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Introduced by: Tracy J. Owen
78-1259

ORDINANCE NO. 4257

1
2 AN ORDINANCE establishing procedures and
3 standards for regulation of anchoring and
4 mooring in waters under the jurisdiction of
5 King County, declaring anchoring and mooring
6 in violation of this ordinance to be unlawful
7 and a misdemeanor, establishing enforcement
8 procedures, including impoundment, and adding
9 a new chapter to King County Code Title 12.

10
11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 SECTION 1. Purpose. The King County Council finds that the
13 unregulated anchoring and moorage of vessels, watercraft and
14 obstructions in waters within unincorporated areas and inside the
15 geographical boundaries of King County constitute a hazard to
16 navigation and to the safety and health of citizens of King
17 County. The purpose of this ordinance is to provide a reasonable
18 means of regulating such anchoring and moorage through a permit
19 system, administered and enforced by the Department of Public
20 Safety, which will protect public safety, health and navigation
21 while allowing for reasonable uses of the surface waters of the
22 County.

23 SECTION 2. Definitions. As used in this ordinance, the
24 following words and terms shall have the meanings set forth
25 herein:

26 a. ANCHORAGE shall mean a designated position where vessels
27 or watercraft may anchor or moor;

28 b. ANCHOR shall mean the act of making a vessel, watercraft
29 or obstruction secure to the bed of any body of water through use
30 of a direct connection between the vessel, watercraft or
31 obstruction and the bed;

32 c. BOAT shall mean any contrivance up to sixty-five feet in
33 length overall, used or capable of being used as a means of
34 transportation on water.

35 d. DIRECTOR shall mean the Sheriff-Director of the King
36 County Department of Public Safety or his designee;

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1 e. MASTER shall mean the captain, skipper, pilot or any
2 other person having charge of any vessel or watercraft and shall
3 include any agent or employee of such person;

4 f. MOOR shall mean the act of securing a vessel, watercraft
5 or obstruction either to a lawfully installed pier or to an
6 lawfully installed anchored buoy or float;

7 g. OBSTRUCTION shall mean any vessel or watercraft or any
8 matter which may in any way blockade, interfere with or endanger
9 any vessel or watercraft or impede navigation, or which cannot
10 comply with the "Pilot Rules for Certain Inland Waters of the
11 Atlantic and Pacific Coasts and of the Coast of the Gulf of
12 Mexico" (C.F. 236479);

13 h. OWNER shall mean the person who has lawful possession of
14 a vessel or watercraft or obstruction by virtue of legal title or
15 equitable interest therein which entitles him to such possession,
16 and shall include any agent or employee of such person;

17 i. PERSON shall mean and include natural persons,
18 associations, copartnerships and corporations, whether acting by
19 themselves or by a servant, agent or employee; the singular
20 number, when necessary, means the plural, and the masculine
21 pronoun includes the feminine;

22 j. PIER shall mean any pier, dock, wharf or other structure
23 built in or over or floating upon the water, extending from the
24 shoreline, which may be used as a landing place to promote the
25 loading or unloading of vessels or watercraft for recreational or
26 Commercial purposes;

27 k. VESSEL shall mean any contrivance one hundred ten feet
28 or more in length overall, used or capable of being used as a
29 means of transportation on water;

30 l. WATERCRAFT shall mean any contrivance less than one
31 hundred ten feet in length overall and at least sixty-five feet
32 in length overall, used or capable of being used as a means of
33 transportation on water. Aircraft, cribs or piles, shinglebolts,

1 booms of logs, rafts of logs and rafts of lumber shall not be
2 included within the terms "watercraft" or "vessel", but shall be
3 included within the term "obstruction" when they are anchored or
4 moored and obstructing any navigable channel.

5 SECTION 3. Application. This ordinance shall apply to
6 vessels, watercraft and obstructions located in lakes, rivers,
7 streams, tidewaters and any other waters within unincorporated
8 areas and inside the geographical boundaries of King County;
9 provided, that any such vessels, watercraft or obstructions
10 presently anchored or moored in such waters shall have sixty days
11 from the effective date of this ordinance to achieve compliance
12 therewith; provided further that, this ordinance shall not apply
13 to boats.

