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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5956

AN ORDINANCE updating the Bellevue Harbor Code and addressing recreational boating safety and vessel registration; repealing sections 12.04.060, 12.04.070, 12.04.130, and 12.04.240; adopting a new Chapter 12.02; amending sections 12.04.010, 12.04.020, 12.04.080, 12.04.090, 12.04.100, 12.04.110, 12.04.120, 12.04.160, 12.04.190, 12.04.220, 12.04.230, 12.04.235, 12.04.270, 12.04.310, 12.04.320, 12.04.330, 12.04.340, 12.04.350, 12.04.360, 12.04.390, 12.04.400, 12.04.410 and 12.04.440 and establishing an effective date.

WHEREAS, the state legislature has enacted comprehensive legislation regarding boater safety and decriminalizing certain criminal violations on the waters of the state; and

WHEREAS, the City has contracted with the Mercer Island Police Department and the King County Sheriff's Office for enforcement services in the waters within the jurisdiction of the City; and

WHEREAS, the City desires to revise and update its Harbor Code to by adopting by reference certain sections of the Revised Code of Washington and amending certain other existing sections to make technical corrections and update internal references, to promote safe boating in Bellevue's waters and to promote clarity for the boating public and enforcement services with respect to boating regulations applicable to Bellevue waters;

WHEREAS, this ordinance will protect the health, safety, and welfare of the boating public and the citizens of Bellevue;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. **Repeal.** The following code sections codified in chapter 12.04 of the Bellevue City Code are hereby repealed: 12.04.060; 12.04.070; 12.04.130; 12.04.240.

Section 2. **Adoption by Reference.** There is hereby added to the Bellevue City Code new chapter in Title 12, entitled "Statutes Adopted by Reference", which may be cited as Bellevue Harbor Code chapter 12.02 and will be set forth as follows:

HARBOR CODE

Chapter 12.02

12.02.010 Statutes adopted by reference. The following statutes of the state of Washington, including those statutes, rules and/or regulations referenced within them, as presently constituted or hereafter amended or re-codified, are hereby adopted by reference and shall be given the same force and effect as if fully set forth herein:

RCW 7.80.120	Monetary Penalties – Restitution.
RCW 7.84.100	Monetary Penalties.
RCW 79A.60.010	Definitions.
RCW 79A.60.020	Violations of chapter punishable as misdemeanor – Circumstances – Violations designated as civil infractions.
RCW 79A.60.030	Operation of vessel in a negligent manner – Penalty.
RCW 79A.60.040	Operation of vessel in a reckless manner – Operation of a vessel under the influence of intoxicating liquor – Penalty.
RCW 79A.60.080	Failure to stop for law enforcement vessel.
RCW 79A.60.100	Enforcement – Chapter to supplement federal law.
RCW 79A.60.110	Equipment standards – Rules – Penalty.
RCW 79A.60.120	Tampering with vessel lights or signals – Exhibiting false lights or signals – Penalty.
RCW 79A.60.130	Muffler or underwater exhaust system required – Exemptions – Enforcement – Penalty.
RCW 79A.60.140	Personal flotation devices – Inspection and approval – Rules.
RCW 79A.60.150	Failure of vessel to contain required equipment – Liability of operator or owner – Penalty.
RCW 79A.60.160	Personal flotation devices required – Penalty.
RCW 79A.60.170	Waterskiing safety – Requirements, except that provision (5) thereof is not adopted.
RCW 79A.60.180	Loading or powering vessel beyond safe operating ability – Penalties.
RCW 79A.60.190	Operation of personal watercraft – Prohibited activities – Penalties. RCW 79A.60.200 Duty of operator involved in collision, accident, or other casualty – Immunity from liability of persons rendering assistance – Penalties.
RCW 79A.60.640	Requirements to operate motor driven boats/vessels-- Exemptions--Penalty.
RCW 79A60.660	Operating motor driven boat or vessel for teak surfing, platform dragging, bodysurfing -- Prohibition -- Exceptions -- Penalty.
RCW 88.02.010	Definitions.
RCW 88.02.020	Registration and display of registration number and decal prerequisite to ownership or operation of vessel – Exceptions.
RCW 88.02.023	Vessel dealer display decals – Use.
RCW 88.02.025	Registration of vessels numbered under the federal boat safety act.
RCW 88.02.030	Exceptions from vessel registration.

