If the person or persons 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 the Bainbridge Island Municipal Code and applicable state law Chapter 6.32 RCW.

D. ~~Except as permitted by BIMC 12.24.115, a~~ Any vessel or watercraft that is left unattended in the Waterfront Park harbor, tied or affixed to a city owned or operated facility whether at a city boat dock, linear moorage, a mooring buoy, a shoreline or other such facilities without first obtaining written authorization from the city harbormaster 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 with expenses accrued to and becoming the responsibility of the owner, as provided in the Bainbridge Island Municipal Code and applicable state law BIMC 12.24.050.

Section 2. Section 12.24.050 of the Bainbridge Island Municipal Code is amended to read as follows:

12.24.050 Moored or anchored vessels or watercraft

A. Except as permitted by BIMC 12.24.115, no vessels or watercraft shall anchor or moor in city waters within the same 5-mile radius for more than 30 days, cumulative or consecutive, within any 365 day period; provided, that this section shall not apply to vessels or watercraft which are berthed in private marinas or on legally permitted mooring buoys, 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. Owners of vessels or watercraft anchored or moored for more than 30 days in city designated anchorage areas as provided for in BIMC 12.24.115 are required to:~~

~~1. Sign and accept the provisions of a city moorage agreement and pay a moorage fee as established by resolution;~~

~~2. Provide the city with proof of current vessel insurance with the City of Bainbridge Island named as co-insured;~~

~~3. Provide the city with proof that the vessel has passed the United States Coast Guard safety check and marine sanitation device inspection within the previous 365 day period; and~~

~~4. Provide the city with proof that the vessel complies with state vessel registration laws;~~

~~C. Moorage of vessels or watercraft for more than 30 days in city designated anchorage areas as provided for in BIMC 12.24.115 shall be subject to the following provisions as well as other regulations established by city resolution, state regulations and leases, other applicable provisions of the Bainbridge Island Municipal Code and city mooring agreements;~~

~~1. Use of the mooring is limited to one primary vessel or watercraft, no rafts or rafting with other vessels is permitted. Moored vessels, including attached or trailing dinghies shall not exceed 60 feet in overall length;~~

~~2. Floats, floating containers or other over water structures tied to a mooring or a moored vessel are prohibited;~~

~~3. Date current state vessel registration tags shall be properly affixed to the hull and clearly visible; and~~

~~4. Individuals are limited in aggregate to one mooring and one moored vessel in all city designated mooring areas combined.~~

D. No person shall moor or tie a vessel or watercraft greater than 16 feet in length to the city boat dock, city buoys designated for transient use or the city linear moorage for more than 48 hours at a time, nor for more than 48 hours or for more than 4 accumulated days within any 30 day seven-day period without first obtaining written authorization from the city harbormaster.

Each person who shall moor or tie up a separate vessel or watercraft to the city boat dock or the city linear moorage or a mooring buoy intended for transient use for more than two hours shall immediately complete and sign a registration form made available by the city at the launch ramp kiosk in Waterfront Park, city boat dock, and shall affix the payment stub to the vessel in a clearly visible manner, and deposit the payment same along with the required fee established by resolution in the lock box located at the launch ramp kiosk in Waterfront Park; provided, that this section shall not apply to dinghies and other small vessels which are tied up in accordance with BIMC 12.24.110 provided. It is unlawful to moor or tie up to the city boat dock or linear moorage without complying with this provision, and failure to do so while moored or tied up to the city boat dock or linear moorage shall be prima facie evidence of having moored or tied up to the city boat dock or lineal moorage or other city owned or managed facilities in violation of this chapter.

It is unlawful to moor or tie up any vessel or watercraft to the city boat dock or city linear moorage:

1. For purposes of vessel or watercraft construction, modification or maintenance; provided, that this section shall not apply to vessels or watercraft undergoing emergency repairs;
2. For purposes of sale of a vessel or watercraft, or conducting sales therefrom;
3. Without first protecting the city boat dock or linear moorage from damage or wear and tear with adequate fenders or bumpers;
4. If the vessel or watercraft, trailer or vehicle blocks use of the public boat ramp at Waterfront Park, except during the immediate launching or loading removal of the vessel or watercraft;

5. For purposes or in connection with a business or commercial venture or if it is a commercial or business craft, including the delivery, launch or loading of rental watercraft at a boat ramp, without a special use permit;
6. If such vessel or watercraft exceeds 70 feet in length at the longest point, without a special use permit;
7. If such vessel or watercraft is a houseboat or barge;
8. By rafting more than two boats deep without a special use permit.

E. Vessels or watercraft moored or tied up in violation of this section shall be subject to towing and impoundment under Chapter 12.40 BIMC and/or other applicable state law, with expenses accrued to and becoming the responsibility of the owner. All vessels and watercraft shall compliance with all applicable federal, state and local statutes, regulations and ordinances.