14 SECTION 4. Unlawful Acts. It shall be unlawful to anchor,
15 moor, beach, ground or otherwise secure any vessel, watercraft or
16 obstruction to the bed or shoreline of any waters or to any
17 shoreline structure except under the following specific
18 conditions:

19 a. Where anchored or moored in compliance with the temporary
20 anchorage and moorage provisions contained in Section 5 of this
21 ordinance;

22 b. Where anchored or moored under authority of a valid and
23 effective permit issued to the owner or master by the Director in
24 accordance with Sections 6 and 7 of this ordinance;

25 c. Where authorized or directed in writing by the United
26 States Army Corps of Engineers or the United States Coast Guard
27 to anchor, moor or otherwise locate in a specific area so
28 designated by the federal agency for that particular purpose;

29 d. Where moored to a private pier with the permission of
30 the owner or lessee of the real property to which the pier is
31 attached; provided that, the vessel, watercraft, or obstruction
32 so moored shall remain within the legal property waterline or the
33 established boundaries as defined by the appropriate government
agency;

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1 e. Where moored to a public pier, buoy or float,
2 specifically intended for public use, in a manner consistent with
3 any posted regulations displayed on-site or any applicable laws,
4 rules or regulations of the public agency with jurisdiction over
5 use of such public property; or

6 f. Where the vessel, watercraft or obstruction is exempted
7 from the permit requirements of this ordinance by Section 7 of
8 this ordinance.

9 SECTION 5. Temporary Anchorage or Moorage. Any vessel or
10 watercraft may anchor or moor without being subject to the permit
11 requirements of Sections 6 and 7 of this ordinance; provided that
12 the vessel or watercraft does not remain within a one-mile radius
13 of the original anchorage or moorage for a period longer than
14 seventy-two hours out of any one hundred twenty hour period.

15 SECTION 6. Anchoring and Mooring Permit Required. Any
16 owner or master who desires to anchor or moor his vessel,
17 watercraft or obstruction and who is not temporarily at anchor or
18 moored in compliance with Section 5 of this ordinance, shall
19 apply for and obtain from the Director a conditional permit prior
20 to anchoring or mooring such craft. Issuance of such permit
21 shall be subject to compliance with the following conditions, as
22 determined by the Director:

23 a. Less than thirty days duration:

24 1. The moorage or anchorage shall be compatible with the
25 general public use of the requested area and with the existing
26 land use and land use planning in the vicinity;

27 2. The moorage or anchorage shall not deprive or materially
28 interfere with the reasonable water access of properties adjacent
29 to or in the vicinity of the requested water area, nor shall the
30 moorage or anchorage encroach on or over privately-owned property
31 without the consent of the property owner;

32 3. No public food sales or retail sales of any other kind,
33 charged or donated admission, holding of animals or fowl, or

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1 storage of toxic chemicals or petroleum products (except for
2 propulsion of the craft) shall be permitted without first having
3 obtained all legally-required inspections and permits, approvals
4 or licenses from the public agencies with jurisdiction, including
5 but not limited to the Seattle-King County Department of Public
6 Health; the King County Departments of Public Safety, Public
7 Works, Planning and Community Development, and Executive
8 Administration; and the appropriate fire district.

9 4. Moorage or anchorage for purpose of residential use
10 shall not be permitted;

11 5. The applicant shall provide to the Director and maintain
12 during the period of the permit a bond, cash deposit or sight
13 irrevocable letter of credit from a reputable lending institution
14 approved by the Director in an amount specified by the Director,
15 but not to exceed \$500,000, sufficient to cover the potential
16 cost of removal of the watercraft, vessel or obstruction in the
17 event of sinking; and in the event of adjacent publicly-owned
18 structures, the cost of repair thereof in event of collision;

19 6. The applicant shall provide to the Director written
20 proof from the Auditor or Comptroller of the vessel's or
21 watercraft's home port or principal place of business or use
22 showing that all current taxes and assessments are paid; and

23 7. The applicant shall execute and deliver to the Director
24 upon a form supplied by the Director an agreement in writing and
25 acknowledged by the applicant to hold and save harmless the
26 County of King from any and all claims, actions or damages of
27 every kind and description which may accrue to, or be suffered
28 by, any persons by reason of or related to the use and occupation
29 of the waters by the permit holder.

30 b. Thirty days or greater duration:

31 1. All conditions necessary for a permit of less than
32 thirty days duration must be met, except that the bond, cash
33 deposit or sight irrevocable letter of credit from a reputable

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1 lending institution approved by the Director shall not exceed
2 one million dollars;

3 2. The applicant shall provide to the Director a
4 certificate of seaworthiness from a marine surveyor who is
5 certified by the National Association of Marine Surveyors or from
6 a person certified by a similar professional organization
7 acceptable to the Director, except this condition shall not apply
8 to obstructions.

