

**TOWN OF BEAUX ARTS VILLAGE**

**ORDINANCE NO. 365**

**AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE  
ESTABLISHING A NO-WAKE ZONE IN THE NAVIGABLE WATERS SUBJECT  
TO ITS JURISDICTION; ADOPTING CERTAIN SECTIONS OF THE KING  
COUNTY HARBOR CODE, AND CERTAIN SECTIONS OF RCW 88.12; AND  
REPEALING ORDINANCE NOS. 294 AND 296**

**WHEREAS**, the Town of Beaux Arts Village (Town) has a portion of its boundary fronting on Lake Washington; and

**WHEREAS**, pursuant to RCW 35.21.160, the Town has jurisdiction to the middle of the lake fronting its boundary (jurisdictional waters); and

**WHEREAS**, the Town has determined that establishing a speed control area for watercraft and vessels operating within th Towns jurisdictional waters will enhance the safety of persons using the water within its jurisdiction; and

**WHEREAS**, the Town has entered into a contract with the King County Sheriff's Office for the patrol and enforcement of laws within its jurisdiction; **NOW THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:**

**Section 1. Definitions.**

**Wake** means any visible trail of turbulence that produces white water at the bow or stern left in the water by a watercraft or vessel.

**Speed Control Area** means that portion of the jurisdictional waters of the Town within 300 feet of the end of the docks and marked by speed control buoys.

**Section 2. Unlawful Action.** It shall be unlawful to operate a watercraft or vessel in excess of eight miles per hour (seven knots) or to cause or create a wake within the speed control area of the Town's jurisdictional waters.

**Section 3. Penalty.** Violation of Section 2 of this ordinance shall be a civil infraction punishable by a fine of \$150.00.

**Section 4. Adoption by Reference.** King County Harbor Code. The following Sections of the King County Harbor Code are adopted by reference:

12.44.010 Authorization.

12.44.020 Definitions.

- 12.44.030 Interpretation and Application of Regulations.
- 12.44.035 Operation of Personal Watercraft.
- 12.44.100 Interference with Navigation.
- 12.44.110 Sunken Vessels.
- 12.44.120 Floating Objects.
- 12.44.140 Incapacity of Operator.
- 12.44.150 Accidents.
- 12.44.160 Accident Reports.
- 12.44.170 Accident Reports Confidential, Inadmissible as Evidence.
- 12.44.180 Overloading.
- 12.44.190 Testing Courses.
- 12.44.200 Restricted Courses.
- 12.44.210 Swimming.
- 12.44.350 Whistles and Lights.
- 12.44.360 Equipment and Numbering.
- 12.44.370 Life Preservers and Running Lights.
- 12.44.390 Aircraft on the Water.
- 12.44.400 Rules of the Road.
- 12.44.410 Propellers.
- 12.44.470 Oil.
- 12.44.480 Nuisances.
- 12.44.490 Public Health.
- 12.44.570 Penalty.
- 12.44.600 Lake Washington Restrictions.
- 12.44.710 Authority of Officers to Board Boats.
- 12.44.730 Enforcement.

**Section 5.** The following Sections of RCW 88.12 are adopted by reference:

- 88.12.015 Violations of Chapter Punishable As Misdemeanor—Circumstances—Violations Designated as Civil Infractions.
- 88.12.020 Operation of Vessel in a Negligent Manner—Penalty.
- 88.12.025 Operation of Vessel in a Reckless Manner—Operation of a Vessel under the Influence of Intoxicating Liquor—Penalty.
- 88.12.035 Failure to Stop for Law enforcement Officer.
- 88.12.045 Eluding a Law Enforcement Vessel.
- 88.12.055 Enforcement—Chapter to Supplement Federal Law.
- 88.12.075 Tampering with Vessel Lights or Signals—Exhibiting False Lights or Signals—Penalty.
- 88.12.085 Muffler or Underwater Exhaust System Required—Exemptions—Enforcement—Penalty.
- 88.12.105 Failure of Vessel to Contain Required Equipment—Liability of Operator or Owner. Penalty.
- 88.12.115 Personal Flotation Devices Required—Penalty.
- 88.12.145 Operation of Personal Watercraft—Prohibited Activities—Penalties.

**Section 6. Validity.** If any section, paragraph, clause or phrase of this ordinance is for any reason found to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that they would have passed this Ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases may subsequently be found by a competent authority to be unconstitutional or invalid.

**Section 7. Repealer.**

6.1. Ordinance No. 294 passed by the Council of the Town of Beaux Arts Village on April 20, 1999 is hereby repealed.

6.2. Ordinance No. 296 passed by the Council of the Town of Beaux Arts Village on May 11, 1999 is hereby repealed.

**Section 8. Effective Date.** This Ordinance shall take effect and be in force five (5) days after its date of passage.

**PASSED by the Council of the Town of Beaux Arts Village, Washington and signed in authentication of its passage this 9<sup>th</sup> day of December, 2008.**

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John Rose, Mayor

ATTEST:

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Sue Ann Spens, Clerk-Treasurer

APPROVED AS TO FORM:

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Wayne Stewart, Town Attorney