

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Dawson/Council	MD	7/6		7/12/94	Council Intro
Division Head:				8/9/94	Council Hearing
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

SUBJECT:

Revising language relating to impoundment of vessels or obstructions under WCC 11.44

ATTACHMENTS:

Ordinance

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #: N/A	Should Clerk schedule a hearing? NO / / YES /X / Requested date:
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This ordinance revises existing language to provide for immediate impoundment of vessels or obstructions that are unattended and present an imminent danger to life or property, or are obstructing a navigable waterway. In addition, the ordinance clarifies language regarding impoundment after a 72 hour notice has been given by appropriate enforcement officials.

CLERK'S RECOMMENDED MOTION (for final action):

"I move that the Council adopt the proposed ordinance."

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

- 7/12/94: Introduction
- 8/9/94: Council adopted the Ordinance, 4-2. Henderson and Harris opposed
Starkenburger absent

SPONSORED BY: Dawson

PROPOSED BY: Dawson

INTRODUCTION DATE: 7/26/94

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ORDINANCE NO. 94-045

AMENDING WHATCOM COUNTY CODE 11.44 REGARDING VESSELS
PRESENTING A HAZARDOUS CONDITION IN NAVIGABLE WATERS

WHEREAS, Whatcom County Code Chapter 11.44 deals with enforcement and impoundment of vessels presenting a hazardous condition in waterways; and

WHEREAS, it has come to the attention of the public that existing language fails to adequately address situations that may present an imminent danger to life and property due to unsafe vessel management; and

WHEREAS, it is in the best interests of the citizens of Whatcom County that appropriate and clear regulations be enacted to protect their interests;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Chapter 11.44 of the Whatcom County Code is amended as shown below:

11.44.020 Impoundment - Authorized when

Any person entitled to enforce the provisions of this title may, in addition to other specific provisions regarding the same, take immediate possession and/or impound and remove any vessel 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 enforcing authority to proceed from or to an area following a citation, or in an emergency;

C. The operator or master operates a vessel 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 vessels and the enforcing authority believes such operation of the vessel or obstruction would continue unless possession be taken of the same;

D. The vessel or obstruction appears unsafe for transportation; or

~~E. The vessel or obstruction appears abandoned, or is anchored or moored in an anchorage, waterway or submerged street area after expiration, cancellation or violation of a permit or in violation of this title, without a permit 72 hours after an order to~~

1 ~~remove the same has been given by the enforcing authority; and remove the same, using~~
2 ~~such methods as in his judgment will prevent unnecessary damage to said vessel, or~~
3 ~~obstruction and/or assign the removal and impounding of said vessel, or obstruction to a~~
4 ~~private corporation.~~

5 E. The vessel or obstruction is unattended and is either obstructing a navigable
6 waterway or presenting an imminent danger to life or property.

7 F. Except as provided for in preceding subsections, a vessel or obstruction may be
8 impounded and/or removed when it:

- 9 1(a) Appears abandoned, or
10 (b) Is anchored or moored in an anchorage, waterway or submerged street
11 area without a valid permit, or
12 (c) Is in violation of other provisions of this title or state law; and

13 2) When at least 72 hours have passed since issuance of an order by the
14 enforcing authority to remove the vessel or obstruction.

15 The enforcing authority shall remove the vessel or obstruction using such methods
16 as in his or her judgment will prevent unnecessary damage to said vessel or obstruction,
17 and/or delegate the task of removal and impounding of said vessel or obstruction to a
18 private party, which shall also be subject to the requirement for exercise of care assigned
19 herein to the enforcing authority.

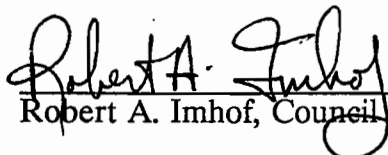
20 Notwithstanding the other provisions of this chapter, any residential property
21 owner, or person having charge of such property, may have an unauthorized vessel found
22 on the property impounded immediately upon giving written authorization.

23 ADOPTED this 9th day of August, 1994.

24
25 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

26 
27 Ramona Reeves, Council Clerk


Robert A. Imhof, Council Chair

28 APPROVED AS TO FORM:

() Approved () Denied

29
30 Civil Deputy Prosecutor

8-15-94.
Shirley Van Zante
Date: _____

I decline to
sign this ord.

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