

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



AMENDED ORDINANCE NO. 99-098

AMENDING SNOHOMISH COUNTY CODE TITLE 12  
RELATING TO RECREATIONAL WATER USE ACTIVITIES

BE IT ORDAINED:

Section 1. Snohomish County Code Section 12.04.030 adopted by Resolution on June 30, 1975, is amended to read:

12.04.030 Definitions.

Unless otherwise provided in this title, the following terms used in this title are defined as follows:

- (1) "~~((Board))~~Council" means ~~((board of))~~ the county ~~((commissioners))~~ council.
- (2) "Darkness" means that period between one-half hour after sunset and one-half hour before sunrise.
- (3) "Float" means any anchored man-made structure unattached to the shore where any vessel may dock.
- (4) "Idling speed" means that speed of any motorboat while underway resulting while its propulsion machinery is set at the machine's slowest possible speed.
- (5) "Length" as it refers to vessels means the overall distance measured in a straight line parallel to the centerline from the foremost part of the vessel to the aftermost part of the vessel, excluding bowsprits, bumpkins, rudders, outboard motors and brackets, and similar fittings and attachments.
- (6) "Motorboat" means any vessel underway under propulsion in whole or in part by machinery. The term shall include seaplanes while taxiing and/or while otherwise not subject to any valid state or federal law or regulation governing the operation of seaplanes.
- (7) "Operator" means any natural person in actual physical control of any vessel.
- (8) "Person" means any natural person, partnership, association, corporation, or organization.
- (9) "Personal Watercraft" means a vessel that is less than sixteen feet in length, 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.
- ~~((10))~~ (10) "Race-type boat" means any motorboat operated at a speed in excess of 35 miles per hour.
- ~~((11))~~ (11) "Rowboat" means any vessel underway under propulsion in whole manually.
- ~~((12))~~ (12) "Sailboat." Any vessel underway under propulsion in whole by sail, or in part by sail and in part manually, shall be considered a sailboat.

~~((12))~~ (13) "Safety buoy" means any buoy established as herein provided and constructed to conform to the state uniform waterway marking system.

~~((13))~~ (14) "Safety buoy line" means the straight line between any two safety buoys or the straight line between any safety buoy and the point on the shoreline closest to such safety buoys.

~~((14))~~ (15) "Sheriff" means the sheriff of Snohomish county or any duly appointed deputy sheriff of Snohomish county.

~~((15))~~ (16) "Shoreline" means the land bordering any existing body of water.

~~((16))~~ (17) "Vessel" means every description of watercraft used or capable of being used as a means of transportation.

~~((17))~~ (18) "Visible," as it refers to the hours of darkness, means capable of being seen on a dark night with a clear atmosphere; as it refers to the daytime hours, means capable of being seen on a dull day with the atmosphere clear of fog, haze, or rain.

~~((18))~~ (19) "Water-ski" means to plane over the water with or without any floating device while being towed by any vessel. The term shall include water-skiing, freeboarding, aquaplaning and similar devices and/or activities.

~~((19))~~ (20) "Wharf" means any manmade structure attached to the shore where any vessel may dock.

Section 2. Snohomish County Code Section 12.08.050, adopted by Resolution on June 30, 1975, is amended to read:

12.08.050 Regulations, restrictions and prohibitions.

The ~~((board of county commissioners))~~ council may ~~((, supplementary to the general restrictions imposed by this chapter,))~~ enact comprehensive restrictions ~~((on))~~for any given lake ~~((, which))~~to supplement the general restrictions imposed by this chapter. Lake-specific restrictions may ~~((establish "swimming only" and "swimming prohibited" areas, "diving only" or "diving prohibited" and other))~~ impose water use restrictions in specific areas and during specific ~~((or the type of))~~ hours for a given use ~~((for the purpose of providing))~~ in order to provide for the safety of water users and freedom from undue interference from conflicting uses.

