

STEVENS COUNTY



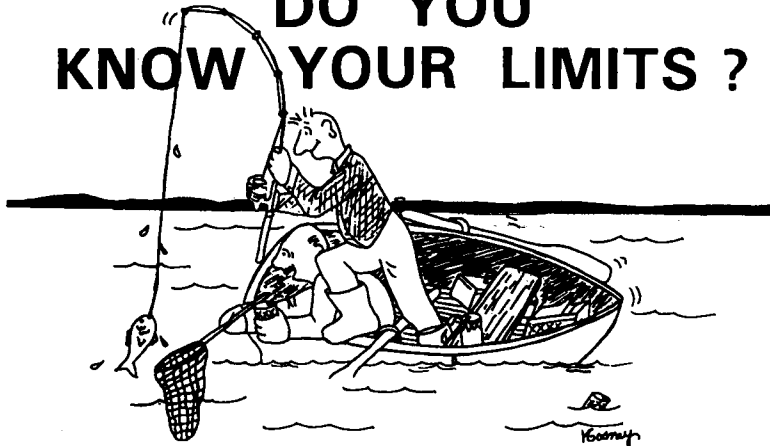
OFFICE OF
CRAIG ELLIS THAYER
COUNTY SHERIFF

COUNTY ORDINANCE RELATING TO THE SAFETY OF SWIMMERS • BOATERS WATER-SKIERS



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DO YOU KNOW YOUR LIMITS ?



Every year Washington anglers die in boating accidents: KNOW YOUR LIMITS.

1. Limit loading your boat. Load your boat to the recommended weight! Always follow your boats capacity plate limit. Overloaded boats often capsize.

2. Limit boating to safe weather and water conditions. Check the weather forecast. High winds, stormy seas and swift currents spell trouble. Be aware of the weather and water conditions.

3. Limit alcohol consumption. Alcohol quickly affects your judgment and reactions.

4. Limit your movement in the boat, keep your weight low. Moving around increases the chance of capsizing and falling overboard.

REMEMBER: Wearing your Personal Flotation Device (PFD) will help you survive an accident.

STEVENS COUNTY WATER SAFETY ORDINANCE

ORDINANCE NO. 1-1989
AS AMENDED MAY 13, 1991 AND
AS AMENDED MAY 22, 1995

Relating to the safety of swimmers, boaters, water skiers, and others on the waters of Stevens County.

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DEFINITIONS (01.01.010)

Terms in this chapter shall mean as follows:

- (1) "Boating accident" means a collision, sinking, fire, explosion, injury, or loss of life that involves a vessel, its equipment or its appendages.
- (2) "Boat livery" means a business which holds any vessel for renting or leasing.
- (3) "Buoy" is any waterway marker designed to float on the water while anchored in a fixed position so as to be clearly visible to operators of an approaching vessel and used to convey an official message.
- (4) "Buoy line" means a straight line that would exist if drawn between the closest safety buoys.
- (5) "Commercial vessel" means any watercraft used primarily for profit.
- (6) "Darkness" means that period between sunset and sunrise.
- (7) "Db(a)" means the sound level measured in decibels using the "A" weighted network.
- (8) "Dock" means any man-made platform extending from the shoreline into the water.
- (9) "Flotation devices" means any device used or capable of being used as a means of transportation on the water and shall include, but not be limited to inflatable beach toys, rubber inner tubes, rafts and air mattresses.
- (10) "Mooring buoy" means a buoy placed for the mooring of vessels. Such buoys will be white with a blue stripe on top.
- (11) "Motorboat" means any craft propelled in whole or part by machinery, including those temporarily equipped with detachable motors.
- (12) "Moving water" means a waterway which has a flow of water which can be measured in cubic feet per second.
- (13) "Navigation lights" means a red port light and a green starboard light visible for a distance of one mile and a white stern light visible for a distance of two miles.
- (14) "Operator" means a person who is in actual physical control or in charge of a vessel when it is in use, including electronically controlled models.
- (15) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.
- (16) "Personal flotation device (PFD)" means Coast Guard approved life preservers, life vest, flotation rings, buoyant cushions.

(17) "Personal watercraft" (P.W.C.) means a class "#A" inboard vessel, as defined by the U.S. Coast Guard, which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion and is designed to be operated by a person or persons sitting, standing or kneeling or being towed behind the product, rather than in the conventional manner of boat operation.

(18) "Receiving property" means real property within which the maximum permissible noise levels specified in this chapter shall not be exceeded from sources outside such property.

(19) "Restricted area" means that area on the waters of Stevens County that have restricted access and/or restricted speed by the use of safety buoys.

(20) "Safety buoy" means a buoy placed to regulate or control vessel speed or operations as required for the safety of the public.

(21) "Sailboat" means any vessel propelled primarily by the wind, to include sailboards.

(22) "Shoreline" means any existing waterline.

(23) "Ski dock" means a man-made platform anchored to the bottom of a body of water, properly marked and designated for water ski launch and recovery only.

(24) "Sound level" means the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American Standards Institute Specifications, Section 1.4, 1971. (RCW 88.12.085, adapted July 25, 1993)

(25) "Swimming dock" means a man-made platform anchored to the bottom of a body of water, properly marked and designated for swimming only.

(26) "Use" means to operate, navigate, or employ.

(27) "Vessel" means any watercraft used as a means of transportation on the water. This definition shall include, but not be limited to the following: rafts, rowboats, sailboats, motorboats, canoes, kayaks, jet skis, including model crafts.

