

# TITLE 4

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## Harbor



# TITLE 4

## HARBOR

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**Chapter 4.02**  
**DEFINITIONS**

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**4.02.010 Definitions, generally.**

The words and phrases used in this title shall have the meanings set out in this chapter, except where the same shall be clearly contrary to or inconsistent with the context of the section in which used. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.02.020 Anchorage area.**

"Anchorage area" means a designated location where vessels or watercraft may anchor or moor. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.02.030 Aquatic event.**

"Aquatic event" means any organized water event of a 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. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.02.040 Authorized emergency vessel.**

"Authorized emergency vessel" means any authorized vessel or watercraft of the City Fire Department, City Police Department, Pierce County Sheriff's Department, the United States Government, and the State of Washington. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.02.050 Diver's flag.**

"Diver's flag" means a red flag five units of measurement on the hoist by five 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. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.02.060 City.**

"City" means the City of Tacoma. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.02.070 Harbor Master.**

"Harbor Master" means the Chief of the Fire Department and duly authorized deputies and assistants acting on his behalf. (Ord. 22868 § 1; passed Jun. 7, 1983)

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### **4.02.080 Obstruction.**

“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 “International Regulations for Preventing Collisions at Sea, 1972” (72 COLREGS), 33 CFR 81, or which interferes with the normal public use of the waters of Tacoma Harbor. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.090 Oil.**

“Oil” means any oil or liquid, whether of animal, vegetable, or mineral origin, or a mixture compound or distillation thereof. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.100 Permit.**

“Permit” means the written authority of the Harbor Master. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.110 Person.**

“Person” means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, whether acting by themselves or by a servant, agent, or employee; the single number shall, when necessary, mean and include the plural, and the masculine pronoun shall include the feminine. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.120 Pier.**

“Pier” means any pier, dock, wharf, bulkhead, dolphin, walk, landing, seawall, quay, float, or other structure to which a vessel or watercraft may make fast, or which may be utilized in the loading, unloading, or handling of products, merchandise and/or passengers. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.130 Pollution.**

“Pollution” means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water, but shall not mean the addition of fresh water to the salt waters of Puget Sound. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.140 Restricted area.**

“Restricted area” means an area that has been marked in accordance with and as authorized by the laws or regulations of the City, to be used for or closed to certain designated purposes such as swimming, skin diving, ferry landings, and aquatic events, the method of marking or designation of which shall have been made by the City or its duly constituted officials in accordance with the provisions of this title. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.150 Skin diving.**

“Skin diving” means any free swimming person and/or any person who uses an artificial or mechanical means to replace his 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. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.160 Submerged street area.**

“Submerged street area” means any platted street area (or extension thereof) occupied by any of the waters of Tacoma Harbor. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.170 Tacoma Harbor.**

“Tacoma Harbor” means all tidewaters, navigable waters, waterways, adjacent waters, and all tributaries, and all wharves, slips, and landing places adjacent thereto, within the limits of the City of Tacoma. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.180 Vessel.**

“Vessel” means any contrivance 65 feet or more in length overall used or capable of being used as a means of transportation on water. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.02.190 Watercraft.**

“Watercraft” means any contrivance less than 65 feet in length overall used or capable of being used as a means of transportation on water. Cribs or piles, shingle bolts, booms of logs, rafts of logs, and rafts of lumber, shall be included within the terms “watercraft” or “vessel” when being towed, but shall be included within the term “obstruction” when they are floating loose, not under control or tow, or when under control or tow and obstructing any navigable channel. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.02.200 Water ski.**

“Water ski” means all forms, manner, means, or contrivances of person or persons being towed behind a vessel or watercraft. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.02.210 Waterway.**

“Waterway” means all portions of the following designated waterways lying within the boundaries of the City of Tacoma, to wit: City Waterway, Wheeler-Osgood Waterway, Middle Waterway, St. Paul Waterway, Puyallup Waterway, Sitcum Waterway, Blair Waterway, and Hylebos Waterway. (Ord. 22868 § 1; passed Jun. 7, 1983)



## Chapter 4.04

### GENERAL PROVISIONS

Sections:

- 4.04.010 Statement of policy.
- 4.04.020 Authorization.
- 4.04.030 Nonwaiver of liability, civil or criminal.
- 4.04.040 Shoreline Management Act.
- 4.04.050 Severability.

#### **4.04.010 Statement of policy.**

The City Council recognizes that the body of water and its adjacent uplands known as Puget Sound (which includes those waters designated in this Title 4 as Tacoma Harbor) is an estuary consisting of approximately 2,500 square miles of inlets, bays, and channels, more than 200 islands, and in excess of 2,000 miles of shoreline which supports navigation, commerce, and other water-related economic uses and provides employment, recreational, educational, and other opportunities to the approximately 65 percent of Washington citizens residing within the 12 counties which border on Puget Sound, and it is apparent that the waters and shorelines of Puget Sound are accessible to and subject to multiple, and at times competing, uses.

The City Council further recognizes that Puget Sound and Tacoma Harbor are also significant recreational resources for the City, supporting tourism and recreational activities such as boating, swimming, water skiing, fishing, and scuba diving. Puget Sound residents own a multitude of pleasure boats, and in the summer, literally thousands of these craft cruise throughout Puget Sound. The density of both commercial and pleasure boat traffic continues to increase, as does the number of facilities necessary to serve such traffic and provide for transfer of cargo from vessels to on-shore storage or for transport overland by truck or rail. It is recognized that the increased amount of harbor traffic and the ever-increasing frequency of cargo transfers, involving at times hazardous materials, have, together with the increased number of pollution-creating activities on shore, created an increased potential for the serious impairment of the use and quality of the Puget Sound waters and a substantial detrimental risk to the safety and public health and welfare of the citizens of Tacoma.

It is declared to be the public policy of the City to assert and exercise all jurisdiction it may have to protect all aspects of its marine environment and the quality of the waters of Tacoma Harbor by all appropriate means, and to provide for local regulations to protect the public health and safety and to enhance the public enjoyment and safe use of Tacoma Harbor. The City is cognizant that the uses made of Puget Sound outside Tacoma Harbor will affect Tacoma Harbor, as do uses made of Tacoma Harbor affect other parts of Puget Sound, and the City, in recognition of the multi-jurisdictional effects, and in recognition of the State of Washington's and the Federal government's respective interests in the quality of the waters of Puget Sound, water uses, navigational rules, elimination of navigational hazards, and various other matters in which the City, State, and Federal government may have concurrent or joint jurisdiction, hereby proclaims a public policy of working cooperatively with the State and Federal governments in a joint effort to extinguish the sources of water quality degradation and in the enforcement of local, State, and Federal laws and regulations pertaining to or affecting the use of Tacoma Harbor and the health, safety, and welfare of the citizens of Tacoma.

It is the intent of the City, in adopting this title, to exercise its traditional local police powers to supplement State and Federal programs, and also to develop a close relationship with the State and Federal governments in the enforcement of laws affecting Tacoma Harbor, to the end that the interests of the City and the general public will best be served. It is further the policy and intent of the City, by the enactment of this Harbor Code, to preserve to itself and its citizens the civil right to abate public and private nuisances, and the City Manager is authorized, through the City Attorney, to commence such civil or criminal legal actions as may be appropriate to provide for elimination of sources of water quality degradation which affect Tacoma Harbor, whether such sources be within or outside the corporate limits of Tacoma, and to provide for the elimination of obstructions or activities which impair the navigability of Tacoma Harbor, or otherwise interfere with the normal public use thereof. (Ord. 22868 § 1; passed Jun. 7, 1983)

#### **4.04.020 Authorization.**

The City, in the exercise of its police power, assumes control and jurisdiction over all tidewaters, navigable waters, adjacent waters, waterways, and all tributaries within its limits, with the wharves, slips, and landing places adjacent thereto, and such water shall, for the purpose of this title, be known as the Tacoma Harbor. The provisions of this title shall be construed to supplement United States and State of Washington laws and regulations when not expressly inconsistent therewith in the area where such United States and State of Washington laws and regulations are applicable. (Ord. 22868 § 1; passed Jun. 7, 1983)

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### **4.04.030 Nonwaiver of liability, civil or criminal.**

Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of the United States, the State of Washington, or any political subdivision. Nothing in this title shall be construed so as to relieve any person owning or controlling any vessel, watercraft, pier, obstruction, structure, or other property of any nature, real or personal, from any liability for damages, and the safeguards to life and property required in this title shall not be construed as relieving any person from installing and maintaining all other safeguards which may be required by law. Nothing in this title shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages or injunctive relief by reason of or for the abatement of any public or private nuisance. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.04.040 Shoreline Management Act.**