Section 3. Snohomish County Code Section 12.12.010, last amended by Ordinance 93-066 on August 18, 1993, is amended to read:

12.12.010 Publicly installed equipment — Buoy locations.

The ~~((Snohomish county division manager))~~ county parks director, in accordance with regulations established by ~~((Snohomish county))~~ the council, is hereby authorized and directed to designate locations in the water areas of the lakes within Snohomish county when and where safety buoys are reasonably necessary for the public safety, welfare, health and peace. The designated locations of safety buoys shall be determined upon taking into consideration, for each particular lake, its size and configuration, hazardous conditions such as shallow water, rocks or snags, population at and about said lake, time and location of pleasure boating, swimming, bathing, fishing, water-skiing, diving, and other water uses upon said lake.

Section 4. Snohomish County Code Section 12.12.020, adopted by Resolution on June 30, 1975, is amended to read:

12.12.020 ~~((Board))~~Council approvals — Effective date.

Safety buoy location designations when located upon a map and approved by the ~~((board))~~ council shall establish the boundaries of speed control areas; swimmer only, or swimmer restricted areas; vessel prohibited, or vessel-type restricted areas; or other water use restriction zones within the lake. Such boundaries shall become effective when the buoys, as designated, are installed.

Section 5. Snohomish County Code Section 12.12.030, last amended by Ordinance 93-066 on August 18, 1993, is amended to read:

12.12.030 Buoy design.

The county parks ~~((division manager))~~ director is authorized and directed to ~~((design buoys to))~~ approve buoy designs that will accomplish the contemplated regulatory purposes in accordance with the state uniform waterway marking system. ~~((Designs when approved by Snohomish county shall become the standard for construction for use in any lake in Snohomish county.))~~

Section 6. Snohomish County Code Section 12.12.040, last amended by Ordinance 93-066 on August 18, 1993, is amended to read:

12.12.040 Signs or other signaling devices.

The county parks ~~((division manager))~~ director, in accordance with regulations properly adopted by the ~~((county))~~ council, shall install such signs and signaling devices as will properly apprise water users of the water use regulation. It shall be deemed sufficient notice for any sign bearing general information to be placed only at the points of public access of any given lake where they shall be visible from both shore and water.

Section 7. Snohomish County Code Section 12.16.070, adopted by Resolution on June 30, 1975, is amended to read:

12.16.070 Boating equipment — Motorboating equipment exceptions.

The provisions of SCC 12.16.040, 12.16.050 and 12.16.060 shall not apply to race-type boats operated on any racecourse approved for the purpose of testing by the ~~((board))~~ council when such operation is of the dates and hours permitted for the course and all warning signs or markers and safety patrolling requirements for the course are met.

Section 8. Snohomish County Code Section 12.28.011, last amended by Ordinance 88-015 on April 13, 1988, is amended to read:

~~((It shall be unlawful to))~~ No person may water ski or tow a water skier ~~((on any lake where such operation is lawful))~~ except in a counter clockwise direction.

Section 9. Snohomish County Code Section 12.28.020, adopted by Resolution on June 30, 1975, is amended to read:

12.28.020 Water users — Swimmers.

~~((It shall be unlawful for a swimmer to))~~ No person may swim or float in a swimming-restricted area unless accompanied by a vessel ~~((which shall at all times remains))~~ that remains within 20 feet of ~~((such swimmer))~~ the person at all times; PROVIDED, HOWEVER, That this prohibition shall not apply to any water skier who falls or otherwise ceases to be towed ~~((shall be accompanied as))~~ if a vessel travels to within 20 feet of the water skier as soon as is reasonably possible after the fall or cessation of towing.

In lakes where water-skiing and/or boating in race-type boats ~~((and/or water-skiing))~~ is permitted, the swimming-restricted area is any area more than 100 feet out into the lake from any ~~((shoreline within which the operation-))~~ and all shorelines during the hours water-skiing or boating in ~~((such))~~ race-type boats ~~((and/or water-skiing is authorized))~~ is permitted.

~~((It shall be unlawful for a swimmer to))~~ No person may swim or float in an area expressly prohibited to swimming.