(28) "Wake speed" means a slow speed producing a wake not to exceed six inches in height at its apex when reaching any shoreline, dock, or man-made structure on the shoreline and further not to exceed five miles per hour in any event.

(29) "Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

(30) "Waterway" means any waters, waterway, lake, river, tributary canal, lagoon or connecting waters within the unincorporated boundaries of Stevens County.

AUTHORITY TO BOARD (1.01.020)

The Sheriff is hereby given the authority to board any vessel found underway in the waters of the County of Stevens for the purpose of inspection and enforcement if reasonable suspicion exists to believe that such vessel is in violation of the provisions of this ordinance.

EMERGENCY VESSELS (1.01.030)

- (1) All vessels operating on the waterways of Stevens County shall yield the right-of-way to law enforcement vessels displaying a bright blue flashing light and/or siren.
- (2) Any person operating a vessel on the waterways of Stevens County shall bring his vessel to a stop when directed to do so by a law enforcement vessel displaying a bright blue flashing light and/or siren.
- (3) Any operator of a vessel who willfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer is guilty of a gross misdemeanor.

ESPECIALLY HAZARDOUS CONDITIONS (1.01.040)

- (1) If the Sheriff observes vessel being used without sufficient lifesaving or fire fighting devices or in an overloaded or other unsafe condition as defined in this chapter, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable action may be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and remaining there until the situation creating the especially hazardous condition is corrected or ended.
- (2) For the purpose of this chapter, "other unsafe condition" means a boat which:
 - (a) Does not display navigation lights when required (sunset to sunrise); or
 - (b) Has fuel leakage from the engine or fuel system; or
 - (c) Has an accumulation of fuel in the bilges or a compartment other than a fuel tank; or
 - (d) Does not have a serviceable flame arrester when required; or
 - (e) Does not meet the ventilation requirements for fuel tanks and engine spaces.

ACCIDENT REPORTING (1.01.050)

- (1) In the case of a boating accident, it shall be the duty of the operator, if he can do so without serious danger to himself or other persons on board, to render any assistance that may be necessary to other persons affected by such boating accident.

- (2) Any person who complies with this chapter or who gratuitously and in good faith renders assistance at the scene of a boating accident, without objection of any person assisted, shall not be held liable for any civil damages as a result of the towage, medical treatment, or other assistance where the assisting person acts or an ordinary reasonably prudent person might have acted under the same or similar circumstances.

- (3) Every accident involving a vessel on the waters of Stevens County in which there is personal injury or death or damage to property in excess of five hundred dollars (\$500) shall be reported to the Stevens County Sheriff by the vessel operator unless deceased, in which instance a passenger in the vessel, if any, shall have such duty. The Stevens County Sheriff shall provide forms upon which the report shall be rendered.

- (4) When as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel, the operator, unless deceased, in which instance a passenger, if any, shall without delay notify the Stevens County Sheriff of:

- (a) The date, time, and exact location of the occurrence;

- (b) The name of each person who dies or disappears;

- (c) The number and/or name of the vessels involved;

- (d) The names and addresses of the owner and operator of each vessel or vessels involved.

- (5) Boating accident reports as provided for herein (Boating Accident Report Form P&RA-3865-811) shall be rendered within forty-eight hours of the occurrence if a person dies within twenty-four hours of the occurrence; within forty-eight hours of the occurrence if a person receives medical treatment beyond first aid or disappears from a vessel; and within ten days after any other type of occurrence.

PERSONAL FLOTATION DEVICES (PFD) (1.01.060)

- (1) Performance requirements for PFD's (adult size) are as follows:

- (a) Type I PFD is a device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and have at least twenty-two pounds of buoyancy.

- (b) Type II PFD is a device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and have at least fifteen and one-half pounds of buoyancy.

- (c) Type III PFD is a device designed to keep a conscious person in the water in a vertical position and to have at least fifteen and one-half pounds of buoyancy.

- (d) Type IV is a device designed to be thrown to a person in the water and is not designed to be worn. It is designed to have at least sixteen and one-half pounds of buoyancy.

(2) Every vessel less than sixteen feet in length shall have at least a Type III PFD for every occupant, except that:

(a) Kayaks, personal watercraft, sailboards, and similar type vessels will have at least a Type III PFD worn by the occupant/operator.

(b) Persons engaged in water skiing, aquaplaning or similar activity shall have a Type I, II, or III PFD worn when engaged in such activity, or a Coast Guard approved wet suit specifically designed by a manufacturer for that purpose and capable of floating the water skier.

(c) Persons engaged in "Wind Surfing" must have a type III PFD or Coast Guard approved wet suit specifically designed for this purpose worn by the operator.

(3) Every vessel sixteen feet or greater in length shall have at least one I, II, or III PFD for every occupant. Except each vessel shall have one Type IV PFD in addition to the other PFD's required.

(4) All PFD's must be in serviceable condition and appropriate size for the person wearing it.

(5) All PFD's must be readily accessible in case of an emergency.

(6) All persons under seven years of age shall wear at least a Type III PFD of an appropriate size any time they are on the waterways of Stevens County.

(7) Every person on a flotation device on moving water shall wear a Type I, II, or III PFD.

LIGHTING (1.01.070)

(1) Every non-motorized vessel that is underway after sunset and before sunrise shall have a lantern or flashlight capable of emitting a white light which shall be temporarily displayed as needed in sufficient time to prevent a collision.

