

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 312

AN ORDINANCE relating to the waters within the jurisdiction of the City of Bellevue; declaring certain things to be nuisances and authorizing the abatement thereof; defining offenses; and providing penalties.

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS:

For the purpose of this ordinance, the term "waters" shall apply to all bays, lakes and streams, or portions thereof, within the limits of the City of Bellevue or within the jurisdiction of the City as provided by state law.

Section 2. DUTIES:

It shall be the duty of the Bellevue Police Department:

1. To enforce the ordinances and regulations of the City upon such waters.
2. To investigate and report upon accidents occurring upon such waters.

Section 3. UNLAWFUL OPERATION:

It shall be unlawful for any person to operate any watercraft upon such waters in a manner so as to endanger or be likely to endanger any person or property, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead.

Section 4. SPEED REGULATIONS:

It shall be unlawful (1) to operate any boat upon such waters within 300 feet of the shore at a speed in excess of six miles per hour; or (2) to enter an area marked for swimmers or approach within 50 feet of where a person is known to be swimming, or approach any row boat, canoe or swimming raft, except for justifiable cause or in case of emergency; or (3) to operate any watercraft in the waters of Mercer Slough at a speed in excess of six miles per hour.

Section 5. INTERFERENCE WITH NAVIGATION:

No person shall operate any watercraft or vessel in a manner which shall unreasonably or unnecessarily interfere with other watercraft or vessels or with the free and proper navigation of such waters.

**Section 6. INTOXICATION:**

(a) It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in actual physical control of any vessel or watercraft.

(b) It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to knowingly authorize or permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.

**Section 7. INCAPACITY OF OPERATOR:**

It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to knowingly authorize or permit the same to be operated by any person who by reason of physical or mental disability is incapable of safely operating such vessel or watercraft under the prevailing circumstances.

**Section 8. ACCIDENTS:**

The operator of any watercraft involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such watercraft at the scene of such accident and shall give his name, address, the name and/or number of his watercraft, and the name and address of the owner, to the person struck or the operator or occupants of the vessel or watercraft collided with or property damaged, and shall render to any person injured in such an accident reasonable assistance.

**Section 9. ACCIDENT REPORTS:**

The master, owner or operator of any watercraft shall file a report within 48 hours with the Bellevue Police Department of any accident involving death or personal injury requiring medical treatment or property damage in excess of \$200.00 in which such watercraft shall have been involved upon such waters.

**Section 10. REPORTS CONFIDENTIAL. INADMISSIBLE AS EVIDENCE.**

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the Bellevue Police Department, City Attorney, or other peace and enforcement officer as provided herein, except that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving

accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Bellevue Police Department, solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.

**Section 11. OVERLOADING:**

No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity nor carry passengers in an unsafe manner taking into consideration weather and other existing operating conditions.

**Section 12. WATER SKIING:**

(a) No watercraft which shall have in tow or shall be otherwise assisting a person on water skis, aqua-plane, surf-board or similar contrivance shall be operated or propelled upon such waters unless such watercraft shall be occupied by at least two competent persons.

(b) No watercraft shall have in tow or shall otherwise be assisting a person on water skis, aqua-plane, surf-board or similar contrivance from sunset to sunrise.

(c) All watercraft having in tow or otherwise assisting a person on water skis, aqua-plane, surf-board or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

**Section 13. RULES OF THE ROAD:**

Except as herein otherwise specified, vessels or watercraft shall be subject to the "Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico" (C. F. 236479), promulgated by the United States Coast Guard, pursuant to act of Congress, as such rules are now or may hereafter from time to time be adopted.

**Section 14. NUISANCES:**

Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be public nuisances and it shall be unlawful for any person to throw or place in, or cause or permit to be thrown or placed any of the above named articles or substances upon such waters, or upon the shores thereof or in such position that the same may or can be washed into such waters, either

by high tides, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Bellevue Police Department and the expenses thereof shall be paid by and recoverable from the person creating said nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder.

**Section 15. ENFORCEMENT:**

The Bellevue Police Department is hereby charged with the enforcement of the provisions of this ordinance. It shall be the duty of the Bellevue Police Department to make complaints for any violation of the same, or any part hereof, in the name of the City; Provided, That this provision shall not operate to preclude the making of such complaint by any other person legally authorized so to do.

**Section 16. RELEASE FROM ARREST ON NOTICE TO APPEAR:**

Whenever any person is arrested for any violation of this Ordinance 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, he may be taken into the custody of such arresting officer and so remain or be placed in confinement.

**Section 17. AIDING AND ABETTING VIOLATION:**

It is unlawful to counsel, aid, or abet the violation of, or failure to comply with any of the provisions of this ordinance.

**Section 18. PENALTY:**

Any person who shall violate or fail to comply with any provision of this ordinance, or any lawful order or direction of the Bellevue Police Department or any person or officer charged with the enforcement hereof, shall, on conviction thereof, be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00), or by imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

**Section 19.** This Ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council on this 11 day of August, 1959, and signed in authentication of its passage this 11th day of August, 1959.

*Kenneth H. Cole*  
Mayor

Approved as to Form:

*Walter P. ...*  
City Attorney

(SEAL)

Attest:

*Dep.* *Hazel G. Humphreys*  
City Clerk

FILED  
CITY OF BELLEVUE  
DATE Aug 12 1959  
*Dep.* CITY CLERK *Hazel G. Humphreys*

Published Aug 20 1959