- RCW 88.02.040 Issuance of registrations – Agents – Deposit of fees in general fund – Allocation for boating safety and education and law enforcement.
- RCW 88.02.045 Allocation of funds under RCW 88.02.040 to counties – Deposit to account for boating safety programs.
- RCW 88.02.050 Application – Registration fee and excise tax – Registration number and decal – Registration periods – Renewals – Marine oil refuse dump and holding tank information – Transfer of registrations.
- RCW 88.02.070 Certificates of title.
- RCW 88.02.090 Inspection of registration – Violation of chapter.
- RCW 88.02.110 Penalties – Disposition of moneys collected – Enforcement authority.
- RCW 88.02.115 Additional penalties for unauthorized or personal use of dealer display decals.
- RCW 88.02.118 Evasive registration – Penalty.

Section 3. **New Section.** A new section, Bellevue City Code 12.04.085 is hereby adopted to read as follows:

12.04.085 Creating a wake prohibited. It is unlawful for any watercraft to create a wake within 100 yards of any shoreline or bridge, or shore installation, except as provided in BCC 12.04.230.

Section 4. **New Section.** A new section, Bellevue City Code 12.04.355 is hereby adopted to read as follows:

12.04.355 Impound. Whenever it appears reasonably necessary to protect property or the safety of persons, an arresting officer may impound a watercraft or vessel when it cannot be otherwise secured or released. The arresting officer, in lieu of impound may release the watercraft to a person who, in the officer's opinion, can safely operate the watercraft or vessel or secure said watercraft or vessel to a moorage facility when same has been approved for such purpose. The owner or operator of the watercraft or vessel must sign a waiver of impound to allow the arresting officer an option other than impounding the watercraft or vessel.

Section 5. **Amendment.** Bellevue City Code 12.04.010, Harbor Defined, is hereby amended to read as follows:

12.04.010 Authorization – Harbor defined. The city of Bellevue, also referred to in this title as the "city", in the exercise of its police power, assumes control and jurisdiction over all waters within its limits, and such waters shall, for the purpose of this chapter, be known as the "harbor."

Section 6. **Amendment.** Bellevue City Code 12.04.020, Definitions, is hereby amended to read as follows:

12.04.020 Definitions. For the purpose of this chapter:

- A. "Anchorage" means a designated position where vessels or watercraft may anchor or moor.
- B. "Aquatic event" means any organized water event of limited duration which is duly sanctioned at least seven days in advance by duly constituted authority and which is conducted according to a prearranged schedule and in which general public interest is manifested.
- C. "Authorized emergency vessel" means any authorized patrol vessel or watercraft of the Bellevue police department, fire department, King County sheriff's department, the United States government, and the state of Washington or its political subdivisions, or of any other duly authorized agency of any city, acting alone or in concert with other municipalities.
- D. "Boater" means any person on a vessel on waters of the city of Bellevue.
- E. "Darkness" means that period between sunset and sunrise.
- F. "Diver's flag" means a red flag five units of measurement on the hoist by six units of measurement on the fly with a white stripe of one unit crossing the red diagonally, the flag to have a stiffener to make it stand out from the pole or mast. This flag shall only pertain to skin and scuba (self-contained underwater breathing apparatus) diving and shall supplement any nationally recognized diver's flag or marking.
- G. "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.
- H. "Fairway" means that channel or portion of the harbor customarily navigated by vessels or watercraft.
- I. Law enforcement includes the Bellevue chief of police and any of her or his authorized officers or the authorized personnel of the governments of the United States, the state of Washington or its political subdivisions, by virtue of their election or appointment, or any other duly authorized agency of the city, acting alone or in concert with other municipalities.
- J. "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.
- K. "Master" means the captain, skipper, pilot or any person having charge of any vessel or watercraft.
- L. "Motor-driven boats and vessels" means all boats and vessels which are self propelled.
- M. "Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.
- N. "Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.
- O. "Observer" means the individual riding in a vessel who is responsible for observing a water skier at all times.
- P. "Obstruction" means any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation, or which cannot comply with the "Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico."

- Q. "Oil" means any oil or liquid, whether of animal, vegetable or mineral origin, or a mixture, compound or distillation thereof.
- R. "Owner" means the person who has lawful possession of a vessel or watercraft or obstruction by virtue of legal title or equitable interest therein which entitles him to such possession.
- S. "Personal flotation device" means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the United States Coast Guard.
- T. "Personal watercraft" means a vessel of less than 16 feet 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.
- U. "Pier" means any pier, wharf, dock, float, gridiron or other structure to promote the convenient loading or unloading or other discharge of vessels or watercraft, or the repair thereof.
- V. "Polluted area" means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.
- W. "Reckless" or "recklessly" means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.
- X. "Restricted area" means an area that is closed to all traffic therein when properly marked and designated for certain purposes such as swimming, skin diving, ferry landings, aquatic and other special events. The method of markings and designation shall have been specified by the city.
- Y. "Skin diving" means any free swimming person and/or any person who uses an artificial or mechanical means to replace the person's air, including self-contained underwater breathing apparatus, snorkel tube equipment and free diving gear, but shall not mean swimmers using patrolled public beaches designated as swimming areas.
- Z. "Towboat" means any vessel or watercraft engaged in towing or pushing another vessel or watercraft.
- AA. "Vessel" means every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on water. However it does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers.
- BB. "Wake" means the visible trail of turbulence which produces whitewater at the bow and/or stem of a watercraft moving through the water.
- CC. "Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