The provisions of this title are in addition to the provisions of Chapter 13.10 of the Official Code of the City of Tacoma relating to shoreline management, and nothing herein shall be construed to excuse noncompliance with the provisions of that chapter and applicable State and Federal laws. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.04.050 Severability.**

If any provision of this Title 4, consisting of 14 chapters numbered 4.02 through 4.28, or its application to any person or circumstance, is held invalid, the remainder of said Title 4 or the application of the provision to other persons or circumstances shall not be affected. (Ord. 22868 § 1; passed Jun. 7, 1983)

## Chapter 4.05

## WATERCRAFT REGISTRATION

## Sections:

- 4.05.010 Application – Provisions supplemental.
- 4.05.020 Watercraft registration required – Statutes adopted by reference.
- 4.05.030 Watercraft registration – Alteration

**4.05.010 Application – Provisions supplemental.**

The provisions of this title shall be applicable to all vessels and watercraft operating in the waters of the City. The provisions of this title shall be construed to supplement United States laws and state laws and regulations, when not expressly inconsistent therewith, in the waters of the City where such United States laws and state laws and regulations are applicable. (Ord. 27361 § 1; passed May 24, 2005)

**4.05.020 Watercraft registration required – Statutes and Regulations adopted by reference.**

The following sections in the Revised Code of Washington (“RCW”) are adopted by reference, as currently enacted or as amended hereafter, and as supplemented by Chapter 308-93 in the Washington Administrative Code (“WAC”), including penalties; except as otherwise specifically set forth in this chapter and except that conduct constituting a felony, as determined by the prosecutor, is excluded. A complete copy of RCW 88.02.010 through RCW 88.02.118 and Chapter 308-93 WAC is on file with the City Clerk. For purposes of this chapter only, the definitions contained in Chapter 4.02 TMC do not apply, but rather the definitions contained in RCW 88.02.010, adopted herein, shall apply.

## RCW:

- 88.02.010 Definitions.
- 88.02.020 Registration and display of registration number and decal prerequisite to ownership or operation of vessel – Exceptions.
- 88.02.023 Vessel dealer display decals – Use.
- 88.02.025 Registration of vessels numbered under the federal boat safety act.
- 88.02.028 Registration of rented vessels – Dealer’s vessels – Dealer registration numbers not transferable.
- 88.02.030 Exceptions from vessel registration – Use of excess document identification fee for boating safety programs – Rules.
- 88.02.035 Confidential vessel registration, law enforcement purposes.
- 88.02.040 Issuance of registrations – Agents – Deposit of fees in general fund – Allocation for boating safety and education, law enforcement, and derelict vessel removal and disposal.
- 88.02.045 Allocation of funds under RCW 88.02.040 to counties – Deposit to account for boating safety programs.
- 88.02.090 Inspection of registration – Violation of chapter.
- 88.02.110 Penalties – Disposition of moneys collected – Enforcement authority.
- 88.02.112 Registration certificate required – Penalty.
- 88.02.115 Additional penalties for unauthorized or personal use of dealer display decals.
- 88.02.118 Evasive registration – Penalty. (Ord. 27361 § 1; passed May 24, 2005)

**4.05.030 Watercraft registration – Alteration.**

The following sections in the Revised Code of Washington (“RCW”) are adopted by reference, as currently enacted or as amended hereafter, as if fully set forth in this chapter and except that conduct constituting a felony, as determined by the prosecutor, is excluded. A complete copy of RCW 46.12.300 through 46.12.330 is on file with the City Clerk.

## RCW:

- 46.12.300 Serial numbers on vehicles, watercraft, campers, or parts – Buying, selling, etc., with numbers removed, altered, etc. – Penalty – Gross Misdemeanor.
- 46.12.310 Serial numbers – Seizure and impoundment of vehicles, recreational watercraft, campers, or parts – Notice to interested persons – Release to owner.
- 46.12.320 Serial numbers – Disposition of vehicles, watercraft, campers, or parts authorized, when
- 46.12.330 Serial numbers – Hearing – Appeal – Removal to court – Release. (Ord. 27361 § 1; passed May 24, 2005)



**Chapter 4.06**  
**HARBOR MASTER**

## Sections:

- 4.06.010 Designation.  
4.06.020 Authority.

**4.06.010 Designation.**

The Chief of the City Fire Department, as the Harbor Master and duly authorized deputies and assistants acting on his behalf, shall have full power and authority to enforce the provisions of this title. The granting of authority to the Chief of the City Fire Department under this title shall not diminish any authority granted to the Chief of Police and City police officers by State statute or City ordinance. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.06.020 Authority.**

The Harbor Master is authorized:

A. To inspect Tacoma Harbor and the shoreline and shoreline installations and to report any violations of this title or any other law to the proper authorities. The Harbor Master shall maintain a working relationship with the various agencies having jurisdiction or expertise in matters pertaining to or relating to the areas addressed in this title, including but not limited to: navigation; transport, transfer, and storage of hazardous materials; regulation and eradication of pollution and pollution sources; removal or prohibition of obstructions to navigation; and the elimination or prevention of conditions which would have a detrimental impact on the proper uses of Puget Sound or on the health, safety, or welfare of the citizens of Tacoma. The Harbor Master shall endeavor to maintain a working familiarity with the various laws, regulations, and rules of such other agencies, and upon observing violations thereof, shall notify the agency having enforcement jurisdiction, and shall cooperate with and encourage such agency to enforce applicable laws and regulations and to institute such legal proceedings as may be within such agency's authority, to the end that the policies as set forth in this title will be accomplished and the safety and welfare of the City and its citizens will be best served.

B. To enforce the ordinances and regulations of the City upon the waters of Tacoma Harbor and all other areas within the City to which the provisions of this title pertain.

C. To patrol Tacoma Harbor for the protection of life, property, and the marine environment, and to notify the United States Coast Guard, the Corps of Engineers, or such other agency having jurisdiction for the removal and disposition of oil pollution, drifting debris, and nuisances from the waters of Tacoma Harbor.

D. To make rules and regulations governing the use by persons and vessels of all piers within Tacoma Harbor, including all piers owned or controlled by the City; to make rules and regulations governing the use of submerged street areas; to make rules and regulations regarding the use of Tacoma Harbor for aquatic events; to establish restricted areas such as traffic lanes and traffic separation systems for the control of water traffic, and rules and regulations governing use thereof; to make rules and regulations, when necessary, in conjunction with the Fire Department or the United States Coast Guard or other agency having jurisdiction, setting forth standards to be followed by all persons within the scope of this title, including but not limited to regulations for: the safety of persons and property; burning, welding, or hot work; the handling of explosives, firearms, dangerous cargo, or other hazardous materials; the transfer of flammable liquids; the control of motor vehicles engaged in loading or unloading cargo; pier automotive equipment; fire extinguishing equipment; the arrangement and maintenance of stores, supplies, and cargo; lighting and wiring; to promulgate rules and regulations governing the use of the navigable portions of Tacoma Harbor. Any such rules and regulations or changes thereto, if not otherwise set forth in the adopted codes or ordinances of the City, shall be subject to approval of the City Council by resolution, and thereafter, if adopted, a copy shall be filed with the City Clerk.

E. To periodically review all laws, codes, regulations, and rules which have been adopted by reference and made a part of this title, and advise the City Council of all changes or amendments thereto, and, on or before January 30th of each year, recommend whether the City Council should adopt and incorporate by reference into this title such amendments.

F. To perform necessary functions in connection with search and rescue in Tacoma Harbor.

G. To make routine inspections of vessels, piers, and waterfront structures and to report unsafe conditions to the responsible owners.

H. To actively cooperate with the authorities of the United States, the State of Washington, and its political subdivisions, in the enforcement of the laws and regulations of the United States, the State of Washington, and its political subdivisions.

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I. To designate, indicate the location of, and patrol anchorage locations for watercraft or vessels within Tacoma Harbor, and to designate, indicate the location of, and patrol take-off and landing areas for aircraft on the water within areas permitted by the ordinances of the City.

J. To designate restricted areas and courses.

K. To remove, impound, or sell, in the manner as may be provided by law, any vessel, watercraft, or obstruction anchored or moored in violation of this title or deemed a public nuisance or hazard to navigation or operated or afloat under conditions deemed unsafe.

L. To issue permits for movement of unseaworthy craft and anchoring or moorage of vessels or watercraft in approved anchorage areas; to issue permits for skin diving or scuba diving in otherwise restricted areas; to issue permits for temporary uses or obstructions; and to charge for all such permits the fee, if any, established by ordinance.