Section 10. Snohomish County Code Section 12.28.030, adopted by Resolution on June 30, 1975, is amended to read:

12.28.030 Water users — Divers.

All persons engaging in diving shall mark the water areas where ~~((such))~~ the operations are being conducted. ~~((Where such))~~ When the operations are being conducted during daylight hours, the water areas shall be marked with one or more diver's flags of sufficient size to be visible at a distance of not less than 100 yards. Where such operations are conducted during hours of darkness, the water areas shall be marked with one or more artificially illuminated marker buoys of sufficient size and illumination to be visible at a distance of not less than 100 yards. ~~((It shall be unlawful for any))~~ No person ~~((to))~~ may display ~~((such markers))~~ diver flags or marker buoys except during the time and in the water areas where ~~((such))~~ diving operations are ~~((actually))~~ being conducted.

Section 11. Snohomish County Code Section 12.28.040, adopted by Resolution on June 30, 1975, is amended to read:

12.28.040 Swimming and diving in prohibited areas.

~~((It shall be unlawful for any))~~ No person ~~((to))~~ may swim or dive ~~((in any area marked as an entrance to a water-ski area))~~ within 100 feet of a water-ski area; PROVIDED, ~~((This))~~ That this prohibition shall not apply to a water skier unable to ski who is seeking safety.

Section 12. Snohomish County Code Section 12.28.050, last amended by Ordinance 86-023 on March 19, 1986, is amended to read:

12.28.050 Water use equipment — Skiers.

~~((It shall be unlawful for any))~~ No person ~~((to))~~ may water-ski ~~((and for any person to))~~ or tow a water skier unless the water ~~((such))~~ skier is wearing a coast guard-approved type I, II, or III personal flotation device.

Section 13. Snohomish County Code Section 12.40.010, last amended by Ordinance 93-066 on August 18, 1993, is amended to read:

12.40.010 Parks ~~((division manager's))~~ director's duties.

The county parks ~~((division manager))~~ director is hereby authorized and directed to prepare, post and maintain at convenient public places adjacent to the lakes in this county public notices ~~((which shall))~~ that specify the current ~~((specified))~~ restrictions applicable to the particular lake as set out in this title. ~~((Such))~~ The notices shall be conspicuously posted on or adjacent to every wharf of every boat livery and on or adjacent to every public launching ramp and/or wharf and at such other locations as will reasonably inform the public of these restrictions.

Section 14. Snohomish County Code Section 12.40.020, adopted by Resolution on June 30, 1975, is amended to read:

12.40.020 Sheriff's duties.

It shall be the duty of the sheriff to enforce the provisions of this title. ~~((When a violation of this title is made in the sheriff's presence, he may board any vessel and he may arrest any violator. In all other cases, arrest for violation of this title shall be made pursuant to warrant issued by a judge of a court of competent jurisdiction.))~~

Section 15. Snohomish County Code Section 12.44.020, last amended by Resolution on April 3, 1978, is repealed.

Section 16. Snohomish County Code Section 12.44.030, adopted by Resolution on April 3, 1978, is repealed.

Section 17. Snohomish County Code Section 12.44.040, last amended by Ordinance 88-015 on April 13, 1988, is repealed.

Section 18. NEW SECTION. A new section is added to Chapter 12.44 of the Snohomish County code to read:

12.44.020 Water skiing conditionally permitted -- Lake Roesiger, Flowing Lake, Lake Shoecraft

(1) Water skiing is permitted on Lake Roesiger, Flowing Lake, or Lake Shoecraft only if the following conditions are met with respect to the lake:

(a) a community water skiing association is formed and continues to operate under the terms described in SCC 12.44.040;

(b) a current water ski course map identifying the location of all water ski course buoys and anchoring devices is approved by and on file with the sheriff's office and the department of parks and recreation;

(c) all water ski course buoys and anchoring devices are in sound condition and in place in the approximate locations shown on the current course map on file with the sheriff's office and the department of parks and recreation.