Section 7. **Amendment.** Bellevue City Code 12.04.080, Speed Regulations, is hereby amended to read as follows:

12.04.080 Speed regulations.

- A. It is unlawful for any person to operate any watercraft or vessel at a speed in excess of seven nautical miles per hour within 100 yards of any pier, dock or shoreline or within any restricted area, except as provided in BCC 12.04.230.

B. The operation of a vessel with a designed planing hull while being operated on a plane shall be prima facie evidence of speed in excess of seven miles per hour.

Section 8. **Amendment.** Bellevue City Code 12.04.090, Interference with navigation, is hereby amended to read as follows:

12.04.090 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 the waterways of the city. For the purpose of this section, unreasonable or unnecessary interference means, anchoring or mooring under bridges or in heavily traveled channels; operating any watercraft in such a manner as to unjustifiably or unnecessarily annoy, frighten or endanger the occupants of any other watercraft; or throwing up a wake when approaching another watercraft or other property in or adjacent to the harbor if unreasonable under the prevailing circumstances.

Section 9. **Amendment.** Bellevue City Code 12.04.100, Obstructions, is hereby amended to read as follows:

12.04.100 Obstructions.

- A. Anchorage. 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 obtaining permission therefore from the city.
- B. Towboats. 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. Orders Authorized. Law enforcement shall have the power to order:
1. Any vessel or 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; to be removed, and it is unlawful to fail, neglect or refuse to do so.

Section 10. **Amendment.** Bellevue City Code 12.04.110, Sunken vessels, is hereby amended to read as follows:

12.04.110 Sunken vessels. When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, the city may order the same immediately removed and if the owner or other person in charge thereof, after being so ordered, does not proceed immediately with such removal, the city may take immediate possession thereof and remove the same, using such methods as in her or his judgment will prevent unnecessary damage to such vessel or watercraft, or obstruction. The expense incurred by such removal shall be paid by such vessel or

watercraft or obstruction or the owner or other person in charge thereof; and in case of failure to pay the same, the city may maintain an action for the recovery thereof.

Section 11. **Amendment.** Bellevue City Code 12.04.120, Floating objects, is hereby amended to read as follows:

12.04.120 Floating objects. All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift may be taken in charge by the city and shall be subject to reclamation by the owner thereof, on payment by him to the city of any expenses incurred by the city, and in case of failure to reclaim may be sold or disposed of according to law.

Section 12. **Amendment.** Bellevue City Code 12.04.160, Reports confidential, inadmissibility as evidence, is hereby amended to read as follows:

12.04.160 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 or property damage in excess of \$2000.00 in which such watercraft shall have been involved. The report filed pursuant to this section shall comply with Washington Administrative Code chapter 352-70.

Section 13. **Amendment.** Bellevue City Code 12.04.170, Accident – Reports, is hereby amended to read as follows:

12.04.170 Reports confidential, inadmissibility 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 being present 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 14. **Amendment.** Bellevue City Code 12.04.190, Restricted areas, is hereby amended to read as follows:

12.04.190 Restricted areas. In the interests of safe navigation, life safety and the protection of property, the city shall designate restricted areas and testing courses and the purpose for which same shall be used. No person shall operate a vessel or watercraft within a restricted area or testing course; provided, that this section shall not apply to vessels or watercraft engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in the case of an emergency.

Section 15. **Amendment.** Bellevue City Code 12.04.220, Skin diving, is hereby amended to read as follows:

12.04.220 Skin diving. Skin diving shall be prohibited:

A. Within 300 feet of any public boat ramp, patrolled public beach designated as a swimming area, except pursuant to permit therefor issued by the city; or

B. In any other area unless the diver is accompanied by a watercraft or the area in which he is diving is marked by an adequately displayed diver's flag.