M. To investigate and report upon accidents or collisions within Tacoma Harbor.

N. To establish, maintain, and regulate the use of moorage, buoys, and traffic control signs in the Tacoma Harbor for the convenience of watercraft and vessels. (Ord. 22868 § 1; passed Jun. 7, 1983)

**Chapter 4.08**

**TACOMA HARBOR TECHNICAL ADVISORY COMMISSION**

*Repealed by Ordinance 26613*

(Ord. 26613 § 1; passed Apr. 11, 2000; Ord. 26386 § 22; passed Mar. 23, 1999; Ord. 22868 § 1; passed Jun. 7, 1983)



## Chapter 4.10

## OPERATION REGULATIONS FOR VESSELS AND WATERCRAFT

## Sections:

- 4.10.010 Compliance with public health regulations.
- 4.10.020 Rules of the road.
- 4.10.030 Equipment and numbering.
- 4.10.040 *Repealed.*
- 4.10.050 Interference with navigation.
- 4.10.060 Damaged vessels obstructing navigation – Warning.
- 4.10.070 Mooring.
- 4.10.080 Horns, whistles, and bells – Sounding.
- 4.10.090 Passenger loading and discharge – Safety precautions.
- 4.10.100 Rat guards.
- 4.10.110 *Repealed.*
- 4.10.120 *Repealed.*
- 4.10.130 Speed limits.
- 4.10.140 *Repealed.*
- 4.10.150 Permitting operation by incapable person.
- 4.10.160 Restricted areas.
- 4.10.170 Exemptions.
- 4.10.180 Exceptions in special circumstances.
- 4.10.190 Overloading.
- 4.10.200 *Repealed.*

**4.10.010 Compliance with public health regulations.**

All watercraft and vessels entering or in the Tacoma Harbor shall comply with the applicable public health laws and regulations of the United States, the State of Washington, and its political subdivisions. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.10.020 Rules of the road.**

Except as otherwise specified in this title, vessels or watercraft shall be subject to the “International Regulations for Preventing Collisions at Sea, 1972” (72 COLREGS), 33 CFR 81, as the same were made applicable to Puget Sound and its tributaries pursuant to 33 CFR 82.1395 effective December 24, 1981, which rules, as existing on January 1, 1983, and copies of which are on file in the office of the City Clerk, are by this reference incorporated herein as though fully set forth at this point. Such rules shall apply to all vessels or watercraft within Tacoma Harbor except to the extent certain vessels or watercraft may be exempt from compliance with certain provisions of the rules as provided pursuant to 33 CFR 81.20 and Appendix B to 33 CFR 82, and except to the extent strict compliance with any particular provision of the rules has been waived by a Certificate for Alternate Compliance by the U.S. Coast Guard pursuant to 33 CFR 81. From and after January 1, 1984, any person who shall violate or fail to comply with any provision of the said rules as herein adopted shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding \$500.00. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.10.030 Equipment and numbering.**

All watercraft or vessels shall carry the equipment required by any applicable United States laws or the laws of the State of Washington or the City of Tacoma as the same now exist or may hereafter be amended, and shall be numbered or designated in accordance with any applicable United States laws as now or hereafter amended. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.10.040 Mufflers. *Repealed by Ordinance 27361.***

(Ord. 27361 § 2; passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983)

**4.10.050 Interference with navigation.**

No person shall operate any watercraft or vessel on the water in a manner which shall unreasonably or unnecessarily interfere with other watercraft or vessels on the water or with the free and proper navigation of the waterways of the City. Anchoring or mooring under bridges or in heavily traveled channels shall constitute such interference if unreasonable under the prevailing circumstances, or if otherwise prohibited under this title or other applicable law, ordinance, regulations, rule, or order of the Harbor Master. (Ord. 22868 § 1; passed Jun. 7, 1983)

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### **4.10.060 Damaged vessels obstructing navigation – Warning.**

Whenever a vessel or other watercraft is wrecked or out of control within the Tacoma Harbor area so that it obstructs other navigation or endangers the same, it shall be the duty of the owner or operator thereof to immediately notify the Harbor Master, giving the location of such obstruction and the cause. The owner or operator shall immediately place and maintain an adequate buoy or marker over such obstruction and display warning devices, markers, and lights as required by law. It shall be the responsibility of the owner of said obstruction to commence diligent removal of the same, and each day that the same shall remain shall constitute a separate violation hereof. Failure to so diligently remove such obstruction shall constitute an abandonment of such craft, and the Harbor Master may summarily remove the same at the cost of the owner thereof. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.10.070 Mooring.**

All vessels and watercraft moored in the Tacoma Harbor shall be moored or anchored securely in accordance with all applicable provisions of law and generally recognized maritime customs, practices, and procedures. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.10.080 Horns, whistles, and bells – Sounding.**

It is unlawful for vessels to cause any whistle, siren, foghorn, or bell to be blown or sounded for any other purpose other than as required by law within the Tacoma Harbor. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.10.090 Passenger loading and discharge – Safety precautions.**

Proper safety precautions in regard to the loading and discharge of passengers, as promulgated by the Harbor Master, shall be followed. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.10.100 Rat guards.**

Hawser and rope by which ocean-going vessels are made fast shall be equipped with one metal disk or rat guard. This disk shall be affixed at such distance from the pier as may be necessary to prevent rats from climbing the same. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.10.110 Negligent operation. *Repealed by Ordinance 27361.***

(Ord. 27361 § 2; passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.10.120 Reckless operation. *Repealed by Ordinance 27361.***

(Ord. 27361 § 2; passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.10.130 Speed limits – Infraction or misdemeanor.**

It shall be unlawful for any person to operate any vessel or watercraft in Tacoma Harbor at a speed in excess of five miles per hour within 100 yards of any diver's flag, restricted area, pier, or shore installation, or within 100 yards of any shoreline, except for those shorelines lying westerly of a point on the western end of Owens Beach, which point is located approximately at the intersection of longitude 122°21'27" west and latitude 47°18'50" north. It shall further be unlawful to operate any vessel or watercraft at a speed greater than five miles per hour within any part of the following designated waterways, to wit: Thea Foss Waterway, Wheeler-Osgood Waterway, Middle Waterway, St. Paul Waterway, Puyallup Waterway, Sitcum Waterway, Blair Waterway, or Hylebos Waterway. Such speed limit may be exceeded, where necessary, for safe navigation, accident avoidance, or in an emergency where the exceeding of such speed limit is necessary in the protection of life or property. Notwithstanding the speed limits set forth herein, it shall be unlawful for any vessel or watercraft to be operated any place within the Tacoma Harbor at such a speed as to cause damage to persons or property because of the wake of said vessel or watercraft.

The first or second violation of this section, within 365 days, is a civil infraction. A third or subsequent violation of this section, within 365 days, shall constitute a misdemeanor. (Ord. 27361 § 2; passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.10.140 Operating while under influence of liquor or drugs. *Repealed by Ordinance 27361.***

(Ord. 27361 § 2; passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983.)

### **4.10.150 Permitting operation by incapable person.**

It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit same to be operated by any person who, by reason of physical or mental disability, is incapable of operating such a vessel or watercraft under the prevailing circumstances. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.10.160 Restricted areas.**

In the interests of safe navigation, life, safety, and protection of property, the Harbor Master may designate certain restricted areas and the purposes for which same shall be used. No person shall operate a vessel or watercraft within said restricted area, provided that this section shall not apply to vessels or watercraft engaged in or accompanying the activity to which the area is restricted, or to patrol or rescue craft, or in the case of emergency. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.10.170 Exemptions.**

The provisions of this chapter shall be applicable to the operation of any and all vessels or watercraft in Tacoma Harbor, except that they shall not apply to any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law within the purpose for which such emergency vessel or watercraft has been authorized. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.10.180 Exceptions in special circumstances.**

In obeying and construing these rules, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.10.190 Overloading.**

A. No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity, nor carry passengers in an unsafe manner, taking into consideration weather and other existing operating conditions.

B. Whenever it appears reasonably certain to any harbor or police officer that any person is operating a watercraft loaded beyond its safe capacity or specified load limit, said officer may take reasonable measures to prevent any such person from so operating the craft, and may require that such watercraft be taken and left at the nearest place of safety or storage until such unsafe condition be corrected or remedied. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.10.200 Penalty for violations. *Repealed by Ordinance 27361.***

(Ord. 27361 § 2; passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983)



## Chapter 4.12

## NOTICE OF ARRIVAL – CERTAIN DANGEROUS CARGO – HAZARDOUS CONDITIONS

## Sections:

- 4.12.010 Definitions.
- 4.12.020 Notice of arrival – Vessels carrying certain dangerous cargo.
- 4.12.030 Notice of hazardous conditions.
- 4.12.040 Hazardous circumstances.
- 4.12.050 Report of arrival of other vessels.
- 4.12.060 Waivers.
- 4.12.070 Notices – Reports – Phone number – Address.