(2) Every motorized vessel powered by less than twenty-five horsepower and less than sixteen feet in length that is underway after sunset and before sunrise shall have a lantern or flashlight capable of emitting a white light which shall be temporarily displayed as needed in sufficient time to prevent a collision.

(3) Every motorized vessel powered by greater than twenty-five horsepower and sixteen feet or greater in length, but less than twenty-six feet in length that is underway after sunset and before sunrise shall be equipped with the following lights:

(a) A bright white light aft to show all around the horizon (thirty-two points of the compass) and be visible for two miles;

(b) A combination light in the forepart of the vessel that is lower than the white light aft. The combination light, which shows green to starboard and a red to port, is

fixed to throw the light from dead ahead to two points abaft the beam on respective sides and shall be visible for a distance of one mile.

(4) Every motorized vessel that is twenty-six feet or greater in length, but less than sixty-five feet in length that is underway after sunset and before sunrise shall be equipped with the following lights:

(a) A bright white light in the forepart of the vessel as near the stem as practicable. This light shall show an unbroken light over a twenty-point arc of the horizon and shall be so located so as to show right ahead and two points abaft the beam on either side, visible for two miles;

(b) A second bright white light aft, fixed higher than the white light forward and visible all around the horizon, visible for two miles;

(c) Separate lights showing from right ahead to two points abaft the beam on either side, these lights showing green on the starboard side and red on the port side visible for one mile. These side lights shall be fitted with inboard screens that are high enough to keep the lights from being seen across the bow.

(5) Vessels less than twenty-six feet in length, when propelled by sail alone, underway between sunset and sunrise shall be equipped with the following lights:

(a) A combination light in the forepart of the vessel visible for one mile which shows green to starboard and red to port showing from right ahead to two points abaft the beam on either side of the vessel;

(b) A white twelve-point stern light visible for a least two miles is optional. If there is no twelve-point light, there shall be a flashlight or lantern carried ready to be exhibited in time to prevent a collision.

(6) Vessels twenty-six feet or greater in length, but not more than sixty-five feet, when propelled by sail alone, underway between sunset and sunrise shall be equipped with the following lights:

(a) Separate side lights visible for one mile showing green on the starboard side and red on the port side;

(b) A white twelve-point stern light visible for at least two miles is optional. If there is no twelve-point light, there shall be a flashlight or lantern carried ready to be exhibited in time to prevent a collision.

PFD REQUIREMENTS FOR COMMERCIAL VESSELS (1.01.080)

(1) Every commercial vessel less than forty feet in length shall have a least one Type I, II, or III PFD for each occupant of the vessel.

(2) Every commercial vessel that carries passengers for hire or any commercial vessel that is forty feet or greater in length shall have at least one Type I PFD of for each occupant.

- (3) Every PFD must be in serviceable condition and the appropriate size for the person wearing it.
- (4) All PFD's must be readily accessible in case of emergency.
- (5) Failure of a vessel to contain required equipment— liability of operator or owner. (RCW 88.12.105) If an infraction is issued under this chapter because a vessel does not contain the required equipment and if the operator is not the owner of the vessel, but is operating the vessel with the express or implied permission of the owner, then either or both operator or owner may be cited for the infraction.

VENTILATION ON MOTORBOATS (1.01.090)

- (1) Every motorboat, except open motorboats which use fuel having a flash point of less than one hundred degrees Fahrenheit, shall have at least two ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness so as to prevent displaced fumes from being recirculated.
- (2) Open motorboats are not required to be ventilated if:
 - (a) All engine, fuel-tank compartment, and other spaces to which explosive or flammable gases and vapors from these compartments may flow are open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the vessel; and
 - (b) Engine and fuel tank compartments shall have as a minimum fifteen square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume; and
 - (c) There must be no long or narrow unventilated spaces accessible from such compartments in which a flame front could propagate; and
 - (d) Long, narrow compartments (such as side panels) if joining engine or fuel compartments and not serving as ducts thereto, shall have at least fifteen square inches of open area per cubic foot provided by frequent openings along the full length of the compartment formed.
- (3) Motorboats that contain fuel tanks that vent to the outside of the boat are exempt from the requirements of subsection (01) of this section to ventilate the fuel tank compartment.

FLAME ARRESTOR (1.01.100)

- (1) Every vessel equipped with an inboard engine installed after April 25, 1940, shall

be equipped with a back-fire flame arrestor except:

- (a) Engines accepted for use without a flame arrestor and so labeled by the United States Coast Guard;
 - (b) Where the location of the engine will disperse back-fire flame to the open atmosphere clear of the vessel, persons on board, nearby vessels and structures.
- (2) Flame arrestors must be in serviceable condition, securely mounted with flame-tight connections and have no separation of the grid elements.

FIRE EXTINGUISHERS (1.01.110)

- (1) Motorboats less than twenty-six feet long shall have one Coast Guard Class B-I or one Class B-II type fire extinguisher if any of the following conditions exist:
 - (a) There is a closed compartment under thwarts and seats wherein portable fuel tanks may be stored.
 - (b) There are double bottoms not sealed to the hull or which are not completely filled with flotation material.
 - (c) There are closed living spaces.
 - (d) There are closed storage compartments in which combustible or flammable materials are stowed.
 - (e) There is a permanently installed fuel tank.
- (2) Every motorboat twenty-six feet or greater in length, but less than forty feet in length will have at least two United States Coast Guard approved Type B-I fire extinguishers or one United States Coast Guard approved Type B-11 fire extinguisher.
- (3) Every motorboat forty feet or greater in length, but less than sixty-five feet in length shall have at least three United States Coast Guard approved type B-I fire extinguishers or one United States Coast Guard approved Type B-I and one United States Coast Guard approved Type B-II fire extinguisher.
- (4) If a motorboat has an approved fixed fire extinguisher in the engine compartment, it may be substituted for one Type B-I fire extinguisher otherwise required by this chapter.