9 3. Maximum duration shall be three hundred sixty-five days,
10 subject to renewal in accordance with Section 9 of this
11 ordinance.

12 c. Discretionary Conditions. In addition to the mandatory
13 conditions specified above, the Director may, within his
14 reasonable discretion, require that any one or combination of the
15 following conditions be met:

16 1. That the applicant, prior to issuance of the permit,
17 provide and maintain in full force and effect while the permit is
18 in force, public liability insurance in an amount specified by
19 the Director sufficient to cover potential claims for bodily
20 injury, death or disability and for property damage, which may
21 arise from or be related to the applicant's use of the waters,
22 naming the County of King as an additional insured;

23 2. That the vessel, watercraft or obstruction connect its
24 plumbing system to the nearest available County sanitary sewers;

25 3. That the vessel, watercraft or obstruction permit the
26 moorage of vessels or watercraft alongside and access thereto;

27 4. That the vessel, watercraft or obstruction be removed as
28 soon as privately-owned or controlled moorage space becomes
29 available; or

30 5. Any other condition reasonably related to protecting the
31 public safety, health or welfare.

32 SECTION 7. Exemptions. The following vessels, watercraft
33 and obstructions are exempt from the permit requirement of this

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1 ordinance:

2 a. Where owned, leased or under the control of licensed and
3 bonded marine contractors at the site of and necessary for the
4 completion of a construction project which has received all
5 necessary federal, state and local permits, approvals and
6 licenses; and

7 b. Where anchorage or moorage is necessary because of an
8 emergency situation created by an immediate threat to life, the
9 craft and/or the property of others.

10 SECTION 8. Application Procedures.

11 a. Any person may apply for an anchoring and mooring permit
12 by submitting to the Director a written application stating the
13 owner's and master's name, address and telephone number; the
14 type, description and size of the vessel, watercraft or
15 obstruction; the reason for the application; the area of proposed
16 anchorage or moorage, readily indentifiable on a current chart or
17 map; a description of the means by which the vessel, watercraft
18 or obstruction will be anchored or moored; and the length of
19 time, including inclusive dates, for which the permit is desired.

20 b. The Director may process the application in conjunction
21 with review of an application for a United States Army Corps of
22 Engineers permit, if such a permit is required.

23 c. The application shall be referred to the Department of
24 Planning and Community Development for comment and recommendation
25 thereon.

26 d. In the event that the Director determines that granting
27 the permit might deprive or materially interfere with reasonable
28 water access of privately or publicly-owned properties, the
29 Director shall notify such property owners and/or public agencies
30 in writing and give them a reasonable time to comment on the
31 application.

32 e. The Director is authorized to impose on the applicant
33 reasonable fees designed to reimburse the County for processing

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1 of the application and administration of the permit system,
 2 including any notice or publication required under this ordinance.
 3 Fees shall be set by a schedule promulgated by the Director
 4 through appropriate rules and regulations. Where anchorage is
 5 exclusively for the public benefit: Such as the Sea Scouts,
 6 Maritime Schooling Vessels, or scientific research, said fees may
 7 be reduced or waived for a period of time not to exceed six months.

8 SECTION 9. Permit Renewals and Extensions.

9 a. Any permit may be renewed for the same or a different
 10 duration under the terms, conditions and procedures specified in
 11 this ordinance for original applications; provided, that for
 12 renewal applications which, when considered together with the
 13 original permit or previous renewals, would create a continuous
 14 usage in excess of three hundred sixty-five days, the Director
 15 shall take the following, additional steps in processing the
 16 application: (a) cause to be published in a county newspaper of
 17 general circulation a notice of the application soliciting public
 18 comment; (2) post such notice in prominent places in the
 19 immediate vicinity of the moorage or anchorage; and (3) notify
 20 and solicit comment from the State Commissioner of Public Lands.

21 b. The Director may extend a permit past its expiration
 22 date if mechanical or structural failures or acts of nature have
 23 occurred which would make moving unsafe and a threat to life, the
 24 craft and/or property of others. The sole inability of a vessel,
 25 watercraft or obstruction to propel itself shall not, however,
 26 constitute grounds for an extension.