**4.12.010 Definitions.**

As used in this chapter:

A. “Agent” means any person, partnership, firm, company, or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

B. “Carried in bulk” means a commodity which is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

C. “Certain dangerous cargo” includes any of the following:

1. Class A explosives, as defined in 46 CFR 146.20-7 and 49 CFR 173.53.
2. Oxidizing materials or blasting agents for which a permit is required under 49 CFR 176.415.
3. Large quantity radioactive material, as defined in 49 CFR 173.389(b), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.389(a)(3).
4. Each cargo under Table I of 46 CFR Part 153 when carried in bulk.
5. Any of the following when carried in bulk:

Acetaldehyde  
 Ammonia, anhydrous  
 Butadiene  
 Butane  
 Butene  
 Butylene Oxide  
 Chlorine  
 Ethane  
 Ethylene  
 Ethylene Oxide  
 Methane  
 Methyl Acetylene, Propadiene Mixture, Stabilized  
 Methyl Bromide  
 Methyl Chloride  
 Phosphorous, elemental  
 Propane  
 Propylene  
 Sulfur Dioxide  
 Vinyl Chloride

6. Any flammable liquid carried as cargo having a flash point below 100° F and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F in quantities of over 200 gallons.

D. “Hazardous condition” means any condition which could adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of Tacoma Harbor or the City of Tacoma. This condition could include but is not limited to fire, explosion, grounding, leakage, damage, serious illness of a person on board, or a manning shortage.

E. “Place of destination” means any portion of Tacoma Harbor to which a vessel is bound to anchor or moor. (Ord. 22868 § 1; passed Jun. 7, 1983)

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### **4.12.020 Notice of arrival – Vessels carrying certain dangerous cargo.**

A. Unless other arrangements are made with the Harbor Master by the owner, master, agent, or person in charge, such owner, master, agent, or person in charge of a vessel, except a barge, bound to a place of destination in Tacoma Harbor carrying certain dangerous cargo, shall notify the Harbor Master at least 24 hours before entering Tacoma Harbor (or such lesser time as may be reasonably feasible, but in any event prior to arrival in Tacoma Harbor) of:

1. The name and country of registry of the vessel;
2. The location of the vessel at the time of the report;
3. The name of each certain dangerous cargo carried;
4. The amount of each certain dangerous cargo carried;
5. The stowage location of each certain dangerous cargo;
6. The facility at which such certain dangerous cargo is to be transferred;
7. The estimated time of arrival at Tacoma Harbor.

If the estimated time of arrival changes by more than six hours from the latest reported time, the Harbor Master must be notified of the correction as soon as the change is known.

B. The owner, master, agent, or person in charge of a barge bound to a place of destination in Tacoma Harbor carrying certain dangerous cargo shall report the information required in subsections A.1 through A.7 of this section to the Harbor Master at least one hour before entering Tacoma Harbor. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.12.030 Notice of hazardous conditions.**

Whenever there is a hazardous condition on board a vessel bound for Tacoma Harbor or which is located in Tacoma Harbor, the owner, master, agent, or person in charge shall immediately notify the Harbor Master of the hazardous condition. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.12.040 Hazardous circumstances.**

The Harbor Master may order any vessel within Tacoma Harbor subject to the jurisdiction of the City to operate or anchor in a manner he directs if, by reason of weather, visibility, sea conditions, port congestion, hazardous conditions, or other hazardous circumstances, or the condition of such vessel, he is satisfied that such directive is justified in the interest of safety. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.12.050 Report of arrival of other vessels.**

Unless other arrangements are made with the Harbor Master by the owner, master, agent, or person in charge, such owner, master, agent, or person in charge of each vessel of more than 1,600 gross tons, except ferries operated by the State of Washington, bound to a place of destination in Tacoma Harbor shall, prior to entering Tacoma Harbor, notify the Harbor Master of:

- A. Name and country of registry of the vessel;
- B. The estimated time of arrival at the place of destination in Tacoma Harbor;
- C. Such other information as may be requested by the Harbor Master or his designee in order for the Harbor Master to properly plan for or proceed in the event of any emergency for which emergency services are required of the City to such vessel or in the vicinity thereof.

Such requested information may include, but is not limited to, cargo tonnage, general type of cargo, the location of the facility where cargo transfer is to be made, estimated time of stay in Tacoma Harbor, and the extent and type of “hazardous materials” and “hazardous substances” on board the vessel. For purposes of this chapter, the terms “hazardous material” and “hazardous substance” shall have the same meaning as the definitions of such terms by the United States Department of Transportation as more specifically set forth in 49 CFR 171.8, and shall include the same materials and substances as set forth in the Hazardous Materials Table of 49 CFR 172.101; provided, however, that the terms “hazardous material” and “hazardous substance” shall include such additional materials and substances as may be designated as such by ordinances, codes, and regulations of the City of Tacoma. The pre-arrival reporting requirements for any vessel bound for a place of destination in Tacoma Harbor carrying “hazardous waste” shall be the same as for vessels carrying certain dangerous cargo. “Hazardous waste” includes those substances and materials defined as “hazardous waste” by the United States Department of Transportation as set forth in 49 CFR 171.8. Each vessel within Tacoma Harbor will, upon request, provide information as may be requested by the Harbor Master pertaining to “hazardous materials,” “hazardous substances” and “hazardous waste” on board such vessel and such

other information as may be required by the Harbor Master in order to ascertain whether special arrangements should be made for the avoidance or resolution of hazardous conditions or circumstances and as required for the Harbor Master to properly plan for or proceed in the event of any emergency for which services may be required of the City to such vessel or in the vicinity thereof. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.12.060 Waivers.**

The Harbor Master may waive any of the reporting requirements of this chapter for any vessel or class of vessels upon finding that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such that application of the reporting requirements set forth in this chapter are unnecessary or impractical for purposes of safety or environmental protection. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.12.070 Notices – Reports – Phone number – Address.**

The 24-hour phone number to call for the required notification to the Harbor Master is (206) 591-4447 or such other phone number as the Harbor Master may from time to time designate and give appropriate notice thereof. Any written request or report to the Harbor Master may be transmitted to the Harbor Master at the following address: 901 Fawcett Avenue, Tacoma, Washington 98402. (Ord. 22868 § 1; passed Jun. 7, 1983)



**Chapter 4.14**  
**ACCIDENTS**

*Repealed by Ordinance 27361*

(Ord. 27361 § 3; passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983)



## Chapter 4.15

## RECREATIONAL WATERCRAFT REGULATIONS

## Sections:

- 4.15.010 Scope.
- 4.15.020 Recreational watercraft regulations – Statutes adopted by reference.
- 4.15.030 Supplying liquor to minors – Misdemeanor.
- 4.15.040 Fish and wildlife regulations – Statutes adopted by reference.
- 4.15.050 Recreational watercraft equipment and operation – Sections adopted by reference.
- 4.15.060 Severability.

**4.15.010 Scope.**

This chapter is to supplement and not to replace or alter Title 4, except that for the purposes of this chapter, the term “vessel” is as defined in RCW 79A.60.010(23) and as may be otherwise specifically set forth in this chapter. The provisions of this title shall be applicable to all vessels and recreational watercraft operating in the waters of the City. The provisions of this title shall be construed to supplement United States laws and state laws and regulations when not expressly inconsistent therewith in the waters of the City where such United States and state laws and regulations are applicable. (Ord. 27361 § 4; passed May 24, 2005)

**4.15.020 Recreational watercraft regulations – Statutes adopted by reference.**

The following sections in the Revised Code of Washington (“RCW”), except as to RCW 79A.60.010(24) “Water skiing,” are adopted by reference, as currently enacted or as amended hereafter, including penalties; except as otherwise specifically set forth in this chapter and except that conduct constituting a felony, as determined by the prosecutor, is excluded. A complete copy of RCW 79A.60.010 through RCW 79.60.200 is on file with the City Clerk.

## RCW:

- 79A.60.010 Definitions. (except as to (24), “Water skiing”)
- 79A.60.020 Violations of chapter punishable as misdemeanor – Circumstances – Violations designated as civil infractions.
- 79A.60.030 Operation of vessel in a negligent manner – Penalty.
- 79A.60.040 Operation of vessel in a reckless manner – Operation of a vessel under the influence of intoxicating liquor – Penalty.
- 79A.60.080 Failure to stop for law enforcement officer.
- 79A.60.100 Enforcement – Chapter to supplement federal law.
- 79A.60.110 Equipment standards – Rules – Penalty.
- 79A.60.120 Tampering with vessel lights or signals – Exhibiting false lights or signals – Penalty.
- 79A.60.130 Muffler or underwater exhaust system required – Exemption – Enforcement – Penalty.
- 79A.60.150 Failure of vessel to contain required equipment – Liability of operator or owner – Penalty.
- 79A.60.160 Personal flotation devices required – Penalty.
- 79A.60.170 Water skiing safety – Requirements.
- 79A.60.180 Loading or powering vessel beyond safe operating ability – Penalties.
- 79A.60.190 Operation of personal watercraft – Prohibited activities – Penalties.
- 79A.60.200 Duty of operator involved in collision, accident, or other casualty – Immunity from liability of persons rendering assistance – Penalties.

