

**ORDINANCE NO. 412**

**AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING TITLE 8 WMC BY ADDING A NEW CHAPTER 8.14 MOTORIZED WATERCRAFT THERETO; PROHIBITING THE OPERATION OF MOTORIZED WATERCRAFT UPON LAKES AND PONDS WITHIN THE CITY'S TERRITORIAL JURISDICTION; IMPOSING PENALTIES FOR VIOLATIONS OF SAID PROHIBITION; ADOPTING FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, lakes and ponds located within the City's territorial jurisdiction provide ecologically significant habitat for various animal species, including migratory waterfowl; and

WHEREAS, for environmental and salmon recovery reasons, the City maintains a strong public interest in the ecological health of local lakes and ponds; and

WHEREAS, by virtue of their noise, speed, pollution and maneuverability, the operation of motorized watercraft upon lakes and ponds can impede the ecological functions thereof by disrupting and disturbing such species; and

WHEREAS, by virtue of their noise, speed, pollution and maneuverability, the operation of motorized watercraft upon lakes and ponds can disturb the tranquility of the local human environment, and is inconsistent with other aquatic recreational activities; and

WHEREAS, the operation of motorized watercraft upon lakes and ponds is potentially hazardous, and may result in personal injury and/or property damage; and

WHEREAS, the City Council desires to protect and promote the public health, safety and welfare by prohibiting the operation of motorized watercraft upon local lakes and ponds as provided herein;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,

DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the above recitals as findings in support of this ordinance, and additionally finds as follows:

A. Prior to the City's incorporation in 1993, the operation of motorized watercraft upon various lakes located within the City's present territorial jurisdiction was prohibited under the King County Code.

B. The City is authorized pursuant to applicable state law, including the City's police power, to adopt the motorized watercraft prohibition contained herein.

C. Adoption and implementation of this ordinance will protect and promote the public health, safety and welfare.

Section 2. Amendment of Title 8 WMC. Title 8 of the Woodinville Municipal Code is hereby amended by the addition of a new Chapter 8.14 Motorized Watercraft to provide in its entirety as follows:

**Chapter 8.14**

**MOTORIZED WATERCRAFT**

- 8.14.010 Definitions.
- 8.14.020 Motorized Watercraft Prohibited.
- 8.14.030 Exceptions.
- 8.14.040 Enforcement; Penalty.

**8.14.010 Definitions.**

As utilized in this chapter, the following terms shall have the meanings set forth below:

(1) "Lake" means a standing body of fresh water with an aquatic surface area exceeding four (4) acres in size and surrounded substantially by land.

(2) "Motorized watercraft" means a boat, ship, vessel, recreational vehicle or other watercraft propelled wholly or partially by an internal combustion engine, electric motor, jet pump propulsion system or similar mechanized apparatus, but excluding any craft propelled exclusively by manual means such as foot pedals, paddles or oars.

(3) "Operation" means the engagement or activation of the internal combustion engine, electric motor, jet pump propulsion system or similar mechanized propulsion apparatus of a motorized watercraft.

(4) "Pond" means a standing body of fresh water with an aquatic surface area less than four (4) acres in size and surrounded substantially by land.

#### **8.14.020 Motorized Watercraft Prohibited.**

The operation of motorized watercraft upon any lake or pond located within the City of Woodinville is prohibited except as expressly authorized by this chapter.

#### **8.14.030 Exceptions.**

A. The prohibition codified at WMC 8.14.020 shall not apply to the following:

(1) The operation of a motorized watercraft by an employee or agent of a governmental entity while acting within the scope of his/her governmental duties.

(2) The operation of a motorized watercraft to the actual extent necessary to avert or otherwise respond to an emergency involving immediate danger to human life.

B. A person seeking to avoid criminal or civil penalties for an alleged violation of WMC 8.14.020 shall bear the exclusive burden of demonstrating the applicability of any exception established by this section.

#### **8.14.040 Enforcement; Penalty.**

Violation of this chapter shall subject the violator to civil and criminal penalties pursuant to Title 1 WMC. Violation of this chapter shall also constitute a public nuisance subject to abatement pursuant to Chapter 1.07 WMC and applicable state law. The City of Woodinville Public Works Director is authorized to issue administrative interpretations of this chapter.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force thirty (30) days after final passage.

PASSED by the City Council of the City of Woodinville this 6<sup>th</sup> day of February 2006.


APPROVED:

  
MAYOR CATHY VONWALD

ATTEST/AUTHENTICATED:

  
CITY CLERK, SANDRA PARKER, MMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY 

PASSED BY THE CITY COUNCIL: 2-6-2006  
PUBLISHED: 2-13-2006  
EFFECTIVE DATE: 2-18-2006  
ORDINANCE NO. 412