Section 16. **Amendment.** Bellevue City Code 12.04.230, Water skiing, is hereby amended to read as follows:

12.04.230 Water skiing.

A. Persons in Attendant Boat. No watercraft, which shall have in tow or shall be otherwise assisting a person on water skis, aquaplane, surfboard or similar contrivances, shall be operated or propelled in the harbor unless such watercraft is occupied by at least two competent persons, an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least 12 inches square, mounted on a pole not less than 24 inches long and displayed as to be visible from every direction; provided, that this subsection shall not apply to watercraft used in only authorized water ski tournaments, competitions, expositions or trials therefore or to personal watercraft, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed. Every remote-operated personal watercraft shall have a flag attached which meets the requirements of this subsection.

B. Distance from Shore. It is unlawful to water ski or to tow or otherwise assist anyone on water skis, aquaplane, surfboard or similar contrivance within 100 yards of shoreline, pier, restricted area or shore installations; provided, water skiers may start at a shore installation but must head away from shore to a point at least 100 yards, as set forth above, before skiing parallel with the shore. The return to the shore must be on a 45 degree angle to the shore line.

C. Personal flotation device required. No person shall engage or attempt to engage in water skiing without wearing a United States Coast Guard approved personal flotation device.

D. Night Skiing. No watercraft shall have in tow or shall otherwise be assisting a person on water skis, aquaplane, surfboard or similar contrivance from sunset to sunrise; provided, that this subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, expositions or trials therefore.

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E. Prudent Operation of Boat. All watercraft having in tow or otherwise assisting a person on water skis, aquaplane, surfboard or similar contrivance, shall be operated in a careful and prudent manner and shall remain at all times at a reasonable and prudent distance from the person and property of others.

F. Prudent Skiing. Any person on water skis, aquaplane, surfboard or similar contrivance shall conduct himself upon the same in a careful and prudent manner and shall remain at all times a reasonable and prudent distance from the person and property of others.

Section 17. **Amendment.** Bellevue City Code 12.04.235, Operation of personal watercraft – Prohibited activities – Penalties, is hereby amended to read as follows:

12.04.235 Operation of personal watercraft – Prohibited activities – Penalties.

A. A person shall not operate a personal watercraft unless each person aboard the personal watercraft is wearing a United States Coast Guard approved personal flotation device.

B. A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to his or her person, clothing, or personal flotation device as appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch that was installed by the manufacturer.

C. A person shall not operate a personal watercraft during darkness.

D. A person under the age of 14 shall not operate a personal watercraft on the waters of the city.

E. A person shall not operate a personal watercraft in a reckless manner, including recklessly jumping the wake of another vessel unreasonably or unnecessarily close to the vessel or when visibility around the vessel is obstructed, or recklessly swerving at the last possible moment to avoid collision.

F. A person shall not lease, hire, or rent a personal watercraft to a person under the age of 16.

G. Subsections A through F of this section shall not apply to a performer engaged in a professional exhibition or a person participating in an authorized regatta, race, marine parade, tournament, or exhibition.

H. Violations of subsections B through F of this section constitute a misdemeanor under BCC 10.00.010(M)(2).

Section 18. **Amendment.** Bellevue City Code 12.04.270, Aircraft, is hereby amended to read as follows:

12.04.270 Aircraft.

A. All vessels or watercraft shall keep clear of seaplanes landing within any area now or hereafter set aside by law for such purpose.

B. All seaplanes must comply with the Civil Air Regulations (14 CFR 91.69) as now enacted or hereafter amended, which govern seaplanes upon the navigable water of the United States and conform with the COMDTINST16672.2D, Navigation Rules (International--Inland), applicable to vessels.

Section 19. **Amendment.** Bellevue City Code 12.04.310, Dangerous gangways, is hereby amended to read as follows:

12.04.310 Dangerous gangways. Whenever any gangway devoted to public use appears to be dangerous for such use, law enforcement shall report the matter to the city building inspector who shall inspect the same and shall forbid the use of such gangway for such purpose until the same shall have been repaired or reconstructed so as to render the same safe for such use and until the same as so reconstructed or repaired has been inspected and its use for such purpose approved by him.

Section 20. **Amendment.** Bellevue City Code 12.04.320, Drifting debris, is hereby amended to read as follows:

12.04.320 Drifting debris. It is unlawful for the owner, agent or lessee in charge of any pier to allow the whole or any part thereof to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and upon failure to do so, the same may be removed by the city and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the city.

Section 21. **Amendment.** Bellevue City Code 12.04.330, Nuisances, is hereby amended to read as follows:

12.04.330 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 declared to be public nuisances. It is 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 in the waters of the city, or upon the shores thereof or in such position that the same may or can be washed into said 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 failure to do so, the same may be removed by the city and the expense 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 therefore from prosecution hereunder.