PREVENTION OF NOISE AND SMOKE (1.01.120)

Muffler or underwater exhaust system required—

- (1) Every motorboat shall at all times be equipped with a serviceable muffler or other similar device to reduce the sound of engine exhaust, and no person shall use a cutout bypass or similar device upon any motorboat used inside the County of Stevens. For the purpose of this section, an effective muffler or underwater exhaust system does not produce sound levels in excess of ninety decibels when subjected to a stationary sound

level test that shall be prescribed by rules adopted by the commission, and for engines manufactured on or after January 1, 1994, a noise level of eighty-eight decibels when subjected to a stationary sound level test that shall be prescribed by rules adopted by the commission.

(2) A vessel that does not meet the requirements of subsection (01) of this section shall not be operated on the water of this state.

(3) No person may operate a vessel on waters of the state in such a manner as to exceed a noise level of seventy-five decibels measured from any point on the shoreline of the body of water on which the vessel is being operated that shall be specified by rules adopted by the commission. Such measurement shall not preclude a stationary sound level test that shall be prescribed by rules adopted by the commission.

(4) This section does not apply to:

(a.) A vessel tuning up, testing for, or participating in official trials for speed records or a sanctioned race conducted pursuant to a permit issued by Stevens County;

(b.) A vessel being operated by a vessel or marine engine manufacturer for the purpose of testing or development.

(5) Any officer authorized to enforce this section who has reason to believe that a vessel is not in compliance with the noise levels established in this section may direct the operator of the vessel to submit the vessel to an on-site test to measure noise level, with the officer on board if the officer chooses, and the operator shall comply with such request. If the vessel exceeds the decibel levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation.

(6) Any officer who conducts vessel sound level tests as provided in this section shall be qualified in vessel noise testing. Qualifications shall include but may not be limited to the ability to select the appropriate measurement site and the calibration and use of noise testing equipment.

(7) A person shall not remove, alter, or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with sections (01) through (05).

(8) A person shall not manufacture, sell, or offer for sale any vessel that is not equipped with a muffler or muffler system that does not comply with this chapter. This subsection shall not apply to power vessels designed, manufactured, and sold for the sole purpose of competing in racing events and for no other purpose. Any such exemption or exception shall be documented in any and every sale agreement and shall be formally acknowledged by signature on the part of both the buyer and the seller. Copies of the agreement shall be maintained by both parties. A copy shall be kept on board whenever the vessel is operated.

(9) Except as provided in 9.92.030 a violation of this section is an infraction under chapter 7.84 RCW.

SOUND DEVICES (1.01.130)

(1) All vessels, regardless of length, shall have one sound producing device, either mouth, hand, or power operated, capable of producing a blast of two seconds duration and audible for a distance of one-half mile.

SPEED RESTRICTIONS (1.01.140)

(1) No person shall operate a vessel, except for vessels exempted by watercraft testing or racing permit, at a speed greater than fifty miles per hour on any waterway in Stevens County.

(2) A vessel shall not exceed five miles per hour or no wake speed when within one hundred feet of any:

(a) Safety buoy; or

(b) Dock, swim dock or pier;

(c) Stationary vessel;

(d) Shoreline;

(e) Swimmer or marked swimming area;

(f) Float;

(g) Scuba dive flag;

(h) Trolling vessel.

**Exception - Specifically designated ski docks*

(3) Between one-half hour after sunset and one-half hour before sunrise, all vessels will operate at no wake speed, 5 mph on bodies of water less than 1500 acres.

(4) Every vessel shall, when operating in fog, mist, falling snow, or a heavy rainstorm, operate at a moderate speed, having a careful regard to the existing circumstances and conditions and shall be able to stop one-half the distance of available visibility.

VESSEL LOADING (1.01.150)

Loading or powering vessel beyond safe operating ability.

*** No operator of any vessel shall allow any person to ride or sit on either starboard or port gunwale, or on the decking over the bow while underway or on a cabin top except while in the act of mooring or casting off.*

(1) A person shall not load or permit to be loaded a vessel with passengers or cargo beyond its safe carrying ability or carry passengers or cargo in an unsafe manner taking into consideration weather and other existing operating conditions.

(2) A person shall not operate or permit to be operated a vessel equipped with a motor or other propulsion machinery of a power beyond the vessel's ability to operate safely, taking into consideration the vessel's type, use, and construction, the weather conditions, and other existing operating conditions.

(3) A violation of subsection (01) or (02) of this section is an infraction punishable as provided under chapter 7.84 RCW except as provided under 9.92.030, or where the overloading or overpowering is reasonably advisable to effect a rescue or for some similar emergency purpose.

