

CHAPTER 7.22

BOATING AND WATER SAFETY

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7.22.010 APPLICABILITY. This chapter applies to watercraft and associated equipment used, to be used, or carried in watercraft used on the waters subject to the jurisdiction of the County of Benton.
[Ord. 130 (1978) 1]

7.22.020 POLICY. It is the policy of Benton County to promote safety and enjoyment of persons using the waterways of this county. This chapter is intended to supplement, but not to infringe upon, the boating safety laws and regulations of the State of Washington and the United States.
[Ord. 130 (1978) 2]

7.22.030 DEFINITIONS. The following terms, as used in this chapter, shall mean:

(a) "Issuing Authority" means a state that has a numbering system approved or administered by the U. S. Coast Guard.

(b) "Vessel" means any contrivance used or designed for navigation on water, including seepplanes when operated on water of this county: PROVIDED, that for the purposes of this chapter, the term "Vessel" shall not include vessels engaged in interstate and foreign commerce; vessels regulated by the Washington State Public Service Commission; vessels owned and operated by the United States, any state or political subdivision of any state; or commercial fishing vessels when operated by a person holding a commercial fishing license as provided by RCW 75.28.

(c) "Motorboat" means any watercraft propelled in any respect by machinery, including those temporarily equipped with detachable motors.

(d) "Operator" means a person who is in control or in charge of a vessel while it is in use.

(e) "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.

(f) "Permit racing boats" means motorboats engaged in scheduled testing within Benton County for which a permit has been issued, pursuant to the provisions of BCC 7.22.192 and 7.22.194.

(g) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or government entity and includes a trustee, receiver, assignee, or similar representative of any of them.

(h) "Personal Flotation Device" (P.F.D.) means life preservers, buoyant vests, special purpose water safety devices, buoyant cushions, ring buoys, and work vests.

(i) "Recreational Vessel" means any vessel as defined in Subsection (b) hereof not utilized primarily for commercial purposes and shall include vessels leased or rented primarily for non-commercial use.

(j) "Reporting Authority" means the same as "Issuing Authority".

(k) "Sailboat" means any watercraft propelled by sail or canvas. For the purpose of this chapter, any watercraft propelled by both sail or canvas and machinery of any sort shall be deemed a motorboat when being propelled.

(l) "Sheriff" means the Sheriff of Benton County or any duly appointed Deputy Sheriff of Benton County.

(m) "State" means a state of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

(n) "State of Principal Use" means the state on whose waters a vessel is used or to be used most during a calendar year.

(o) "Use" means to operate, navigate, or employ.
[Ord. 130 (1978) § 3; Ord. 137 (1980) § 2; Ord. 154 (1981) § 1]

7.22.040 ENFORCEMENT. It shall be the duty of the Sheriff to enforce all provisions of this chapter.
[Ord. 130 (1978) § 4]

7.22.050 CERTIFICATE OF NUMBER REQUIRED - EXCEPTIONS.

(a) All undocumented vessels equipped with propulsion of any type except as provided in paragraph (b) of this section, shall have a certificate of number issued by the proper issuing authority in the state in which the vessel is principally used. The certificate of number must be on board and available for inspection whenever the vessel is in use.

(b) Certificates of number shall not be required for the following vessels:

(1) Foreign vessels temporarily using the waters subject to the jurisdiction of the County of Benton.

(2) Military or public vessels of the United States, except recreational-type vessels.

(3) A vessel whose owner is a state or sub-division thereof, which is used principally for governmental purposes, and which is clearly identifiable as such.

(4) Ships' lifeboats.

(5) A vessel that is used exclusively for racing.