(Ord. 27361 § 4; passed May 24, 2005)

**4.15.030 Supplying liquor to minors – Misdemeanor.**

A. It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of 21 years or permit any person under the age of 21 years to consume liquor on his or her vessel or recreational watercraft or on any vessel or recreational watercraft under his or her control. A violation of this subsection is a misdemeanor.

B. It is unlawful for a person under the age of 21 years to be in any vessel or recreational watercraft while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either:

1. is in possession of or close proximity to a container that has, or recently had, liquor in it, or
2. exhibits, by speech, manner, appearance, behavior, lack of coordination, or otherwise, that he or she is under the influence of liquor. A violation of this subsection is a misdemeanor. This subsection B.2 does not apply if the person is in the presence

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of a parent or guardian or has consumed or, is consuming, liquor under circumstances described in subsection D of this section.

C. Subsections A and B.1 of this section do not apply to liquor given, or permitted to be given, to a person under the age of 21 years by a parent or guardian and consumed in the presence of the parent or guardian.

D. This section does not apply to liquor given for medicinal purposes to a person under the age of 21 years by a parent, guardian, physician, or dentist.

E. This section does not apply to liquor given to a person under the age of 21 years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service. (Ord. 27361 § 4; passed May 24, 2005)

### **4.15.040 Fish and wildlife regulations – Statutes adopted by reference.**

The following sections in the Revised Code of Washington (“RCW”), except RCW 77.15.160(3), are adopted by reference, as currently enacted or as amended hereafter, including penalties; except as otherwise specifically set forth in this chapter and except that conduct constituting a felony, as determined by the prosecutor, is excluded. Pursuant to RCW 77.08.010(6) and RCW 77.15.075, law enforcement officers, including Tacoma Police officers, have the same enforcement authority as Washington State Department of Fish and Game officers within Tacoma City limits. A complete copy of RCW 77.08.010 and RCW 77.15.075 through RCW 77.15.380 is on file with the City Clerk.

RCW:

- 77.08.010 Definitions.
- 77.15.075 Enforcement authority of fish and wildlife officers.
- 77.15.080 Fish and wildlife officers – Inspection authority.
- 77.15.092 Arrest without warrant.
- 77.15.094 Search without warrant – Seizure of evidence, property – Limitation.
- 77.15.160 Infractions – Record catch – Barbed hooks – Other rule violations. (except as to subsection (3))
- 77.15.370 Unlawful recreational fishing in the first degree – Penalty.
- 77.15.380 Unlawful recreational fishing in the second degree – Penalty.

(Ord. 27361 § 4; passed May 24, 2005)

### **4.15.050 Recreational watercraft equipment and operation – Sections adopted by reference.**

The following sections in the Washington Administrative Code (“WAC”), except as to WAC 352-60-020 “Water skiing,” are adopted by reference, as currently enacted or as amended hereafter, including penalties; except as otherwise specifically set forth in this chapter and except that conduct constituting a felony, as determined by the prosecutor, is excluded. A complete copy of WAC 352-60-010 through WAC 352-60-120, WAC 352-67-010 through WAC 352-67-050, and WAC 352-70-010 through WAC 352-70-060 is on file with the City Clerk.

WAC:

- 352-60-010 Purpose.
- 352-60-020 Definitions.
- 352-60-030 Personal flotation devices required.
- 352-60-050 Ventilation.
- 352-60-060 Navigation lights and shapes.
- 352-60-065 Sound producing devices.
- 352-60-070 Steering and sailing.
- 352-60-080 Fire extinguisher required.
- 352-60-090 Backfire flame control.
- 352-60-110 Canadian vessels.
- 352-60-120 Water ski observer.
- 352-67-010 Purpose.
- 352-67-020 Definitions.
- 352-67-030 Instrumentation.
- 352-67-040 General requirements.
- 352-67-050 Specific requirements.
- 352-70-010 What is the state boating accident reporting program?
- 352-70-020 What words and phrases are used in the state boating accident reporting program?
- 352-70-030 Which vessels are subject to the state boating accident reporting program?
- 352-70-035 Who is required to submit a boating accident report and under what conditions?

- 352-70-040 How does the operator of a vessel report a boating accident?
- 352-70-050 What information must be provided on the state boating accident report form?
- 352-70-060 How is a boating accident report submitted to the commission?

(Ord. 27361 § 4; passed May 24, 2005)

**4.15.060 Severability.**

Should any part of this chapter be adjudged invalid for any reason, such adjudication shall not affect the validity of this chapter as a whole or any part thereof. (Ord. 27361 § 4; passed May 24, 2005)



**Chapter 4.16**  
**WATER SPORTS**

Sections:

- 4.16.010 Swimming and skin diving.
- 4.16.020 Water skiing.

**4.16.010 Swimming and skin diving.**

A. Swimming in the Tacoma Harbor shall be confined to (1) restricted swimming areas; or (2) within a distance of 100 feet from the shore or a pier, unless the swimmer is accompanied by a watercraft; provided, however, that swimming shall be prohibited in water adjacent to an industrial plant or maritime facility using, or being served regularly by, vessels or watercraft.

B. Recreational skin diving shall be prohibited in the Tacoma Harbor within 300 feet of any ferry slip regularly in use, public boat ramp, industrial plant, public or industrial maritime facility using or being served regularly by vessels or watercraft, or area which is generally used and recognized as the entry or exit to any regularly established marina or yacht club boathouse; provided, however, that in the event skin or scuba divers are engaging in an aquatic event pursuant to a permit duly issued therefor, then said restriction shall not apply for the duration of said aquatic event; provided, further, that the restriction herein set forth shall not prevent a skin diver from traveling on the surface of the water through the restricted area in order to reach diving grounds.

C. Skin diving shall be prohibited in any area of the Tacoma Harbor unless the diver shall be accompanied by a watercraft displaying a diver's flag, or unless the area in which he is diving shall be marked by an adequately displayed diver's flag. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.16.020 Water skiing.**

A. No vessel or watercraft which shall have in tow or shall be otherwise assisting a person on water skis, aquaplane, surfboard, or similar contrivance shall be operated or propelled in the Tacoma Harbor unless such vessel or watercraft shall be occupied by at least two competent persons.

B. It shall be unlawful to water ski or tow anyone on water skis, aquaplane, surfboard, or similar contrivance within 100 yards of any shoreline, pier, or restricted area of the Tacoma Harbor; provided that water skiers may start at a shore installation but must head away from shore to a point at least 100 yards therefrom, as set forth above, before skiing parallel with the shore. The return to shore must be at not less than a 45-degree angle to the shoreline.

C. All vessels and 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 a reasonable and prudent distance from the person and property of others, and any person riding 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. (Ord. 22868 § 1; passed Jun. 7, 1983)



## Chapter 4.18

### OBSTRUCTIONS TO NAVIGATION – REMOVAL

Sections:

- 4.18.010 Obstructions prohibited.
- 4.18.020 Removal of obstructing vessels.
- 4.18.030 Sunken vessels.
- 4.18.040 Unseaworthy craft.

#### **4.18.010 Obstructions prohibited.**

No person shall, in any manner, obstruct any navigable portion of Tacoma Harbor or place any improvement, fence, or property of any nature at a fixed location within the waters of Tacoma Harbor except as may be authorized pursuant to this title or pursuant to a valid substantial development permit issued pursuant to Chapter 13.10 of the Official Code of the City of Tacoma, and consistent with the policies of Chapter 90.58 RCW (State Shoreline Management Act). (Ord. 22868 § 1; passed Jun. 7, 1983)

#### **4.18.020 Removal of obstructing vessels.**

A. Other than as provided in Chapter 4.22 hereof, no master or person having charge of any vessel, watercraft, or obstruction shall anchor, affix, or store the same within the boundaries of Tacoma Harbor, including, but not limited to, any anchorage or waterway, or make the same fast to any buoy, pier, or other structure owned by or under the authority and control of the City without first obtaining a permit therefor from the City.