(4) If it appears reasonably certain to any law enforcement officer that a person is operating a vessel clearly loaded or powered beyond its safe operating ability and in the judgment of that officer the operation creates an especially hazardous condition, the officer may direct the operator to take immediate and reasonable steps necessary for the safety of the individuals on board the vessel, including directing the operator to return to shore or a mooring and to remain there until the situation creating the hazard is corrected or ended. Especially hazardous conditions also includes fuel leakage, unserviceable flame arrester, improper ventilation, and unequipped with operational navigation lights when required. Failure to follow the direction of an officer under this subsection is a misdemeanor punishable as provided under RCW 9.92.030.

DIVERS, SWIMMERS, SNORKELERS 1.01.160

Divers, swimmers or snorkelers while diving off boats in waters outside restricted areas shall use a down skier flag.

SCUBA DIVING (1.01.170)

(1) Persons who are engaging in Scuba diving shall mark the area in which such operations are being conducted by the use of a divers' flag, which is red with a white diagonal stripe, at least 12 by 12 inches.

(2) If Scuba diving operations are to be conducted during the hours of darkness, the divers' flag will be illuminated and visible for a distance of one mile.

(3) Persons involved in a scuba operation shall remain within one hundred feet of their diving flag upon surfacing.

(4) Except as provided in 9.92.030, a violation of this section is an infraction under chapter 7.84 RCW.

WATER SKIING (1.01.180)

Water skiing safety—Requirements.

(1) No vessel operator may tow or attempt to tow a water skier on any waterway in Stevens County unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches square, mounted on a pole not less than twenty-four inches long and displayed as to be visible from every direction. This subsection does not apply to a personal watercraft, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed. Every remote-operated personal watercraft shall have a flag attached which meets the requirements of the subsection. Except as provided under 9.92.030 a violation of this subsection is an infraction under chapter 7.84 RCW.

(2) The observer and the operator shall not be the same person. The observer shall be a competent individual, 10 years of age or older who meets the minimum qualifications for an observer established by rules of the commission. Except as provided under 9.92.030 a violation of this subsection is an infraction under chapter 7.84.

(3) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waterways of Stevens County during the period from one hour after sunset until one hour prior to sunrise. A violation of this subsection is a misdemeanor, punishable as provided under RCW 9.92.030 unless such water skiing is conducted as part of an authorized ski tournament, competition or exhibition. Authorization shall be granted by the Stevens County Sheriff.

(4) No person shall engage or attempt to engage in water skiing without wearing at least a Type III PFD. A violation of this subsection is an infraction under chapter 7.84 RCW.

(5) No person engaged in water skiing either as operator, observer, or skier, shall conduct himself or herself in a reckless manner that willfully or wantonly endangers, or is likely to endanger, any person or property. A violation of this subsection is a misdemeanor as provided under RCW 9.92.030.

(6) No person or persons shall engage in water skiing within one hundred feet of any boat launching ramp, motionless vessel, vessel underway, swimmer, buoy, or shoreline.

(7) Except on take-offs, no person or persons shall engage in water skiing operations within one hundred feet of the shoreline. Any take-off from within one hundred feet of the shoreline must be made outward and at right angles to the shoreline. At no time can such take-off cause risk or hazard to other vessels or persons on the water.

(8) During drop offs, the towing vessel and skier will comply with all speed and distance regulations in regards to buoy lines and docks.

(9) No vessel shall follow behind a person being towed water skiing closer than three hundred feet, nor cross the towing vessel's bow by less than two hundred feet, nor come within one hundred feet of the person being towed.

(10) All boats and skiers must operate in a counter clockwise direction when within 400' of shore on lakes; exceptions will be on moving waters.

Violations of subsections (06) through (09) except as provided under 9.92.030, is an infraction under chapter 7.84 RCW.

OPERATOR AGE REQUIREMENTS (1.01.190)

(1) No person under the age of ten years shall be allowed to operate a motorboat.

(2) Persons ten years of age through sixteen years of age may operate a motorboat of ten horsepower or less or a motorboat of greater than ten horsepower if under the supervision and control of a person at least eighteen years of age who is also in the vessel and is capable of safely operating such vessel, except that persons under sixteen years of age, who are under the direct supervision of a person at least eighteen years of age, may operate a motorboat if such vessel is operating as part of an authorized race or competition or has been granted a watercraft test permit.

(3) No person under sixteen years of age will operate any powered model watercraft, either electronically or manually unless the operator is under the immediate supervision and presence of a person at least eighteen years of age.

**** Exception, Personal Watercraft, Minimum age 14.**

Except as provided for in 9.92.030, a violation of this subsection is an infraction punishable under RCW 7.84.100.

PERSONAL WATER CRAFT (PWC) 1.01.195

(1) A person shall not operate a personal watercraft unless each person aboard the personal watercraft is wearing a personal flotation device approved by the commission. Except as provided for in 9.92.030, a violation of this subsection is an infraction punishable under RCW 7.84.100.

(2) A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to his or her person, clothing, or personal flotation device as appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch that was installed by the manufacturer.

(3) A person shall not operate a personal watercraft during darkness.

(4) A person under the age of fourteen shall not operate a personal watercraft on the waters of this county.

(5) A person shall not operate a personal watercraft in a reckless manner, including recklessly weaving through congested vessel traffic, recklessly jumping the wake of another vessel unreasonably or unnecessarily close to the vessel or when visibility around the vessel is obstructed, or recklessly swerving at the last possible moment to avoid collision.

(6) A person shall not lease, hire, or rent a personal watercraft to a person under the age of sixteen.

(7) Subsections (01) through (06) of this section shall not apply to a performer engaged in a professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition authorized or otherwise permitted by this county.