[Ord. 130 (1978) § 5]

7.22.060 CERTIFICATE OF NUMBER ON LEASED OR RENTED VESSELS. The certificate of number shall not be required to be aboard vessels less than twenty-six (26) feet in length which are

leased or rented for less than twenty-four (24) hours to a person for that person's non-commercial use. However, such vessel must properly display the number issued to it and have the lease or rental agreement aboard. This agreement shall list the vessel number that appears on the certificate of number, the period of time for which the vessel is leased or rented, and be signed by both the owner or his authorized representative and the person leasing or renting the vessel.
[Ord. 130 (1978) ■ 6]

7.22.070 DISPLAY OF NUMBER (U. S. COAST GUARD). The number issued to a vessel must:

(a) Be painted on or permanently attached to each side of the forward half of a vessel except on vessels so configured that a number on the hull or super-structure would not be easily visible. In the latter case, the number must be permanently painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel;

(b) Be in plain vertical block letters or numbers of not less than three (3) inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the number and letter grouping. Example: WN 1234 AB or WN-1234-AB;

(e) Read from left to right. When a vessel is used by a manufacturer or a dealer for testing or demonstration, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.
[Ord. 130 (1978) ■ 7]

7.22.080 PERFORMANCE REQUIREMENTS FOR P.F.D.'S. The following buoyancy weight requirements refer to adult-size P.F.D.'s:

(a) Type I P.F.D. (life preserver) 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 to have at least twenty-two (22) pounds of buoyancy.

(b) Type II P.F.D. (buoyant vest) 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 to have at least fifteen and one-half (15.5) pounds of buoyancy.

(c) Type III P.F.D. (special purpose device) 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 (15.5) pounds of buoyancy.

(d) Type IV P.F.D. (throwable device) is a device designed to be thrown to a person in the water and not to be worn. It is designed to have at least sixteen and one-half (16.5) pounds of buoyancy.

(e) Type V. P.F.D. (restricted use) is a device of the work-vest type used on commercial vessels. The Type V device is not acceptable on recreational vessels as an approved device. [Ord. 130 (1978) § 8; Ord. 318 (1998) § 1]

7.22.090 P.F.D. REQUIREMENTS FOR RECREATIONAL VESSELS UNDER SIXTEEN (16) FEET. No person shall use a recreational vessel less than sixteen (16) feet in length or any canoe or kayak unless at least one (1) P.F.D. of any of the following types is on board for each person on board such vessel, including water skiers being towed by the vessel:

(a) Type I P.F.D.

(b) Type II P.F.D.

(c) Type III P.F.D.

[Ord. 130 (1978) § 9; Ord. 318 (1998) § 2]

7.22.100 P.F.D. REQUIREMENTS FOR RECREATIONAL VESSELS SIXTEEN (16) FEET AND OVER. No person shall use a recreational vessel sixteen (16) feet or more in length, unless at least one (1) P.F.D. of any of the following types is on board for each person on board such vessel, including water skiers being towed by the vessel:

- (a) Type I P.F.D.
- (b) Type II P.F.D.
- (c) Type III P.F.D.

Recreational vessels sixteen (16) feet or more in length, except a canoe or kayak, must also carry aboard, and have immediately available, at least one (1) Type IV throwable P.F.D. in addition to the above-mentioned requirements.

[Ord. 130 (1978) § 10; Ord. 318 (1998) § 3]

7.22.110 P.F.D. REQUIREMENTS FOR COMMERCIAL VESSELS.

(a) Every commercial vessel less than 40 feet in length which does not carry passengers for hire shall have at least one (1) Type I, Type II or Type III (wearable) P.F.D. for each person on board such vessel.

(b) Every commercial vessel carrying passengers for hire and each commercial vessel 40 feet or more in length not carrying passengers for hire shall have at least one (1) Type P.F.D. for each person on board such vessel.

(c) Inspected vessels carrying passengers for hire must carry, unless the service is such that children are never carried, a number of Type I P.F.D.'s of child's size equal to at least 10% of the total number of persons carried.

(d) Each vessel 26 feet or more in length must have at least one (1) ring buoy in addition to the P.F.D.'s required in paragraphs a, b, and c of this section.

