

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5999

AN ORDINANCE regarding the Bellevue Harbor Code, Title 12 of the Bellevue City Code and amending certain existing sections addressing recreational boating safety and vessel registration.

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WHEREAS, the state legislature has recodified, repealed and amended certain existing sections of the Revised Code of Washington, which Bellevue has adopted by reference relating to boater registration that will become effective on July 1, 2011; and

WHEREAS, the City desires to revise and update its Harbor Code by adopting by reference certain sections of the Revised Code of Washington and amending certain other existing sections to make technical corrections and update bail schedules, 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; and

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. Amendment. Bellevue City Code 12.02.010, Statutes adopted by reference, is hereby amended to read as follows:

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 recodified, 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 79A.60.660 Operating motor driven boat or vessel for teak surfing, platform dragging, bodysurfing -- Prohibition -- Exceptions -- Penalty.  
RCW 88.02.310 Definitions.  
RCW 88.02.340 Inspection of registration – Violation of chapter.  
RCW 88.02.380 Penalties – Disposition of moneys collected – Enforcement authority.  
RCW 88.02.400 Evasive registration – Penalty.  
RCW 88.02.510 Application — When, by whom.  
RCW 88.02.550 Registration and display of registration number and decal prerequisite to ownership or operation of vessel – Exceptions.  
RCW 88.02.560 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 88.02.570 Exceptions from vessel registration.  
RCW 88.02.650 Issuance of registrations – Agents – Deposit of fees in general fund – Allocation for boating safety and education and law enforcement.  
RCW 88.02.655 Allocation of funds under RCW 88.02.040 to counties – Deposit to account for boating safety programs.  
RCW 88.02.790 Vessel dealer display decals – Use.  
RCW 88.02.795 Additional penalties for unauthorized or personal use of dealer display decals.

Section 2. 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 \$87.00.

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). (Ord. 5202 § 1, 2000; Ord. 3798 § 3, 1987; 1961 code § 13.09.400.)

Section 3. Effective Date. Section 1 of this ordinance shall take effect and be in force on July 1, 2011. The remainder of this ordinance shall take effect and be in force thirty (30) days after passage.

Section 4. Savings. If any section or provision of this ordinance or its application to any person is determined to be invalid or unconstitutional, the remainder of the ordinance and its application to other persons shall not be affected.

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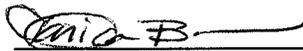
Passed by the City Council this 16<sup>th</sup> day of May, 2011 and signed  
in authentication of its passage this 16<sup>th</sup> day of May, 2011.

(SEAL)

  
Don Davidson, DDS  
Mayor

Approved as to form:

Lori M. Riordan, City Attorney

  
Monica A. Buck, Assistant City Attorney

Attest:

  
Myrna L. Basich, City Clerk

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