(2) The sheriff or the parks director may close Lake Roesiger, Flowing Lake, or Lake Shoecraft to water skiing and reduce the speed limit to eight miles per hour if, at any time:

- (a) any of the conditions stated in subsection (1) are not met;
- (b) any safety buoy is missing, damaged or out of position; or
- (c) any condition exists within a designated water ski course area that is known and believed to create a hazardous condition.

Section 19. NEW SECTION. A new section is added to Chapter 12.44 of the Snohomish County code to read:

12.44.030 Water skiing and personal watercraft regulations -- Lake Roesiger, Flowing Lake, Lake Shoecraft

Water skiing and use of personal watercraft on Lake Roesiger, Flowing Lake, and Lake Shoecraft is subject to the following regulations:

- (1) No person may water ski during hours of darkness or at times other than:
  - (a) Lake Roesiger -- 10:30 a.m. to 5:30 p.m. each day from May 25 to September 25 of each year
  - (b) Flowing Lake -- 10:30 a.m. to 8:00 p.m. each day from May 25 to September 25 of each year
  - (c) Lake Shoecraft -- 9:00 a.m. to 9:00 p.m. each day from April 1 to September 30, and 11:00 a.m. to 4:00 p.m. each day from October 1 to March 31.
- (2) No person may water ski or tow a water skier outside of a water ski course area.
- (3) No person may water ski or tow a water skier when any course buoy, anchoring device, or other safety buoy is missing, damaged or out of position.
- (4) A person operating a vessel in excess of eight miles per hour shall operate the vessel in a counterclockwise pattern and shall keep the vessel at least 200 feet from any and all shorelines and 100 feet from other vessels and swimmers.
- (5) All persons in motorboats towing water skiers shall remain seated.
- (6) No person may operate a vessel in excess of eight miles per hour in or upon what is known as the "Middle Lake" of Lake Roesiger.
- (7) No person may operate a personal watercraft on Lake Shoecraft except between the hours of 11:00 a.m. and 4:00 p.m.

Section 20. NEW SECTION. A new section is added to Chapter 12.44 of the Snohomish County code to read:

12.44.040. Community water-ski association


- (1) An association is considered a community water skiing association for purposes of this chapter only if it:
  - (a) opens membership to all persons interested in water skiing;
  - (b) holds three annual meetings open to members and the general public;
  - (c) adopts by-laws;

- (d) annually elects officers;
- (e) forms and maintains active committees in the areas of boating and water safety, water ski course repair and maintenance, and community relations;
- (f) submits written minutes of all meetings to the department of parks and recreation: and
- (g) submits an annual roster of elected officers and members to the sheriff's office and the department of parks and recreation.
- (2) A community water skiing association is responsible for and is required to:
- (a) create, adopt, and update a water skiing plan for a lake;
- (b) design a water ski course with buoys and anchoring devices;
- (c) create and submit to the sheriff's office and the department of parks and recreation for approval a current map of the water ski course that identifies the location of all buoys and anchoring devices;
- (d) purchase, install, repair, and maintain all buoys and anchoring devices on the water ski course in the approximate locations identified on the current course map.

PASSED this 8th day of December, 1999.

SNOHOMISH COUNTY COUNCIL

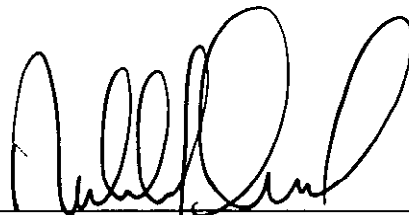
Snohomish County, Washington

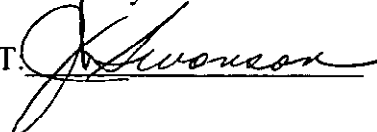
  
Chairperson

ATTEST:  Clerk of the Council, Asst.

- ☒ APPROVED  
☐ EMERGENCY  
☐ VETOED

DATE: 12-10-99

  
Snohomish County Executive

ATTEST: 

Approved as to form only:

  
Deputy Prosecuting Attorney

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