27 SECTION 10. Suspension and Revocation. The Director may
 28 upon written notice suspend or revoke permanently any permit
 29 previously granted under this ordinance for any one or more of
 30 the following causes:

31 a. Failure of the holder to comply with any requirement of
 32 this ordinance or rule or regulation adopted thereunder, or with
 33 any term or condition of the permit, or with any written notice

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1 from the Director ordering corrective measures;

2 b. Failure of the holder to comply with any federal, state
3 or local law, ordinance, rule or regulation pertaining to the
4 subject craft or its use;

5 c. Discovery by the Director that the permit was issued by
6 mistake or on incorrect information or by the fraud of the
7 applicant; or

8 d. Interference by the applicant, owner, master, or any
9 agent or employee thereof, with the Director or any other County
10 official or employee in the performance of his legal duties.

11 SECTION 11. Assignment of Permit. The anchoring and
12 mooring permit is personal to the grantee and shall not be
13 assigned except with the written consent of the Director.

14 SECTION 12. Lights and Audible Devices. All vessels,
15 watercraft and obstructions which are anchored or moored must
16 comply with all federal, state and local laws, ordinances, rules
17 and regulations pertaining to the display of lights, sounding of
18 audible devices and obstruction of navigation.

19 SECTION 13. Declaration of Nuisance. All violations of
20 this ordinance are determined to be detrimental to the public
21 safety, health and welfare and are hereby declared public
22 nuisances subject to abatement.

23 SECTION 14. Right of Entry. Whenever necessary to make an
24 inspection to enforce or determine compliance with the provisions
25 of this ordinance, or whenever the Director or his duly
26 authorized inspector has cause to believe that a violation of
27 this ordinance has been or is being committed, the inspector may
28 board and enter any vessel, watercraft or obstruction at
29 reasonable times to inspect the same, subject to the following
30 conditions:

31 a. If such craft is occupied, the inspector shall present
32 identification credentials, state the reason for the inspection,
33 and demand entry;

1 b. If such craft is unoccupied, the inspector shall first
2 make a reasonable effort to locate the owner master or other
3 persons having charge or control of the craft and demand entry.
4 If the inspector is unable to locate the owner, master or such
5 other persons, and he has reason to believe that conditions
6 therein create an immediate and irreparable safety or health
7 hazard, he shall make entry;

8 c. It is unlawful for any owner, master or any other person
9 having charge, care or control of such craft to fail or neglect
10 after proper demand has been given to permit prompt entry thereon
11 where the inspector has reason to believe that conditions therein
12 create an immediate and irreparable safety or health hazard;

13 d. Unless entry is consented to by the owner, master or
14 person in control of the craft or conditions are believed to
15 exist which create an immediate and irreparable safety or health
16 hazard, the inspector, prior to entry, shall obtain a search
17 warrant as authorized by the laws of the state of Washington.

18 SECTION 15. Impoundment.

19 a. Grounds. The Director may take immediate possession of
20 and impound any vessel, watercraft or obstruction under the
21 following conditions: (1) the vessel, watercraft or obstruction
22 is moored or anchored after expiration, suspension, revocation or
23 violation of an anchoring and mooring permit or appears after
24 reasonable investigation to be abandoned; or (2) the vessel,
25 watercraft or obstruction is in violation of this ordinance and
26 remains at anchor or moored seventy-two hours after service on
27 the owner or master, either personally or by registered or
28 certified mail, of an order from the Director to remove the same;
29 or (3) the vessel, watercraft or obstruction appears after
30 reasonable investigation to be unsafe or incapable of water
31 transportation.

32 b. Removal. The Director may remove any vessel, watercraft
33 or obstruction using such methods as in his judgment will prevent

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1 unnecessary damage to said vessel, watercraft or obstruction
2 and/or assign the removal and impounding of said vessel,
3 watercraft or obstruction to a private corporation.

4 c. Expenses. In the event possession is taken of any
5 vessel, watercraft or obstruction the expenses incurred by the
6 County in the removal, towing, impounding, and moorage of the
7 same shall be paid by such craft or the owner, master or other
8 person in charge thereof. When a vessel, watercraft or
9 obstruction is moored or impounded at a County facility, the
10 Director shall assess a reasonable moorage charge therefor, which
11 shall be paid by such craft or the owner, master or other person
12 in charge thereof. The Director may decline to release
13 possession of any vessel, watercraft, or obstruction until all
14 charges are paid.

15 d. Sale at Auction. In the event a vessel, watercraft or
16 obstruction shall remain impounded for ninety days and the
17 charges of towing and impounding remain unpaid, the Director may
18 sell the same at public auction. The County may maintain an
19 action against the owner, master or person in charge of the
20 vessel, watercraft or obstruction for the recovery of the
21 expenses of towing and impounding, or the remaining balance
22 thereof, in the event of sale of the same.