B. The Harbor Master shall have the power to order any:

1. Vessel, watercraft, or obstruction anchored in any anchorage or waterway or made fast to any buoy, pier, or other structure owned by or under the authority and control of the City;
2. Towboat and/or its tow obstructing navigation in any channel or waterway; and
3. Vessel, watercraft, or obstruction lying at any pier in the Tacoma Harbor which is obstructing any slip, waterway, or other vessel or watercraft;
4. Vessel, watercraft, or obstruction anchored or made fast at any location in Tacoma Harbor in violation of this title or other applicable laws or regulations; to be removed, and it is unlawful to fail, neglect, or refuse to comply with such order of removal by the Harbor Master.

C. In the event any vessel, watercraft, or obstruction identified in subsection B above is not removed as directed by a written order of the Harbor Master within 24 hours, or such order of the Harbor Master is not fully complied with in other respects, the Harbor Master shall have the power to take immediate possession of and/or impound such vessel, watercraft, or obstruction and remove the same, using such methods as in his judgment will prevent unnecessary damage to the vessel, watercraft, or obstruction, and/or assign the removal and impounding of the vessel, watercraft, or obstruction to a private party or corporation. Any expense of such removal and impounding shall be paid by the owner or other person in charge of such vessel, watercraft, or obstruction. (Ord. 22868 § 1; passed Jun. 7, 1983)

#### **4.18.030 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 Harbor Master 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 Harbor Master may take immediate possession thereof and remove the same, using such methods as in his judgment will prevent unnecessary damage to such vessel or watercraft or obstruction, and the expense incurred by the Harbor Master in such removal shall be paid by the owner or other person in charge of such vessel or watercraft or obstruction; and, in case of failure to pay the same, the City may maintain an action for the recovery thereof. (Ord. 22868 § 1; passed Jun. 7, 1983)

#### **4.18.040 Unseaworthy craft.**

A. It shall be unlawful for a master, owner, or other person without a permit from the Harbor Master to tow, move, or anchor in the Tacoma Harbor any vessel, watercraft, or obstruction which, prior to movement or tow:

1. Has been used as a permanent place of abode and was not engaged in navigation under its own power within 90 days; or
2. Appears or exists in any unseaworthy condition, uses or needs support from another vessel or watercraft to remain afloat, or otherwise appears to lack the capacity for safe movement through and across navigable waters, other than the following:

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- a. Barges, scows, or log booms in tow by a towage company authorized to do business in the State;
- b. Vessels or watercraft temporarily disabled by accident, collision, or other malfunction, but otherwise seaworthy and capable of safe movement; and
- c. Vessels, watercraft, or obstructions being towed or moved by or under the control of the Harbor Master or other governmental authority.

B. Any person seeking a permit to tow or move any vessel, watercraft, or obstruction identified in subsection A of this section shall apply to the Harbor Master therefor and shall, irrespective of the distance to be moved, post a surety bond with the City in an amount which the Harbor Master shall determine reflects the estimated expense of the removal of such vessel, watercraft, or obstruction in the event of its breakup or sinking; provided that the Harbor Master may accept in lieu thereof an indemnity agreement by a towage company agreeing to remove the vessel, watercraft, or obstruction within 10 days in the event of breakup or sinking, and, if not so removed, to reimburse the City any expense incurred by removal thereof by the City. In addition, the Harbor Master may require the permittee to provide insurance policies in form and amount as approved by the City's Risk Manager, insuring the permittee and the City against such risk, liability, damages, and expenses as the City Risk Manager determines appropriate in light of the proposed activity or use to be undertaken by the permittee. The Harbor Master, with the consent of the City's Risk Manager, may waive any of the requirements of this subsection B upon a finding that the vessel, watercraft, or obstruction to be towed or moved is of such small size or is otherwise of such a nature that any risk of expense to the City, damage, sinking, obstruction of public water, or harm to the marine environment or persons or property is, as determined by the Harbor Master, minimal or inconsequential. (Ord. 22868 § 1; passed Jun. 7, 1983)

**Chapter 4.20**  
**IMPOUNDMENT**

## Sections:

- 4.20.010 Authority to impound.  
4.20.020 Expenses.  
4.20.030 Floating objects.  
4.20.040 Impounding in place.  
4.20.050 Liability.

**4.20.010 Authority to impound.**

The Harbor Master may take immediate possession and/or impound and remove any vessel, watercraft, or obstruction when:

- A. The operator or master of the same reasonably appears incapable of safely operating the same or appears incapable of directing the disposition of the same;
- B. The operator or master of the same refuses to sign a citation or refuses or neglects to obey an order of the Harbor Master to proceed from or to an area following a citation or in an emergency;
- C. The operator or master operates a vessel, watercraft, or obstruction in a negligent, reckless, or other manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other watercraft and vessels, and the Harbor Master has cause to believe such operation of the vessel, watercraft, or obstruction would continue unless possession be taken of the same;
- D. The vessel, watercraft, or obstruction appears unsafe for water transportation; or
- E. The vessel, watercraft, or obstruction appears abandoned, or is anchored or moored in an area without a required permit, or after expiration, cancellation, or violation of a permit, or in violation of this title without a permit, 24 hours after an order to remove the same has been given by the Harbor Master as provided in Section 4.18.020 hereof; or
- F. The vessel, watercraft, or obstruction is obstructing a launch ramp area or public pier or has remained at a public facility for 12 hours longer than the maximum mooring or anchoring time;
- G. The Harbor Master, in removing the same, may use such methods as in his judgment will prevent unnecessary damage to said vessel, watercraft, or obstruction, and/or assign the removal and impounding of the vessel, watercraft, or obstruction to a private corporation. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.20.020 Expenses.**

In the event possession is taken of any vessel, watercraft, or obstruction as authorized herein, the expenses incurred by the Harbor Master in the removal, towing, impounding, and moorage of the same shall be paid by the owner or other person in charge of such vessel, watercraft, or obstruction. When a vessel, watercraft or obstruction is moored or impounded at a City facility, the Harbor Master may assess a reasonable moorage charge therefor, which shall be paid by the owner or other person in charge of such vessel, watercraft, or obstruction. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.20.030 Floating objects.**

All vessels, watercraft, logs, piling, building materials, scows, houseboats, or any other article of value found adrift in Tacoma Harbor may be taken in charge by the Harbor Master and shall be subject to reclamation by the owner thereof upon payment 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. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.20.040 Impounding in place.**

When taking possession as authorized herein, the Harbor Master may impound the vessel, watercraft, or obstruction in place by posting the same with one or more signs or notices in conspicuous places stating: "Harbor Master Impound – Keep Off," and notifying the owner, master, or person in charge of the impounding. The Harbor Master may, in his discretion, appoint as custodian the owner or operator of the facility or property where the vessel is moored or anchored. Upon the posting of such signs, it shall be unlawful for any person to:

- A. Move, load or unload, rebuild, or enter upon such vessel, watercraft, or obstruction without written permission from the Harbor Master, other than for necessary maintenance and repair to prevent deterioration or sinking of the same;
- B. Remove, mutilate, destroy, or conceal any notice or sign posted by the Harbor Master pursuant to the provisions of this title. (Ord. 22868 § 1; passed Jun. 7, 1983)

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### **4.20.050 Liability.**

The Harbor Master shall not be held responsible for damages incurred as the result of impound of a vessel or watercraft so long as reasonable practices are employed in said operation. (Ord. 22868 § 1; passed Jun. 7, 1983)

**Chapter 4.22**  
**ANCHORAGES**

Sections:

4.22.010 Unlawful uses.

**4.22.010 Unlawful uses.**

A. It shall be unlawful for the master or other person in charge of any vessel, watercraft or obstruction to anchor, tie, or make fast the same:

1. To any public pier or any boat launching or loading area for a longer period of time than reasonably sufficient to load, unload, launch, or land the same unless otherwise authorized by rules and regulations posted for the use of such public pier or public launching or loading area;

2. In any waterway for a longer period of time than reasonably sufficient to load, unload, repair, or temporarily store the same, and in no event in excess of seven days, other than as authorized by a written permit granted by the Harbor Master pursuant to Chapter 4.24 hereof;

3. In any other area of the Tacoma Harbor where navigation would be impeded, as determined by the Harbor Master, or in any event in any area of Tacoma Harbor for a period in excess of seven days, unless such anchorage or moorage be in a designated anchorage area established and approved by the United States Coast Guard pursuant to Federal law, or if such anchorage or moorage is authorized pursuant to a permit issued under the applicable ordinances of the City of Tacoma or the laws of the State of Washington.

B. Nothing herein shall authorize any use or activity in the Tacoma Harbor which is otherwise prohibited by Federal or State law or by City ordinances or regulations. (Ord. 22868 § 1; passed Jun. 7, 1983)



## Chapter 4.24

### USE OF WATERWAYS – TEMPORARY PERMITS

#### Sections:

- 4.24.010 Use of waterways.
- 4.24.020 Issuance of temporary permits.
- 4.24.030 Permit revocation.
- 4.24.040 Transfer of permit.
- 4.24.050 Other laws – Proprietary interest.