[Ord. 130 (1978) § 11]

7.22.120 P.F.D. APPROVAL - ACCESS, CONDITION.

(a) All P.F.D.'s shall be approved by the United States Coast Guard.

(b) All P.F.D.'s shall be placed on vessels so as to be readily accessible in case of an emergency. Examples of P.F.D.'s NOT readily accessible are those located in a locked locker and those

stored under an anchor, anchor line, blankets, or enclosed in the manufacturer's plastic container.

(c) All P.F.D.'s shall be in good serviceable condition.

(d) Type IV P.F.D.'s shall be immediately available on recreational vessels 16 feet or more in length.

(e) All P.F.D.'s shall be a suitable size for each person on board.

[Ord. 130 (1978) ▪ 12]

7.22.130 FIRE EXTINGUISHERS ON MOTORBOATS LESS THAN TWENTY-SIX (26) FEET CARRYING PASSENGERS FOR HIRE. Every motorboat less than twenty-six (26) feet in length used for carrying passengers for hire shall be equipped with one (1) U. S. Coast Guard approved Type B-I fire extinguisher.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.

[Ord. 130 (1978) ▪ 13; Ord. 318 (1998) ▪ 4]

7.22.140 FIRE EXTINGUISHERS ON MOTORBOATS LESS THAN TWENTY-SIX (26) FEET. Every motorboat less than twenty-six (26) feet in length that has any of the following conditions shall be equipped with (1) U. S. Coast Guard approved Type B-I fire extinguisher:

(a) Motorboats with closed compartments under thwarts or seats wherein portable fuel tanks are stored.

(b) Motorboats with double bottoms not sealed to the hulls or which are not completely filled with flotation material.

(c) Motorboats with closed living spaces.

(d) Motorboats with closed-stowage compartments in which combustible or flammable materials are stowed.

(e) Motorboats with permanently installed fuel tanks.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.
[Ord. 130 (1978) ▪ 14; Ord. 318 (1998) ▪ 5]

7.22.150 FIRE EXTINGUISHERS ON MOTORBOATS TWENTY-SIX (26) FEET TO LESS THAN FORTY (40) FEET. Every motorboat not less than twenty-six (26) feet in length but less than forty (40) feet in length shall be equipped with at least two (2) U. S. Coast Guard approved Type B-I fire extinguishers or one (1) U. S. Coast Guard approved Type B-II extinguisher.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.
[Ord. 130 (1978) ▪ 15; Ord. 318 (1998) ▪ 6]

7.22.160 FIRE EXTINGUISHERS ON MOTORBOATS FORTY (40) FEET TO NOT MORE THAN SIXTY-FIVE (65) FEET. Every motorboat not less than forty (40) feet in length but not more than sixty-five (65) feet in length shall be equipped with at least three (3) U. S. Coast Guard approved Type B-I fire extinguishers or one (1) U. S. Coast Guard approved B-I fire extinguisher AND one (1) U. S. Coast Guard approved Type B-II fire extinguisher.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.
[Ord. 130 (1978) ▪ 16; Ord. 318 (1998) ▪ 7]

7.22.170 MOTORBOATS EQUIPPED WITH FIXED FIRE EXTINGUISHER. An approved fixed-fire extinguisher in the engine compartment of a motorboat may be substituted for one (1) Type B-I fire extinguisher otherwise required by this chapter.
[Ord. 130 (1978) ▪ 17]

7.22.180 BACK-FIRE FLAME ARRESTORS. Every motorboat equipped with inboard engines installed after April 25, 1940, shall be equipped with a U. S. Coast Guard approved back-fire flame arrester for each carburetor except:

(a) Engines accepted for use without a flame arrestor and so labeled by the U. S. Coast Guard.

(b) Situations where attachments to air-intake system or location of the engine will disperse back-fire flame to the open atmosphere clear of the vessel, persons on board, and nearby vessel and structures.

(c) Engines using fuel with a flash point of over one hundred and ten (110) degrees Fahrenheit.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.