(8) Violations of subsections (02) through (06) of this section constitute a misdemeanor under RCW 9.92.030.

(9) A vessel shall not exceed five miles per hour or no wake speed when within one hundred feet of any:

(a) Safety buoy;

(b) Dock, ski dock or pier;

(c) Stationary vessel;

(d) Shoreline;

(e) Swimmer or marked swimming area;

(f) Float;

(g) Scuba dive flag;

(h) Trolling vessel.

**Exception "ski dock" when dropping a skier.*

GARBAGE AND SEWAGE (1.01.200)

(1) No person shall discharge sewage into the waterways of Stevens County directly or indirectly from any vessel.

(2) It shall be unlawful for any person, while on the waterways of Stevens County, to throw or discard into the water any waste, debris, refuse, oil, garbage or other fluid or solid material which may pollute the water or which may create or aggravate any conditions deleterious to the public health.

SAFETY BUOYS (1.01.210)

(1) By permit the Stevens County Sheriff may designate the location and allow to be installed in the water appropriately marked buoys that are required for the safety of the public. Safety buoys shall not be in conflict with the SMA.

(a) Each public swimming area shall be marked by at least two or more floating designated swimming area buoys and placed not more than fifty feet apart and placed at each end of said public swimming area not less than one hundred feet from the shoreline of said waters. No person shall operate any vessel within any public swimming area.

(b) Each restricted area, except public swimming areas, shall be marked by designated buoys not less than one hundred feet nor more than three hundred feet from the shoreline.

(c) Public ski areas shall be marked by two or more designated ski area buoys not less than one hundred feet nor more than three hundred feet from the shoreline. * A county permit is required.

(d) Flotation devices must be visible, buoys are to be no smaller than the size of a five gallon container.

** Standard commercial type buoys are recommended.*

(2) Regulatory marker/safety buoys indicate to a vessel operator the existence of dangerous areas, as well as those areas which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions:

(a) Regulatory markers/buoys shall be white with orange geometric bands around the message end.

(b) Geometric shapes shall be placed on the white portion of the buoy body and shall be colored international orange. The authorized geometric shapes and meanings associated with them are as follows:

DANGER:

DIAMOND WITH MESSAGE IN THE CENTER

VESSELS EXCLUDED FROM MARKED AREA

(BOATS KEEP OUT):

DIAMOND WITH AND "X" IN THE CENTER

VESSEL OPERATING RESTRICTIONS

(CONTROLLED AREA):

CIRCLE WITH MESSAGE IN THE CENTER

DIRECTIONS OR INFORMATION

RECTANGLE WITH MESSAGE IN THE CENTER

(3) It shall be unlawful for any person to relocate, damage or alter any safety buoy.

(4) It shall be unlawful for any vessel to use a safety buoy for the purpose of mooring, anchoring or slalom course.

(5) Mooring buoys shall be placed within fifty feet of the shoreline except that mooring buoys may be placed greater than fifty feet from the shoreline if such buoys are appropriately marked and illuminated with a bright white flashing light between the hours of sunset and sunrise. It is the responsibility of the owner of the mooring buoy to maintain the light.

(6) Any vessel operating within the area between the safety buoy line and the shoreline shall do so at no wake speed or five miles per hour.

(7) The placement of any floating course or regulatory buoy and other navigation aids require a marine permit from the Stevens County Sheriff's Department prior to the buoy being installed on any waterway.

(8) Where there is a dock or other structure which extends into the water, the outer edge of that dock or structure shall constitute the shoreline.

SKI OR SWIM DOCKS AND FLOATING COURSES (1.01.215)

(1) No ski, swim, or other similar dock shall be left outside the buoy line unattended without markers that are visible for one-half mile in all directions. * No ski, swim, or similar dock shall be anchored outside a buoy line between the hours of darkness without a permit.

(2) The placement of any floating course which will be left anchored during the hours of darkness shall require a marine permit. All permits shall be resubmitted annually for approval. All permits shall be obtained from the Stevens County Sheriff's Office.

(3) All permitted floating courses shall be required to be marked by a quick flashing yellow light placed in the start gates of the course during the hours of darkness.

(4) Any course found to be a navigational hazard, may be removed by the Sheriff's Marine Unit.

(5) A violation of this section is a misdemeanor, punishable as provided under RCW 9.92.030. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

OPERATING A VESSEL WHILE INTOXICATED PROHIBITED (1.01.220)

(1) No person shall operate any vessel while under the influence of any intoxicating liquor, narcotic drug, barbiturate, marijuana or any other controlled substance as defined under RCW Chapter 69.50.

(2) Determination of intoxication shall be by the same criteria as provided in RCW 46.61.506 or otherwise in the same manner as when an individual is alleged to be under the influence of an intoxicating liquor or drug while operating a motor vehicle. "See 1.01.240 Reckless Operation"

NEGLIGENT OPERATION 1.01.230

Operation of vessel in a negligent manner.

(1) A person shall not operate a vessel in a negligent manner. For the purposes of this section, to "operate in a negligent manner" means operating a vessel in disregard of careful and prudent operation, or in disregard of careful and prudent rates of speed that are no greater than is reasonable and proper under the conditions existing at the point of operation, taking in to account the amount and character of traffic, size of the lake or body of water, freedom from obstruction to view ahead, effects of vessel wake, and so as not to unduly or unreasonably endanger life, limb, property or other rights of any person entitled to the use of such water. This violation is an infraction under chapter 7.84 RCW.