#### **4.24.010 Use of waterways.**

No use or occupancy of any portion of a waterway may be made except (if not otherwise prohibited by any other law) for the purpose of transport and movement and the loading and unloading of vessels and watercraft, and except for such other uses as may be specifically authorized by substantial development permit pursuant to Chapter 13.10 of the Official Code of the City of Tacoma, consistent with the policies of Chapter 90.58 RCW, and except for such temporary uses and occupancies which may be authorized by written permit of the Harbor Master as provided in this chapter. All uses and occupancies of waterways, whether by permit or otherwise, shall be subject to the following terms and conditions:

- A. All vessels, watercraft, or obstructions shall be anchored, moored, or secured in such a manner as to minimize interference with navigation in the waterway, and shall be promptly removed upon order of the Harbor Master in the event clearance of the waterway is necessary as determined by the Harbor Master for navigation, or in an emergency.
- B. The owner or master of any vessel, watercraft, or obstruction anchored or moored in the navigable portions of any waterway shall be responsible for the safe anchorage and fastening of the same and for any action necessary to prevent sinking.
- C. It shall be unlawful to use any vessel, watercraft, or obstruction as a place of abode while moored or anchored in the Tacoma Harbor unless so authorized by permit from the City.
- D. No use of a waterway shall unreasonably restrict water access to adjacent privately or publicly owned or controlled property, or conflict with a use of a waterway permitted by any public body. (Ord. 22868 § 1; passed Jun. 7, 1983)

#### **4.24.020 Issuance of temporary permits.**

- A. Authorization. The Harbor Master may authorize the use and occupancy of any portion of Tacoma Harbor for a period not exceeding 30 days by a written use and occupancy permit as provided in this section.
- B. Application. Any person seeking the temporary use and occupancy of a waterway or a portion thereof shall apply in writing therefor to the Harbor Master. If the application be for a specific vessel, watercraft, or obstruction, the application shall state the owner and master's name, address, and telephone number, the type and size of vessel or watercraft, the location in which anchorage or moorage is requested, the reason for the application, and the length of time for which the permit is desired.
- C. Issuance. The Harbor Master may issue a permit for the temporary use and occupancy of a portion of Tacoma Harbor with appropriate terms and conditions upon finding that the use and occupancy sought is compatible with use of the Tacoma Harbor as a public way for watercraft and the convenience of commerce, is consistent with the City's land use planning in the immediate vicinity and Chapter 13.10 of the Official Code of the City of Tacoma, and does not deprive adjacent properties of reasonable water access. The Harbor Master may waive compliance with the terms and conditions of this section for permit applications by the United States of America and its agencies, by the State of Washington, and by municipal corporations. Among other terms and conditions, the Harbor Master may require: (1) that the vessel or watercraft connect its plumbing system to the nearest available City sanitary sewer; (2) that the vessel or watercraft permit the anchorage or fastening of vessels or watercraft alongside and access thereto, or that the vessel or watercraft be removed as soon as privately owned or privately controlled moorage space becomes available; (3) that the applicant, prior to the issuance of the permit, provide and maintain in full force and effect, while the permit is in force, public liability insurance in an amount specified by the City's Risk Manager, sufficient to cover potential claims for bodily injury, death, or disability, and for property damage which may arise from or be related to the applicant's use of the Tacoma Harbor, naming the City as an additional insured; (4) that the applicant, prior to the issuance of the permit, provide and maintain during the period of the permit a bond or cash deposit in an amount specified by the Harbor Master, sufficient to cover the potential cost of removal of watercraft, vessel(s), or obstruction(s) to be located in Tacoma Harbor in the event of sinking, and in the event of adjacent publicly owned structures, the cost of repair thereof in the event of collision; and in the event of fixed structures, the estimated cost of removal upon expiration of the permit; (5) that the applicant, prior to the issuance of the permit, execute and deliver to the City, upon a form supplied by the Harbor Master, an agreement in writing and acknowledged by the applicant to hold and save harmless the City from any and all claims, actions, or damages of every kind and description which may accrue to or be suffered by any persons

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by reason of or related to the use and occupancy of the Tacoma Harbor by the permit holder. The applicant shall comply with the terms and conditions of the permit and shall cease the use and occupancy of the Tacoma Harbor on expiration of the permit unless an additional permit be issued. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.24.030 Permit revocation.**

All permits granted under the provisions of this title for the use of any portions of Tacoma Harbor shall be wholly of a temporary nature, shall vest no permanent right, and may be revoked without notice in case: (1) any such use or occupancy shall become dangerous to the public or persons other than the permit holder, or the permit holder shall fail to comply with the provisions of this title on a matter directly or materially affecting the health or safety of the public or the safety of adjoining property or passage through other portions of the Tacoma Harbor; or (2) the permit holder shall refuse to comply with the provisions of this title or the conditions of the permit. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.24.040 Transfer of permit.**

No permit issued pursuant to this chapter, or right or privilege granted under such permit, may be assigned, sublet, or transferred between persons, or from one vessel, watercraft, or obstruction to another, by operation of law or otherwise, without the written consent of the City. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.24.050 Other laws – Proprietary interest.**

The issuance of a permit hereunder shall not authorize any use or activity in the Tacoma Harbor which is otherwise prohibited by Federal or State law or City ordinances, nor authorize the use of any shore facility or structure not owned by the permittee unless the permittee has the requisite consent to use such shoreline facility or structure from the owner or other entity having the legal capacity to consent to such use. (Ord. 22868 § 1; Jun. 7, 1983)

## Chapter 4.26

**NUISANCES, PROHIBITED ACTS, POLLUTION, HAZARDOUS CARGO AND UNSAFE PIERS**

## Sections:

- 4.26.010 Nuisances designated generally – Removal.
- 4.26.020 Deposit of refuse or pollution of Tacoma Harbor generally.
- 4.26.030 Liability of masters, pilots, drivers, operators, and others.
- 4.26.040 Oil, safeguards.
- 4.26.050 Operation, cargo handling, and required equipment generally.
- 4.26.060 Loose material – Proper safeguards.
- 4.26.070 Mooring lines, unsafe piers, lighting.
- 4.26.080 Safety – Responsibility of pier owner.
- 4.26.090 Pier safety devices.

**4.26.010 Nuisances designated generally – Removal.**

Sunken vessels or watercraft, structures, or pieces of any structure, pier sweepings, 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, or any other substance, material, or mass of any nature which is prohibited by this title or any other law, ordinance, regulation, or rule from existing or being placed in Tacoma Harbor, are declared to be public nuisances, and it shall be unlawful for any person to throw or place, or allow to remain, or cause or permit to be thrown or placed any of the above-named articles or substances in Tacoma Harbor or upon the shores thereof, or in such position or location (even if outside the corporate limits of the City of Tacoma) that the same may or can be washed, leached, or discharged into the Tacoma Harbor, either by high tides, storms, floods, rains, or otherwise. Any person causing or permitting said nuisances to be placed or to exist as aforesaid shall remove the same and, upon failure so to do, the same may be removed by the Harbor Master and the expense thereof shall be paid by and recoverable from the person creating or responsible for the existence of such nuisance. In all cases, such nuisances may be abated in the manner provided by law. The abatement of any such public nuisance shall not excuse the person responsible therefor from prosecution under this title, and for each act prohibited by this chapter of a continuing nature, each day shall be considered a separate offense, as shall each day any person responsible therefor fails to correct or abate a condition or nuisance prohibited by this chapter. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.26.020 Deposit of refuse or pollution of Tacoma Harbor generally.**

It shall be unlawful to throw, discharge, or deposit, or cause, suffer, allow to remain, or procure to be thrown, discharged, or deposited, either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, or from any source whatsoever, any refuse matter of any kind or description or any substance of any nature whatsoever which would cause any pollution of the water of Tacoma Harbor (other than that as may be permitted by ordinances of the City of Tacoma flowing from City of Tacoma sewers in a liquid state) into any waters of Tacoma Harbor or into any other waters of Puget Sound, or into any tributary thereof from which the same shall be liable to or shall in fact float or be washed into, discharged, or otherwise be carried into Tacoma Harbor; and it shall be unlawful to deposit or cause, suffer, or procure to be deposited or allowed to remain any such aforesaid materials or substances in any place on any bank or shoreline area of Puget Sound or any tributary thereof, or at any other location where the same shall be liable to or shall be washed or discharged into Tacoma Harbor, either by tides, storms, rains, winds, or otherwise; provided that nothing herein shall prohibit the operations in connection with the improvement of navigable waters for navigation purposes and construction of public works related thereto considered necessary and proper by the City of Tacoma or by the appropriate United States agency authorizing and supervising such improvement or public work in accordance with any required City of Tacoma, State of Washington, or Federal permit. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.26.030 Liability of masters, pilots, drivers, operators, and others.**