[Ord. 130 (1978) § 18; Ord. 318 (1998) § 8]

7.22.190 MUFFLERS - PREVENTION OF NOISE AND SMOKE. Every motorboat; except permit racing boats, and motorboats engaged in an organized sporting event, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon any motorboat used inside the County of Benton, except for permit racing boats, and motorboats engaged in an organized sporting event.

[Ord. 130 (1978) § 19; Ord. 137 (1980) § 3]

7.22.192 OPERATION WITHOUT MUFFLERS - PERMIT APPLICATION. The operation of motorboats on waters subject to the jurisdiction of Benton County which are engaged in scheduled testing within Benton County shall be permitted without a muffler in good working order and in constant operation upon the issuance of a permit therefor issued by the Benton County Sheriff. Application for such permit shall be submitted to the Benton County Sheriff at least ten (10) days in advance of the commencement of such proposed testing and shall contain all information required by BCC 7.22.410.

[Ord. 137 (1980) § 4]

7.22.194 OPERATION WITHOUT MUFFLERS - PERMIT ISSUANCE.

(a) Upon determination by the Benton County Sheriff that an application for a permit to operate motorboats without a muffler in

good working order and in constant operation, pursuant to BCC 7.22.192, is accompanied by all information required by BCC 7.22.410, the Sheriff shall issue such permit for a period not to exceed ten (10) days.

(b) Such permit shall contain such conditions and requirements as the Sheriff shall determine to be necessary to adequately protect the public health, safety and welfare, and shall contain the following provisions:

- (1) The specific water area covered by the permit.
- (2) The name and/or registration number of every motorboat which may operate under the permit.
- (3) The number and nature of patrol, safety and tow vessels to be present during the permitted activity.
- (4) The duration of the permit.
- (5) The days of the week during which the motorboats may test shall be limited to Mondays through Fridays.
- (6) The hours of the day during which the motorboats may test shall commence at 10:00 a.m. and shall terminate at 5:00 p.m.
- (7) The number of motorboats permitted to participate per day.

[Ord. 137 (1980) ▪ 5]

7.22.200 VENTILATION ON MOTORBOATS OR MOTOR VESSELS, EXCEPT OPEN BOATS. Every motorboat or motor vessel, except open motorboats, which use fuel having a flash point of less than 110 degrees Fahrenheit, shall have at least two (2) ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from bilges in every engine and fuel-tank compartment. There shall be at least one (1) exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge, and at least one (1) 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 in such a manner as

to prevent displaced gases from being recirculated.
[Ord. 130 (1978) ▪ 20]

7.22.210 VENTILATION - OPEN MOTORBOATS. Open motorboats are not required to be ventilated, provided each of the four following conditions are met:

(a) Engine and fuel tank compartments shall have a minimum of fifteen (15) square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume.

(b) All such compartments must have at least one (1) square inch of open area per cubic foot, within one (1) inch of the compartment bilge level or floor, so that any vapors present will drain into open areas.

(c) There must be no long or narrow unventilated spaces accessible from such compartments in which a flame could propagate.

(d) Long, narrow compartments (such as side panels) if joining engine compartments or fuel compartments and serving as ducts thereto, shall have at least fifteen (15) square inches of open area per cubic foot provided by frequent openings along the full length of the compartment forward.
[Ord. 130 (1978) ▪ 21]

7.22.220 SOUND DEVICES - MOTORBOATS LESS THAN TWENTY-SIX (26) FEET. Every motorboat less than twenty-six (26) feet in length shall be equipped with one (1) mouth, hand, or power-operated whistle or horn capable of producing a steady two (2) second blast audible at least one-half (1/2) mile.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.
[Ord. 130 (1978) ▪ 22; Ord. 318 (1998) ▪ 9]