RECKLESS OPERATION (1.01.240)

Operation of vessel in a reckless manner.

(1) It shall be unlawful for any person to operate a vessel in a reckless manner.

(2) It shall be a violation for a person to operate a vessel while under the influence of intoxicating liquor or any drug. A person is considered to be under the influence of intoxicating liquor or any drug if:

(a) The person has 0.10 grams or more of alcohol per two hundred ten (210) liters of breath, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) The person has 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis.

An arresting officer shall administer field sobriety tests when circumstances permit.

(3) A violation of this section is a misdemeanor punishable as provided under RCW 9.92.030. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

STEERING AND SAILING RULES (1.01.250)

(1) The risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be determined to exist.

(2) When two sailboats are approaching one another, to avoid the risk of collision, one shall keep out of the way of the other as follows:

(a) A sailboat which is running free shall keep out of the way of a sailboat which is close hauled.

(b) A sailboat which is close hauled on the port tack shall keep out of the way of a sailboat which is close hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the sailboat which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side, the sailboat which is to the windward shall keep out of the way of the sailboat which is to the leeward.

(e) A sailboat which has the wind aft shall keep out of the way of other sailboats.

RULES AND WHISTLE SIGNALS FOR VESSELS MEETING, NEARING BENDS, LEAVING BERTHS AND OVERTAKING (1.01.260)

(1) When vessels under power are approaching each other head and head; that is, end on end or nearly so, it shall be the duty of each to pass on the port side of the other; and either vessel shall give, as a signal of her intention, one short blast of her whistle, which the other vessel will answer promptly by a similar blast of her whistle, and thereon such vessels shall pass on the port side of each other, but if the course of said vessels are so far on the starboard of each other as not to be considered as meeting head and head, each vessel shall immediately give two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass starboard side of each other.

The foregoing only applies to cases where vessels are meeting end on or nearly end on, in such a manner as to involve risk of collision, that is, to cases in which by day, each vessel sees the masts of the other in a line, or nearly in line with her own and by night in cases where the red light of one vessel is opposed to the red of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light is seen ahead or where both red and green lights are seen anywhere but ahead.

(2) If, when vessels under power are approaching each other, from any course and either vessel is in doubt, it shall immediately signify the same by giving several short and rapid blasts, not less than four, of the whistle or horn.

(3) Whenever a motorboat is nearing a short bend or curve in the channel, where from the height of the banks or other cause a motorboat approaching from the opposite direction cannot be seen for a distance of one-half mile ahead, such motorboat, when she shall have arrived within one-half mile of such a curve or bend, shall give a signal of one long blast of the horn or whistle, which signal shall be answered by a similar blast given by any approaching vessel that may be within hearing. Should such a signal be so answered by a vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered, if the first alarm signal of such vessel is not answered, she is to consider the channel clear and govern herself accordingly. When motorboats are moved from their docks or berths or other boats are liable to pass from any direction toward them, they shall give the same signal as in the case of vessels meeting at a bend but immediately after clearing berths so as to be fully in sight, they shall be governed by the steering and sailing rules.

(4) When motorboats are running in the same direction, and the vessel which is astern shall desire to pass on the starboard side of the vessel ahead, she shall give one short blast of the whistle or horn, as a signal of such desire and if the vessel ahead answers with one blast, she shall direct her course starboard; if she shall desire to pass on the port side of the vessel ahead, she shall give two short blasts of the whistle or horn as a signal for such desire and if the vessel ahead answers with two short blasts, she shall direct her course to port. If the vessel ahead does not think it is safe for the vessel astern to attempt to pass at the point, she shall immediately signify the same by giving short rapid blasts of the whistle or horn, not less than four and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached a point where it can be safely done, when said vessel ahead shall signify her willingness by blowing the proper signals. The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of the passing vessel.

(5) The whistle signals provided for vessels meeting, passing or overtaking are never to be used except when vessels are in sight of each other and the course and position of each can be determined in the daytime by sight of the vessel itself or by night by seeing its navigation lights. In fog, mist, falling snow and heavy rain storms, when vessels cannot see each other, fog signals only shall be given.

MOTORBOATS CROSSING (1.01.270)

When two motorboats are crossing, so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way of the other.

SAILING VESSEL RIGHT-OF-WAY (1.01.280)

When a motorboat and a sailboat or other non-motorized vessel are proceeding in such a direction as to involve risk of collision, the motorboat shall keep out of the way of the sailboat or other non-motorized vessel, except when the sailing vessel or other non-motorized vessel is overtaking the motorboat from behind.

PRIVILEGED VESSEL DUTY (1.01.290)

Whenever, under this ordinance one of the two vessels is to keep out of the way, the other is to maintain her course and speed.

BURDENED VESSEL DUTY (1.01.300)

(1) Every vessel which is directed by this ordinance to keep out of the way of another vessel shall, if the circumstances permit, avoid crossing ahead of the other.

(2) Every vessel which is directed by this ordinance to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

OVERTAKING VESSELS (1.01.310)

(1) Notwithstanding anything contained in this ordinance, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

(2) Every vessel coming up on another vessel from any direction more than two point aft her beam, that is, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see the other vessel's sidelights, shall be deemed to be the overtaking vessel and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of this ordinance or relieve her of the duty of keeping clear of the overtaken vessel until she is finally passed and clear.