Section 22. **Amendment.** Bellevue City Code 12.04.340, Public health, is hereby amended to read as follows:

12.04.340 Public health. Nothing in this chapter is intended to relieve the owner, operator or master of a watercraft and vessels entering waters of the city comply with the applicable public health laws and regulations of the United States, the state of Washington and its political subdivisions.

Section 23. **Amendment.** Bellevue City Code 12.04.350, Enforcement, is hereby amended to read as follows:

12.04.350 Enforcement. All duly authorized law enforcement officers shall have authority to enter upon and inspect any vessel or watercraft in the harbor and are charged with the enforcement of the provisions of this chapter except as the enforcement thereof is herein otherwise specified. 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 to do so.

Section 24. **Amendment.** Bellevue City Code 12.04.360, Release from arrest on notice to appear, is hereby amended to read as follows:

12.04.360 Release from arrest on notice to appear. Whenever any person is arrested for any violation of this chapter 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 or her 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 25. **Amendment.** Bellevue City Code 12.04.390, Emergency powers, is hereby amended to read as follows:

12.04.390 Emergency powers. The Bellevue chief of police and her or his duly authorized officers, alone or in concert with or through other law enforcement agencies, are authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in conformance with the provisions of this chapter; provided, that where necessary to expedite waterborne traffic, or to prevent or eliminate congestion or to safeguard persons or property, such officers, or in the event of a fire or other emergency such officers and other authorized officers of appropriate governmental agencies, may direct waterborne traffic as conditions may require, notwithstanding the provisions of this chapter.

Section 26. **Amendment.** Bellevue City Code 12.04.400, Yielding right-of-way to authorized emergency vessels, is hereby amended to read as follows:

12.04.400 Yielding right-of-way to authorized emergency vessels. It shall be the duty of the master, owner or operator of a vessel or watercraft to reduce speed and if necessary stop the vessel or watercraft, at the same time yielding right-of-way as herein otherwise specified, upon the approach of an authorized emergency vessel or watercraft displaying a blue light and sounding a siren and while actually responding to an emergency or in immediate pursuit of any actual or suspected violator of the law, within the purpose for which such emergency vessel or watercraft has been authorized.

Section 27. **Amendment.** Bellevue City Code 12.04.410, Filing false information and concealment of pertinent facts, is hereby amended to read as follows:

12.04.410 Filing false information and concealment of pertinent facts. It is a violation of this chapter for any master, owner, operator or other occupants of any vessel or watercraft involved in a reportable accident under the provisions of this chapter or involved in any violation of this chapter to willfully and knowingly file false information and/or conceal pertinent facts to the accident or violation with the persons duly authorized to investigate the accident or violation. This section shall constitute a separate violation and shall not preclude prosecution for the original violation or accident. A violation of this section shall be a misdemeanor.

Section 28. **Amendment.** Bellevue City Code 12.04.440, Penalty for violation, is hereby amended to read as follows:

12.04.440 Penalty for violation.

A. Except where the violation of this chapter is classified as a misdemeanor or gross misdemeanor, a violation of any provision of this chapter shall be classified as a civil infraction. Unless otherwise provided, a person found to have committed an infraction under this chapter shall be assessed a monetary penalty which may not exceed \$500.00. Said penalty shall be in an amount provided by an applicable court bail schedule, or, if none is in effect, in the amount of \$50.00.

B. Unless otherwise provided, it is a misdemeanor for any person to commit a violation designated as an infraction under this chapter, if during a period of 365 days the person has previously committed two infractions for violating the same provision under this chapter and if the violation is also committed during such period and is of the same provision as the previous violations.

C. Unless otherwise provided, a person convicted of a misdemeanor offense under this chapter shall be punished as provided in BCC 10.00.010(M)(2).

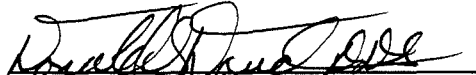
D. Unless otherwise provided, a person convicted of a gross misdemeanor offense under this chapter shall be punished as provided in BCC 10.00.010(M)(1).

Section 29. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 30. This ordinance shall take effect and be in force thirty (30) days after adoption and official publication.


Passed by the City Council this 19th day of July, 2010
and signed in authentication of its passage this 19th day of July, 2010.

(SEAL)


Don Davidson, DDS
Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Mary Kate Berens, Deputy City Attorney

Attest:


Myrna L. Basich, City Clerk

Published 7/22/2010