7.22.230 SOUND DEVICES - MOTORBOATS TWENTY-SIX (26) FEET TO LESS THAN FORTY (40) FEET. Every motorboat not less than twenty-six (26) feet but less than forty (40) feet in length shall be

equipped with one (1) hand or power-operated whistle or horn capable of producing a steady two (2) second blast audible at least one (1) mile, and one (1) bell which, when struck, produces a clear, bell-like tone.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.
[Ord. 130 (1978) ▪ 23; Ord. 318 (1998) ▪ 10]

7.22.240 SOUND DEVICES - MOTORBOATS FORTY (40) FEET TO NOT MORE THAN SIXTY-FIVE (65) FEET. Every motorboat not less than forty (40) feet but not more than sixty-five (65) feet in length shall be equipped with one (1) power-operated whistle or horn audible at least one (1) mile, and one (1) bell which, when struck, produces a clear, bell-like tone.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.
[Ord. 130 (1978) ▪ 24; Ord. 318 (1998) ▪ 11]

7.22.250 NAVIGATION LIGHTS - NON-MOTORBOATS. Every vessel not motorized underway from sunset to sunrise, or at such time as vision is less than 500 feet, shall be equipped with a hand lantern showing white light which shall be temporarily exhibited in sufficient time to prevent a collision.
[Ord. 130 (1978) ▪ 25]

7.22.260 NAVIGATION LIGHTS - MOTORBOATS LESS THAN 26 FEET. Every motorboat less than 26 feet in length underway from sunset to sunrise or at such time as vision is less than 500 feet shall be equipped with the following lights:

(a) One (1) white light aft to show all around the horizon (32 points on the compass or 360 degrees).

(b) One (1) combination light on the fore part of the vessel lower than the white light aft, showing a green light to the starboard and a red light to the port side of the vessel, each showing ten

(10) points of the compass or 112.5 degrees.
[Ord. 130 (1978) ▪ 26]

7.22.270 NAVIGATION LIGHTS - MOTORBOATS 26 FEET TO NOT MORE THAN 65 FEET. Every motorboat not less than 26 feet but not more than 65 feet in length underway from sunset to sunrise or at such times that vision is less than 500 feet shall be equipped with the following lights:

(a) One (1) white light as far forward as possible to show an unbroken light twenty (20) points of the compass or 225 degrees with ten (10) points or 112.5 degrees on each side of the vessel.

(b) One (1) white light aft to show all around the horizon (32 points of the compass or 360 degrees) and higher than the white forward.

(c) One (1) red light on the port side and one (1) green light on the starboard side each showing ten (10) points on the compass with a screen installed to prevent lights from being seen across the bow.

[Ord. 130 (1978) ▪ 27]

7.22.280 LOCATION OF WHITE LIGHTS. Every white light required by this chapter shall be carried on the centerline of the vessel, except that the all-around white light aft on a motorboat of less than 26 feet in length may be carried off the centerline.
[Ord. 130 (1978) ▪ 28]

7.22.290 ALTERNATIVE NAVIGATION LIGHTS. Every motorboat may display, in lieu of the foregoing navigation-light requirements, navigation lights required by the International Rules of the Road.
[Ord. 130 (1978) ▪ 29]

7.22.300 WATER SKIING IN A NEGLIGENT MANNER. No person shall ride or manipulate any water ski, bare feet, surfboard, or similar device in such a negligent manner as to endanger or be likely to endanger any person or property.
[Ord. 130 (1978) ▪ 30; Ord. 318 (1998) ▪ 12]

7.22.310 TOWING WATER SKIERS - HOURS. No person shall operate a vessel for the purpose of towing a person on water skis, bare feet, surfboard or similar device at any time during the period from one (1) hour after sunset to one (1) hour before sunrise. This section shall not apply to persons engaged in a professional exhibition or to persons engaged in an activity which has been exempted from the requirements of this section by the Board of Benton County Commissioners.
[Ord. 130 (1978) ▪ 31; Ord. 318 (1998) ▪ 13]

7.22.320 TOWING WATER SKIERS - MANNER. (a) No person shall operate or manipulate any vessel, tow rope or other device, by which the direction or location of a person on water skis, bare feet, surfboard or similar device may be affected or controlled in such a negligent manner as to endanger or be likely to endanger any person or property.