Any and every master, pilot, engineer, operator, or person or persons acting in such capacity respectively, on board any vessel or watercraft, who shall knowingly engage in towing any scow, vessel, or contrivance of any nature loaded with any material or substance specified in Section 4.26.020 of this chapter to any point or place where any deposit or discharge is made in violation of this title; any driver, operator, or person or persons acting in such capacity who shall knowingly engage in the operation of any vehicle, conveying apparatus, or equipment of any nature which, by reason of any such operation, will result in the transport to or the discharge of any material or substances specified in said Section 4.26.020 at any point or place in violation of this title; and any other person who shall knowingly engage in, authorize, aid, abet, or instigate any activity or operation from which the deposit or discharge into Tacoma Harbor of any material or substance specified in said Section 4.26.020 occurs, by whatever means, shall be guilty of a violation of Section 4.26.020. (Ord. 22868 § 1; passed Jun. 7, 1983)

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### **4.26.040 Oil, safeguards.**

No owner, master, or other person in charge of any vessel or watercraft, and no engineer or other person in charge of any engine room or machinery of any vessel or watercraft, no owner, lessee, agent, employee, or other person in charge of or employed in or about any pier or any structure, and no person along or upon the shore of the Tacoma Harbor or any tributary or adjacent waters shall spill, throw, pump, or otherwise cause oil of any description to be or float upon the waters of Tacoma Harbor. It shall be unlawful for any such person to fail to provide such safeguards or apparatus as may be required by applicable laws for the prevention or containment of any oil discharge from any vessel or watercraft or on- or off-shore facility. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.26.050 Operation, cargo handling, and required equipment generally.**

The operation, anchorage, and docking of all vessels and watercraft in Tacoma Harbor and the transport, loading, unloading, handling, or storage of hazardous or other cargo in Tacoma Harbor in or upon facilities located in Tacoma Harbor or upon land shall comply with and be carried out in accordance with this title, the City of Tacoma Fire Code, and all other applicable adopted codes, ordinances, regulations, and rules of the City of Tacoma. All proper and operational safety or other equipment as required by such codes, regulations, and rules shall be carried, provided, or be otherwise available for use, or used for the purposes intended and shall, upon request of the Harbor Master, be made accessible for inspection. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.26.060 Loose material – Proper safeguards.**

It shall be unlawful to dump any loose material into the waters of Tacoma Harbor or to handle loose materials without properly safeguarding the area beneath by means of a sufficient tarpaulin or platform to prevent such materials from falling or otherwise being discharged into the waters of Tacoma Harbor. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.26.070 Mooring lines, unsafe piers, lighting.**

All vessels or watercraft making fast to any pier or moorage shall do so in a safe manner with suitable lines and fastenings to be furnished by the vessel. It shall be unlawful for any vessel or watercraft to make fast to any pier, wharf, or pier which is not in a sound and safe condition or which has been declared unsafe by the Harbor Master or the Chief of the Buildings Division of the Department of Public Works of the City of Tacoma. All piers and gangways shall be adequately lighted at night whenever passengers or cargo are being loaded or unloaded. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.26.080 Safety – Responsibility of pier owner.**

It shall be and remains the owner's responsibility to properly inspect all piers, wharves, and waterfront structures under his or her ownership or control. It shall be unlawful for any owner, agent, or lessee in charge of any pier or waterfront structure of any kind whatsoever to allow the same to become unsafe or dangerous to life or property or to allow any portion thereof to fall into or remain adrift in the waters of Tacoma Harbor. Upon notice from the Harbor Master or other City officer that such conditions exist, it shall be the duty of the owner thereof to promptly remove or make safe the stated condition. Such unsafe or dangerous piers, wharves, and waterfront structures are declared to be public nuisances, and unless such be repaired and maintained in a safe and usable condition, the same shall be demolished and removed at the cost and expense of the owner thereof. (Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.26.090 Pier safety devices.**

Every owner, agent, or lessee having charge of any commercial pier shall furnish and keep for use on such pier one serviceable 30-inch ring life buoy for every 300 lineal feet of berthing space, and, in any event, at least one such life buoy for each pier, to each of which shall be attached at least 200 feet of suitable line, one end of which shall be fastened to the ring buoy. Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for use in case of accident, which box shall be properly labeled and be at all times kept clear of obstructions, and it shall be unlawful to take away, molest, injure, or destroy the same or either of them, or to disturb the same or either of them, except for use in saving life and property. (Ord. 22868 § 1; passed Jun. 7, 1983)

**Chapter 4.28**  
**ENFORCEMENT**

## Sections:

- 4.28.010 Enforcement authority.  
 4.28.020 Release from arrest on notice to appear.  
 4.28.030 Obedience to public officers – Misdemeanor.  
 4.28.040 Refusal to stop or to give name and address – Misdemeanor or gross misdemeanor.  
 4.28.050 Aiding and abetting violation.  
 4.28.060 Violation – Penalty Misdemeanor unless otherwise provided.  
 4.28.070 Severability.

**4.28.010 Enforcement authority.**

The Harbor Master of the City of Tacoma or his designated assistants, or the Chief of Police of the City of Tacoma or his designated assistants, or such other officers or employees as may be designated by the City Manager, are authorized to enforce the provisions of this title, and such officers and employees as designated by the City Manager shall have full power to arrest any person or persons who violate any of the provisions of this chapter. Such designated officers and employees shall have authority to enter upon and inspect any vessel or watercraft in the Tacoma Harbor, and are charged with enforcement of the provisions of this title, except as the enforcement thereof is otherwise specified in this title. It shall be the duty of such designated officers or employees to make complaint 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 so to do. (Ord. 22868 § 1; passed Jun. 7, 1983)

**4.28.020 Release from arrest on notice to appear.**

Whenever any person is arrested for any violation of this title, the arresting officer may serve upon him or her 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 written promise to appear in court as required by the citation and notice by signing in the appropriate place on the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he or she may be taken into the custody of such arresting officer and so remain, or be placed in confinement. (Ord. 22868 § 1; passed June 7, 1983)

**4.28.030 Obedience to public officers – Misdemeanor.**

It is unlawful for any person to fail, refuse, and/or neglect to comply with any lawful order or direction of a City of Tacoma public officer who is, at the time, discharging the duty of the enforcement of any provision of this title. Violation of this section is a misdemeanor. (Ord. 27361 § 5; passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983)

**4.28.040 Refusal to stop or to give name and address – Misdemeanor or gross misdemeanor.**

A. It is unlawful for any person, while operating or in charge of any vessel or watercraft, who is arrested for any violation of this title, to refuse, when requested by an authorized public officer, to give his or her name and address and the name and address of the owner of the vessel or watercraft, or for such person to give a false name and address, and it shall likewise be unlawful for any person to refuse or neglect to stop when any authorized public officer so signals, or to refuse, upon demand of such authorized public officer, to permit the examination of any equipment of the vessel or watercraft. Violation of this subsection is a misdemeanor.

B. The operation of a vessel or watercraft evincing an attempt to outrun, or which outruns, a vessel or watercraft which is pursuing the fleeing vessel or watercraft with audible and visual signs (such as sirens and blue flashing lights) operating and which is operated by any public officer authorized to enforce the provisions of this title, shall be unlawful, and, in addition to being a violation of this subsection, shall be prima facie evidence of reckless operation by the operator thereof. Violation of this subsection is a gross misdemeanor. (Ord. 27361 § 5, passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983)

**4.28.050 Aiding and abetting violation.**

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be prohibited, or in the omission of an act to be performed by this title, whether individually or in connection with one or more other persons, or as a principal, agent, or accessory, is guilty of such offense, and every person who falsely, fraudulently, or willfully induces, causes, coerces, requires, permits, or directs others to violate any provisions of this title is likewise guilty of such offense. (Ord. 22868 § 1; passed Jun. 7, 1983)

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### **4.28.060 Violation – Penalty – Misdemeanor unless otherwise provided.**

Except as otherwise specifically provided herein, including, but not limited to, penalties set forth in statutes adopted herein, violation of or failure to comply with any provision of this title or any lawful order or direction of the Harbor Master, the Chief of Police, or any person or officer charged with the enforcement hereof, shall constitute a misdemeanor. (Ord. 27361 § 5, passed May 24, 2005; Ord. 22868 § 1; passed Jun. 7, 1983)

### **4.28.070 Severability.**

Should any part of this title be adjudged invalid for any reason, such adjudication shall not affect the validity of this title as a whole or any part thereof. (Ord. 27361 § 5, passed May 24, 2005)