(3) If the overtaking vessel is uncertain whether she is forward or abaft from this direction from the other vessel, she should assume that she is the overtaking vessel and keep out of the way.

REGATTA, RACES, MARINE EVENTS, TOURNAMENTS AND EXHIBITIONS, PERMITS REQUIRED (1.01.320)

(1) Whenever a regatta, race, tournament, marine event or exhibition is proposed to be held, the person in charge shall, at least sixty days prior thereto, file an application for a permit to hold the event with the Stevens County Sheriff's Office.

(2) The application shall set forth the date, time and location where the event is proposed to be held, together with the following information:

- (a) The name and address of the sponsoring organization.
- (b) The name, address and telephone number of the person or persons in charge of the event.
- (c) The nature and purpose of the event.
- (d) Information as to general public interest.
- (e) Estimated number and type of vessels participating in the event.
- (f) Estimated number and type of spectator vessels.
- (g) Number of vessels being furnished by sponsoring organization to patrol the event.
- (h) A time schedule and description of events.
- (i) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be used by the participants, officials and spectator vessels.
- (j) Also required five days prior to the event is a Certificate of Insurance in the following minimum amounts:
\$300,000 each person - (Personal injury liability)
\$500,000 each occurrence - (Personal injury liability)
\$300,000 each occurrence - (Property damage liability)

The Certificate of Insurance may be waived upon petition to the Sheriff.

(k) Also required five days prior to the event, the applicant must file with the issuing authority a good and sufficient permit and performance bond, letter of credit or certified check in the amount of two thousand dollars (\$2,000) in favor of Stevens County conditioned that said applicant approved by the issuing authority, comply with permit requirements.

(3) There shall be a twenty dollar (\$20) permit application fee.

(4) Competitors in any race, regatta or trial or other marine event authorized by the Sheriff shall be exempt from the provisions of this chapter with regard to speed while on an authorized racing course and from provisions of this chapter concerning equipment and noise. These exemptions are exclusive and shall apply only while an operator of a vessel is engaged in an authorized race, regatta or trial.

(5) It shall be unlawful for any person to conduct any regatta, marine event, race, tournament or exhibition on the waters of Stevens County unless he/she shall have had a permit issued to him/her as provided by this section.

PENALTY (1.01.330)

Violations of chapter punishable as misdemeanor. Circumstances-Violations designated as civil infractions.

It is a misdemeanor, punishable under RCW 9.92.030, for any person to commit a violation designated as an infraction under this chapter, if during a period of three hundred sixty-five days the person has previously committed two infractions for violating the same provision under this chapter and if the violation is also committed during such period and is of the same provision as the previous violations.

YEARLY REPORTING (1.01.340)

The Stevens County Sheriff shall on or before April 1st of every year submit in writing to the Board of County Commissioners a written report reviewing the Sheriff's Office performance with respect to the administration and enforcement of this ordinance. Such report shall also include any suggested modifications to the ordinance.

RULES AND REGULATIONS (1.01.350)

The Board of County Commissioners delegates to the Sheriff the ability to adopt rules and regulations as he deems necessary and consistent with the purposes and intent of this ordinance; provided, however, that the Sheriff shall not implement any such rules or regulations until after the same have been approved by a majority vote of the Board of County Commissioners.

Amended at Colville, Washington this May 22, 1995, and effective as May 22, 1995.

BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY, WASHINGTON

Allan J. Mack
Chairman

Ivan Besicovich
Commissioner

J. D. Anderson
Commissioner

Polly Buckner
Attest:

Polly Buckner,
Clerk of the Board

Every year hundreds of drunk boaters fail to pass this breath test!



Don't drink and boat.

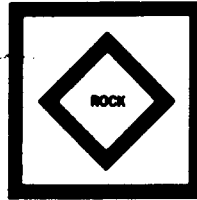
Uniform State Waterway Marker System

BOAT EXCLUSION AREA



EXPLANATION MAY BE PLACED OUTSIDE THE CROSSED DIAMOND SHAPE, SUCH AS DAM, RAPIDS, SWIM AREA, ETC.

DANGER



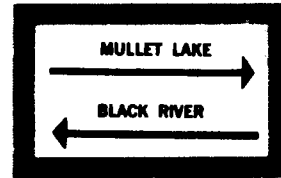
THE NATURE OF DANGER MAY BE INDICATED INSIDE THE DIAMOND SHAPE, SUCH AS ROCK, WRECK, SHOAL, DAM, ETC.

CONTROLLED AREA

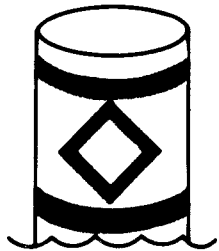


TYPE OF CONTROL IS INDICATED IN THE CIRCLE, SUCH AS SLOW, NO WAKE, ANCHORING, ETC.

INFORMATION



FOR DISPLAYING INFORMATION SUCH AS DIRECTIONS, DISTANCES, LOCATIONS, ETC.



BUOY USED TO DISPLAY REGULATORY MARKERS

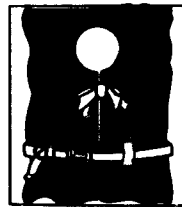


MAY SHOW WHITE LIGHT
MAY BE LETTERED

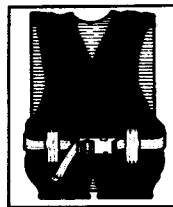
VEST TYPES



TYPE I



TYPE II



TYPE III