(b) No person or persons shall engage in water skiing or be towed on a surfboard or similar device within three hundred (300) feet of any boat-launching ramp or within one hundred (100) feet of any anchored vessel, trolling vessel, swimmer or swimmers, shoreline, or other activity on or in the water except as permitted by paragraph (c) hereof.

(c) Except on safe take-offs, vessels with skiers under tow and skier must keep one hundred (100) feet or more from shore. A take-off will not be considered "safe" unless it can be accomplished without risk to any swimmers or craft. Skiers must be picked up by a vessel before coming within one hundred (100) feet of the shore, and brought to shore under the speed restrictions applicable within one hundred (100) feet of shore; provided, when safe, the skier and the towing vessel may come within less than one hundred (100) feet from the shore line in the process of landing.

(d) All vessels towing skiers from a skiing platform or float shall proceed in a counter-clockwise direction.

(e) All vessels taking off with skiers from within one hundred (100) feet of the shore line shall take off as straight as practicable from shore. On both takeoffs and landings, vessels and skiers shall keep as far distant as possible from adjoining docks, floats, and shore line.

(f) No vessel shall follow behind a person being towed on skis, bare feet, surfboard or other device closer than three hundred (300) feet, nor cross the towing vessels bow by less than three hundred (300) feet, nor come within less than one hundred (100) feet of the person being towed.

(g) No person shall operate a vessel towing a person or persons on water skis, bare feet, surfboard, or similar device unless another competent person in the boat is continuously observing the person being towed, PROVIDED, that this paragraph shall not apply to motorboats:

- (1) Used by water-ski schools in the giving of instruction.
- (2) Used in duly authorized water-ski tournaments, competitions, expositions, or trials.

(h) It shall be unlawful for any person or persons to be towed on water skis, bare feet, surfboard, or similar device without a life jacket or flotation device.
[Ord. 130 (1978) § 32; Ord. 318 (1998) § 14]

7.22.330 WATER SKIING WHILE INTOXICATED PROHIBITED. No person shall ride or manipulate any water ski, surfboard, or similar device, or bare foot ski, while under the influence of any intoxicating liquor, narcotic drug, barbiturate, marijuana, or any other controlled substance as defined by Chapter 69.50 RCW.
[Ord. 130 (1978) § 33; Ord. 318 (1998) § 15]

7.22.340 OPERATING A MOTORBOAT WHILE INTOXICATED PROHIBITED. No person shall operate any motorboat while under the influence of any intoxicating liquor, narcotic drug, barbiturate, marijuana, or any other controlled substance as defined under RCW 69.50. Determination of such 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.
[Ord. 130 (1978) § 34]

7.22.350 VESSEL SPEED. No person shall operate a vessel at a speed greater than that which will permit the operator to bring said vessel to a stop within clearance distance ahead and no person shall operate a motorboat at a speed great enough to leave a wake which is likely to cause damage to a person, persons, or property.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.

[Ord. 130 (1978) ▪ 35; Ord. 318 (1998) ▪ 16]

7.22.360 AGE REQUIREMENTS TO OPERATE MOTORBOAT. It shall be unlawful for a minor under the age of fourteen (14) years to operate or be permitted, by the owner or person having charge of a motorboat, to operate a motorboat powered by an engine of ten (10) horsepower or more unless accompanied by a person who is legally capable of operating such motorboat. It shall be unlawful for a minor ten (10) years of age or under to operate or be permitted to operate a motorboat in excess of four (4) horsepower.

[Ord. 130 (1978) ▪ 36; Ord. 318 (1998) ▪ 17]

[NOTE: This chapter is continued on the following page.]

