

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2007 - 284

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator: <i>ME</i>	Engels	6/21/2007		7/10/2007	Introduction
Division Head:				7/24/07	Hearing
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Ordinance amend WCC 11.32, Toad Lake non-electric motor ban

**ATTACHMENTS:**

Ordinance with Exhibit A

<b>SEPA review required?</b> ( ) Yes ( ) NO	<b>Should Clerk schedule a hearing ?</b> ( X ) Yes ( ) NO
<b>SEPA review completed?</b> ( ) Yes ( ) NO	<b>Requested Date:</b> 7/24/2007

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This ordinance amends the WCC 11.32 to prohibit the use of non-electric motors on Toad Lake

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

7/10/2007: Introduced  
 7/24/2007: Council Adopted 7-0  
 Ord. 2007-038

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:** Ord. 2007-038

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).

SPONSORED: Crawford

PROPOSED: Consent

INTRODUCTION: July 10, 2007

**ORDINANCE NO. 2007-038**

**AMENDING WHATCOM COUNTY CODE 11.32, BOATING AND SWIMMING,  
SPECIAL RESTRICTIONS**

**WHEREAS**, pursuant to the Whatcom County Home Rule Charter, the legislative power of Whatcom County is vested in the Whatcom County Council; and

**WHEREAS**, the Whatcom County Council is elected to represent the concerns of the citizens of Whatcom County and is charged with the broad responsibility of protecting the health, safety and general welfare of the public; and

**WHEREAS**, the Board of Directors of the Emerald Lake Property Owners Association has unanimously requested a change in the law regarding the use of boat and other watercraft motors on the waters of Toad Lake; and

**WHEREAS**, Toad Lake has not traditionally and historically been used for the recreational purposes requiring non-electric motorized boats and watercraft because of its small size and location; and

**WHEREAS**, the use of non-electric motors on the Toad Lake can result in a variety of problems including pollution from potential spills of gas and oil products, speeds in excess of existing law, erosion to shoreline areas, endangerment of swimmers, and noise and other concerns; and

**WHEREAS**, the Whatcom County Council finds that further restrictions imposed by the County on the use of motors will likely reduce the problems cited; and

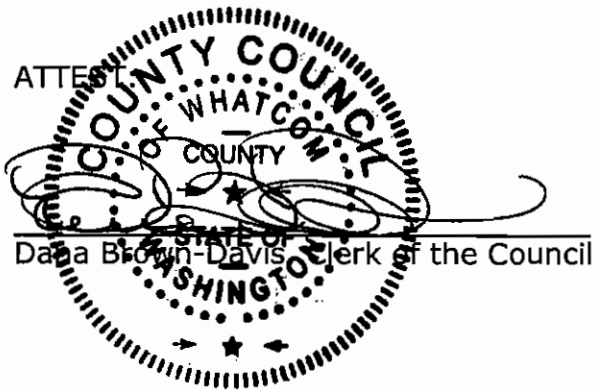
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**WHEREAS**, an identical restriction imposed on Cain Lake in 1994 resulted in a noticeable reduction of the problems cited.

**NOW THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code 11.32 is hereby amended as indicated in Exhibit A to this ordinance.

**ADOPTED** this 24 day of July, 2007.

ATTEN:



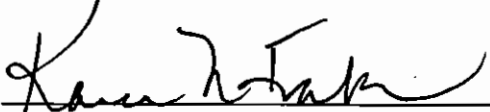
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
\_\_\_\_\_  
Carl Weimer, Council Chair

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Civil Deputy Prosecutor

  
\_\_\_\_\_  
Pete Kremen, County Executive

(  ) Approved      (  ) Denied

Date Signed: 7-25-07

## **EXHIBIT A**

**(AMENDING WCC 11.32, BOATING AND SWIMMING)**

### **Chapter 11.32 SPECIAL RESTRICTIONS**

Sections:

11.32.010 Lake Whatcom.

11.32.020 Lake Samish.

11.32.030 Silver Lake.

11.32.040 Birch Bay.

11.32.050 Cain Lake and Toad Lake.

11.32.060 Reed Lake.

11.32.070 Wiser Lake.

11.32.090 Exceptions.

11.32.095 Severability.

#### **11.32.010 Lake Whatcom.**

The following restrictions shall apply on Lake Whatcom:

A. Water skiing is permitted only in a counterclockwise direction.

B. Maximum speed of vessels shall be 40 miles per hour, except for vessels taking part in a boating event authorized by sheriff's permit, and except for seaplanes using normal procedures during periods of takeoff or landing.