23 e. Liability. The Director shall not be held personally
24 responsible for damages incurred as a result of impound of a vessel,
25 watercraft or obstruction so long as reasonable practices are
26 employed in said operation.

27 SECTION 16. Impoundment-in-Place. When taking possession
28 of a vessel, watercraft or obstruction as authorized by Section
29 15 of this ordinance, the Director may impound the vessel,
30 watercraft or obstruction in place by posting the same with one
31 or more signs or notices in conspicuous places stating "POLICE
32 IMPOUND--KEEP OFF" and notifying the owner, master or person in
33 charge of the impounding. The Director may in his discretion

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1 appoint as custodian the owner or master, or the owner or
2 operator of the facility or property where the vessel is moored
3 or anchored. Upon the posting of such signs, it shall be
4 unlawful for any person:

5 a. To move, load or unload, rebuild, or enter upon such
6 vessel, watercraft, or obstruction without written permission
7 from the Director, other than for necessary maintenance and
8 repair to prevent deterioration of the same or sinking;

9 b. To remove, mutilate, destroy or conceal any notice or
10 sign posted by the Director or any other County official or
11 employee under authority of law.

12 SECTION 17. Abatement.

13 a. In addition to or as an alternative to any other
14 judicial or administrative remedy provided in this ordinance or
15 by law or other ordinance, the Director may order a condition in
16 violation of this ordinance to be abated. The Director may order
17 any person who creates or maintains such violation to commence
18 corrective work and to complete the work within such time as the
19 Director determines reasonable under the circumstances.

20 b. If the required corrective work is not commenced or
21 completed within the time specified, the Director may proceed to
22 abate the violation and cause the necessary work to be
23 accomplished. King County shall have a lien for the cost of the
24 work accomplished pursuant to this ordinance, which shall be the
25 joint and separate personal obligations of the person or persons
26 responsible for the violation. The Director shall cause a claim
27 for lien to be filed for records with the Division of Records and
28 Elections.

29 c. The lien created by this ordinance shall be paramount to
30 all other liens, except for federal, state and county taxes, with
31 which it shall be on a parity. The Prosecuting Attorney on
32 behalf of King County may collect the abatement work costs by use
33 of all appropriate legal remedies, including foreclosure of the

1 lien.

2 SECTION 18. Misdemeanor. As an alternative to any other
3 judicial or administrative remedy provided in this ordinance or
4 by law or other ordinance, any person who violates this ordinance
5 or any rule and regulation adopted thereunder, or any written
6 order issued by the Director pursuant to this ordinance, or by
7 each act of commission or omission procures, aids or abets such
8 violation, is guilty of a misdemeanor and upon conviction shall
9 be punished by a fine not to exceed five hundred dollars and by
10 imprisonment in the county jail for a term not to exceed ninety
11 days. Each day such violation continues shall be considered an
12 additional misdemeanor offense.

13 SECTION 19. Rulemaking. The Director may promulgate
14 appropriate rules and regulations, in accordance with KCC 2.98,
15 to implement the standards and provisions of this ordinance.

16 SECTION 20. Appeals. Any person aggrieved by the granting
17 or denial of an anchoring and mooring permit authorized by
18 Section 6 of this ordinance may appeal such action to the King
19 County Board of Appeals by filing written notice of appeal with
20 the office of the Administrator-Clerk of the King County Council
21 within ten days of such granting or denial. The Board shall
22 conduct such hearing or hearings as are necessary, in accordance
23 with Article 7 of the Charter and its rules of practice and
24 procedure, to determine whether the county action is in
25 compliance with the standard set forth in this ordinance.

26 SECTION 21. Severability. Should any chapter, section,
27 subsection, paragraph, sentence, clause or phrase of this
28 ordinance be declared unconstitutional or invalid for any reason,
29 such decision shall not affect the validity of the remaining
30 portions of this ordinance.

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1 SECTION 22. New Chapter. This ordinance shall become a new
2 chapter in Title 12 of the King County Code, under "Offenses
3 Against Public Health and Safety."

4 INTRODUCED AND READ for the first time this 11th day of
5 December, 1978.

6 PASSED this 14th day of May, 1979.

7
8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 Ruby Chow
11 Chairman

12 ATTEST:

13 Dorothy M. Owens
14 Deputy Clerk of the Council

15 APPROVED this _____ day of _____, 19__.

16
17 _____
18 King County Executive

19 DEEMED ENACTED WITHOUT
20 COUNTY EXECUTIVE'S SIGNATURE

21 DATED: May 24, 1979

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