Section 3. Section 12.24.110 of the Bainbridge Island Municipal Code is amended to read as follows:

12.24.110 Use of dinghies and other small watercraft.

A. No person shall ~~moor or tie or place~~ a dinghy or other small watercraft defined as a vessel not exceeding 16 feet in length at or on the city owned or managed facilities, including but not limited to, boat docks, mooring buoys, the linear moorage or in any portion of or city linear moorage or in the Waterfront Park or its harbor or shoreline harbor except in the areas designated by signage for same. Dinghies may be rafted three deep in such designated areas. Dinghies and other small watercraft placed on or tied up to these facilities but not otherwise confined to the designed dinghy areas are subject to BIMC 12.24.050.

B. No dinghy shall be ~~moored or tied~~ by any person so as to block the boat launch ramp, to any point along the west side of the city dock except for immediate loading or unloading of the dinghy at the launch ramp.

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

~~D. C.~~ No dinghy shall be left unattended at the tied to city owned or managed boat docks or city linear moorage between the hours of 12:30 a.m. and 5:30 a.m. unless registered and payment is made for overnight moorage; or allowed pursuant provided, that this section shall not apply pursuant to terms contained in to a city moorage agreement.

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

~~F. E. Vessels or watercraft moored or anchored over 30 days in city designated anchorage areas as provided for in BIMC 12.24.115 shall have no more than two dinghies defined as vessels under 16 feet in length. Boats over 16 feet and tied up to a long term moored vessel do not fall within the definition of "dinghy" as defined herein and will be in violation of BIMC 12.24.050 subsection C.~~

F. Dinghies moored, tied, placed or otherwise left unattended in the park harbor or at the city owned or managed 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 Chapter 12.40 BIMC and/or other applicable law, with expenses accrued to and becoming the responsibility of the owner, to the extent applicable; provided, that the notice owner notification requirements shall not apply to the removal and impound of dinghies violating subsections B or ~~D~~ C 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 4. Section 12.24.115 of the Bainbridge Island Municipal Code is amended to read as follows:

~~12.24.115 Unattended vessels or watercraft~~ Moorings and Designated Mooring Areas.

~~The city, in its discretion, may designate a specific area within Eagle Harbor for the anchoring or mooring of vessels or watercraft to be left unattended in city waters for more than 30 days. Upon such designation, vessels or watercraft to be left unattended for more than 30 days shall be permitted to anchor in the designated area only, and shall be subject to the anchorage or mooring fees as established by resolution; provided, that this section shall not apply to vessels or watercraft which are properly moored or anchored in private marinas.~~

A. It is unlawful to install or have installed mooring systems, including but not limited to, anchors, buoys and associated ground tackle, anywhere in the jurisdictional waters of Bainbridge Island without first acquiring all applicable city, state and federal permits associated with such activity. It is equally unlawful for a contractor, diving service or hired individual to install mooring systems without having acquired such permits and having on hand copies of applicable permits as provided to them by their clients. Mooring buoys found to be installed illegally shall be removed by their owners and are subject to impoundment and removal by the city if not removed within 45 days after receiving written notice from the city demanding removal of the buoy.

~~B. The city has designated a specific area within Eagle Harbor for the purpose of anchoring or mooring of vessels or watercraft in Eagle Harbor waters for more than 30 days. Vessels or watercraft left in Eagle Harbor for more than 30 days shall be required to anchor or moor in this designated area only, and shall be subject to mooring fees, policies established by city resolution, and all applicable provisions of the Bainbridge Island Municipal Code, state regulations, leases and city mooring agreements; provided, that this section shall not apply to vessels or watercraft which are berthed in private marinas or on legally permitted mooring buoys. All un-permitted mooring buoys and the vessels tied to them located outside of the designated anchoring area in Eagle Harbor are subject to impoundment and shall be removed by the city.~~

~~C. The city, in its discretion, may designate other specific areas in city waters for purposes of providing additional extended moorage and anchorage opportunities. Establishment and use of such designated areas shall be subject to mooring fees, policies established by city resolution, and all applicable provisions of the Bainbridge Island Municipal Code, state regulations, leases and city mooring agreements; provided, that this section shall not apply to vessels or watercraft which are berthed in private marinas or on legally permitted mooring buoys.~~

Section 5. A new Section 12.24.125 is added to the Bainbridge Island Municipal Code as follows:

12.24.125 Trash Aboard Vessels Prohibited.

It shall be unlawful for any vessel to store or contain any junk, trash, garbage, refuse, ballast or other waste of any kind on decks or other exposed surfaces that creates a threat of entering the waters of the city.

~~Section 6.~~ ~~Section 12.40.080 of the Bainbridge Island Municipal Code is amended to read as follows:~~

~~12.40.080 Resident anchor out live aboard vessels.~~

~~(A through H unchanged)~~

~~I. No more than one access float and two dinghies or skiffs less than 16 feet in length per live aboard vessel shall be permitted. Ownership of the dinghies and skiffs shall be clearly identified; unidentified dinghies and skiffs shall be impounded. The total surface water coverage maximum overall length for a live aboard vessel is 60 feet.~~

~~(J through end of section unchanged)~~

Section 7. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council this ____ day of _____, 2007.

APPROVED by the Mayor this ____ day of _____, 2007.

Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

September 19, 2007