C. Waters adjacent to Morning Beach Park Sudden Valley shall be restricted to swimming only.

D. The water adjacent to Afternoon Beach Park is restricted to no public access on the west side of a line that extends northerly from Point A of a point on the easterly line of Parcel A to Point B as shown on Exhibit "A" attached to the ordinance codified in subsections C and D of this section, and swimming and nonpower boats on the east side of said line.

Sudden Valley Community Association is authorized to cordon off the specific areas of Lake Whatcom to accomplish the purpose of subsection C and D of this section.

E. The operation of all two-stroke engine powered watercraft on Lake Whatcom is hereafter prohibited, effective January 1, 2009, except as follows:

1. Watercraft powered by a two-stroke powered engine whose engine is certified and labeled as meeting the 2006 or later model year United States Environmental Protection Agency (EPA) emissions standards, as specified in Title 40, Code of Federal Regulations, Part 91; or

2. Effective only until January 1, 2013, all carbureted two-stroke auxiliary sailboat engines; or

3. Effective only until January 1, 2013, all carbureted two-stroke engines of 10 horsepower or less; or

4. Effective only until January 1, 2013, all electronic fuel injected (EFI) two-stroke engines originally purchased before August 2004; or

5. Effective only until January 1, 2013, watercraft powered by a two-stroke powered engine whose engine is certified and labeled as meeting the United States

Environmental Protection Agency (EPA) 2001 emissions standards, including Rotax fuel injected (RFI) two-stroke engines. (Ord. 2004-042; Ord. 90-83 (part)).

#### **11.32.020 Lake Samish.**

Speed shall be restricted to idling and/or no wake under county bridge No. 107 (bridge located south of, and adjacent to, Lake Samish Park). (Ord. 2004-042; Ord. 90-83 (part)).

#### **11.32.030 Silver Lake.**

The following restrictions shall apply on Silver Lake:

A. Water skiing is permitted only in a counterclockwise direction.

B. An official buoyline may be established cooperatively between the Whatcom County sheriff's department, Whatcom County park department and representatives from the Silver Lake Property Owners' Association; speed limits between the buoyline and the shoreline shall be idling or no wake.

C. For the entire area of Silver Lake the idling speed or no wake provision shall be in force at all hours from the official opening day of fishing season until May 20th of each year; thereafter, until June 30th, the no wake restriction shall be in force in the mornings before 10:00 a.m. and in the evenings after 7:00 p.m. Use of motorized vessels with more than 10 horsepower is prohibited. (Ord. 2004-042; Ord. 90-83 (part)).

#### **11.32.040 Birch Bay.**

It is unlawful for any person to water ski within 600 feet of the shoreline of all Birch Bay waters. (Ord. 2004-042; Ord. 90-83 (part)).

#### **11.32.050 Cain Lake and Toad Lake.**

The following restrictions shall apply on Cain Lake and Toad Lake:

A. Operation of boats and other conveyances having non-electric motors is prohibited on Cain Lake and Toad Lake.

B. Speed shall be restricted to idling and/or no wake at all times. (Ord. 2004-042; Ord. 94-019; Ord. 90-83 (part)).

#### **11.32.060 Reed Lake.**

Only all-electric motors and/or manually powered boats are permitted to operate on Reed Lake. (Ord. 2004-042; Ord. 90-83 (part)).

#### **11.32.070 Wiser Lake.**

The following restrictions shall apply on Wiser Lake:

A. Speed is restricted to idling and/or no wake at all times from 8:00 p.m. to 12:00 noon the following day.

B. Water skiing is permitted from 12:00 noon to 8:00 p.m.

C. Speed is restricted to idling and/or no wake at all times west of the Guide Meridian from March 1st to October 15th.

D. Use of motorized vessels is prohibited upon the waters of Wiser Lake from October 15th to March 1st.

E. No water skiing is permitted from the public access dock.

F. Water skiing is permitted up to a maximum of six ski boats at any one time traveling in a counterclockwise direction.

G. Water skiing is permitted only in a counterclockwise direction. (Ord. 2004-042; Ord. 90-83 (part)).

**11.32.090 Exceptions.**

No restrictions contained in this chapter shall be deemed to apply to persons or vessels engaged in emergency operations necessary to save life or property or in the performance of wildlife management activities undertaken by either county or state governmental agencies or their designees. (Ord. 2004-042; Ord. 2002-008; Ord. 94-019).

**11.32.095 Severability.**

If any provision of this chapter is held to be invalid, all other provisions shall remain in effect. (Ord. 2004-042; Ord. 94-019).