

**ORDINANCE NO. 20-1148**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING SECTION 8.24.220 OF THE BLACK DIAMOND MUNICIPAL CODE RELATED TO MOORAGE AND LIVING ON VESSELS ON LAKE SAWYER; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City has adopted boating and water safety regulations into Chapter 8.24 of the Black Diamond Municipal Code (BDMC), and specifically adopted restrictions for boating on Lake Sawyer; and

**WHEREAS**, the City has received public comments and complaints regarding the mooring of unoccupied boats, overnight mooring, and people living on boats in Lake Sawyer; and

**WHEREAS**, the City's Shoreline Master Program restricts the placement and number of overwater structures and launching facilities, such as mooring buoys, on the Lake and further provides that "mooring buoys shall not be used for residential purposes (living on the boat)"; and

**WHEREAS**, the City's SEPA official has issued a DNS; and

**WHEREAS**, the City has determined that it is in the best interest of the City and for protection of the Lake's natural and recreation resources to restrict certain anchorage and moorage activities on Lake Sawyer; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Section 8.24.220 BDMC Amended.** Section 8.24.220 of the Black Diamond Municipal Code is hereby amended as set forth in Exhibit A hereto.

**Section 2. Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 3. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE 3RD DAY OF SEPTEMBER, 2020.**

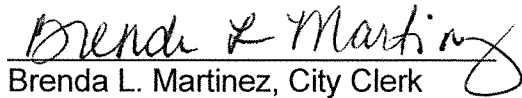
CITY OF BLACK DIAMOND



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Carol Benson, Mayor

Attest:



Brenda L. Martinez, City Clerk

Approved as to form:

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David Linehan, City Attorney

Filed with the City Clerk: 9/03/2020  
Passed by the City Council: 9/03/2020  
Ordinance No. 20-1148  
Date of Publication: 9/09/2020  
Effective Date: 9/14/2020

#### **8.24.220 Lake Sawyer Restrictions**

A. Noise Restrictions. It is a civil infraction to use or operate any vessel powered by motor power on Lake Sawyer unless the vessel propulsion system is: (1) a water cooled outboard engine of stock manufacture or a stock manufactured inboard engine with an outboard drive unit (inboard-outboards) which vents all exhaust gases through the lower drive unit in conjunction with cooling water and/or vents at a point on the drive unit which is under water at all times; or (2) is a water cooled direct drive inboard engine or other type of engine equipped with a muffler, silencer or other device or mechanism of sufficient size and capacity to effectively muffle and reduce noise similar to that of outboards and inboard/outboards. This includes both propeller and jet propulsion vessel.

B. Allowable Speeding and Hours. Vessels may exceed the speed limit of five (5) miles per hour between the hours of two p.m. and seven p.m. on Mondays through Fridays and from eleven a.m. to three p.m. on Saturdays, Sundays and holidays. The maximum speed allowable during "speeding hours" shall be thirty-six miles per hour. Vessels operating in excess of five (5) miles per hour with or without someone in tow shall not operate between buoys and shorelines and within one hundred feet from other craft or persons and shall proceed in a "counterclockwise" direction.

C. Operation Inside Buoy Areas. All motorized vessels shall operate at a no wake speed on shoreline side of buoy areas at all times.

D. Operation of Vessels. No vessel shall be operated in a manner so as to create tight circles in the water, or "donuts."

#### **E. Water Skiing**

1. No vessel which has in tow a person on water skis, aquaplane, surfboard or similar contrivance shall be operated or propelled in the waters of the City unless such vessel is occupied by at least two competent persons. (Competent shall be defined as a person responsible and capable of alerting the driver of the boat of any activities that require the attention of the driver.) The primary responsibility of the driver is to operate the vessel and the other person will act as an observer of the person in tow. It is the observer's responsibility to immediately inform the driver when a person under tow falls or is otherwise disengaged from the tow boat and to immediately raise a signal flag that is at least twelve inches square of bright orange or red material and mounted on a twenty-four inch or longer rod. Violation of this subsection shall constitute a misdemeanor.

2. No operator of a vessel shall have in tow a person on water skis, aquaplane, knee-board, surfboard or similar contrivance before sunrise or after sunset. Violation of this subsection shall constitute a civil infraction.

3. All persons being towed by vessel shall wear personal flotation devices that are approved by the United States Coast Guard. Violation of this subsection shall constitute a civil infraction.

F. Required distance from power craft to swimmers and row boats. It is unlawful for any motor powered craft to be operated while the propeller is engaged within fifty feet of any swimmer or any row boat, canoe, or other water conveyances on any lake within the City.

G. Marine Patrol Actions. Marine patrol officers shall have the discretion, depending on the volume of vessels on the lake, to require all boats not staying within the flow of traffic to move their activity to an area between the shoreline and the buoys described in subsection C of this section.

H. Aircraft on the water. All vessels shall keep clear of aircraft landing within any area now or hereafter set aside by law for such purpose. Aircraft on the water shall keep clear of all vessels and avoid impeding their navigation.

I. Overnight anchorage or moorage of vessels, between the hours of dusk and dawn, is prohibited except when tied to a privately-owned pier, dock, or mooring buoy.

J. An unoccupied vessel may only be anchored or moored to a city pier or dock while the vessel's trailer is being parked or retrieved.

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K. Vessels shall not be used for residential purposes, or living on the vessel, while anchored or moored on the Lake, even for short-term or temporary periods regardless of whether the vessel is a primary or secondary residence.

L. Posting. The City shall post a complete copy of this section at all public and commercial access areas to Lake Sawyer.