7.22.370 MOORING OF VESSELS AND RAFTS TO BUOYS OR BEACONS PROHIBITED. (a) No person shall moor a vessel or raft to any buoy or beacon placed in a waterway by the authority of the United States, an agency of the United States or by the Benton County Sheriff's Department, or in any manner hang on with a vessel or raft to such buoy or beacon unless said buoy is designated as a Mooring Buoy.

(b) No vessel or raft shall use a designated Mooring Buoy for more than seventy-two (72) continuous hours per use.

(c) All vessels or rafts shall use a minimum of fifteen (15) feet of line to moor to a designated Mooring Buoy.

(d) Only one vessel or raft may be moored to a Mooring Buoy at any one time.

(e) No more than five (5) vessels or rafts, at any one time, may be moored or tied to another vessel or raft which is legally using a designated Mooring Buoy.

[Ord. 130 (1978) ▪ 37; Ord. 344 (1998) ▪ 1]

7.22.380 RIDING ON GUNWALES OR BOWS PROHIBITED. No operator of any vessel shall allow any person to ride or sit on either the starboard or port gunwale, or on the decking over the bow while underway or on seat backs or cabin top except while in the act of mooring or casting off, unless the vessel is provided with adequate guards or railings.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.

[Ord. 130 (1978) ▪ 38; Ord. 318 (1998) ▪ 18]

[NOTE: This chapter is continued on the following page.]

7.22.390 OVERLOADING BOATS PROHIBITED. No person shall overload a boat beyond its safe carrying capacity rating, taking into consideration weather and other normal operating conditions.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.

[Ord. 130 (1978) § 39; Ord. 318 (1998) § 19]

7.22.400 ANCHORING AND/OR MOORING VESSEL IN A CHANNEL PASSAGEWAY PROHIBITED. No person shall anchor, moor, or impede the passage of any other vessel in a channel or passageway ordinarily used by any other vessel.

[Ord. 130 (1978) § 40]

7.22.410 NOTIFICATION TO SHERIFF OF REGATTAS AND MARINE EVENTS. The Sheriff shall be notified in advance of the holding of any regatta, motorboat or other boat race, tournament or exhibition, water-ski tournament or testing or time-trials for any such events on any waters in Benton County. Persons or organizations desiring to sponsor such events shall give notice to the Sheriff at least ten (10) days in advance of the commencement of such events. Such notice shall be submitted on forms provided by the Sheriff and shall specify:

(a) The waters and general area where the event shall be held.

(b) The location of buoys or other marking devices placed upon the waters to set off any race course or other area.

(c) The provisions made by the sponsors for patrolling to prevent unauthorized entry by non-participants into the area of the event.

(d) The rescue and safety measures that shall be provided to insure the safety of participants and others.

(e) The dates of such events, including the dates of trial practice or preliminary events.

(f) Such other information as the Sheriff may require to fully inform him of the nature and extent of such event.
[Ord. 130 (1978) ▪ 41; Ord. 137 (1980) ▪ 6]

7.22.420 OPERATION OF MOTORBOATS IN SWIMMING AREAS PROHIBITED. No person shall operate a motorboat or personal watercraft within water areas which are clearly marked by buoys or some other distinguishing device as a bathing or swimming area.
[Ord. 130 (1978) ▪ 42; Ord. 318 (1998) ▪ 20]

7.22.430 NEGLIGENT OPERATION OF VESSELS PROHIBITED. No person shall operate a vessel in such a negligent manner as to unnecessarily interfere with the free and proper use of the waters of Benton County or endanger or be likely to endanger any person or property.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.
[Ord. 130 (1978) ▪ 43; Ord. 318 (1998) ▪ 21]

7.22.440 SWIMMING. It shall be unlawful for any person to swim:

(a) More than one hundred (100) feet from shore unless the swimmer is accompanied by a vessel, or wearing a highly visible flotation signal device on the body or person, or unless in an area specifically designated as a public-swimming area.

(b) In any body of water which is posted as no swimming by public legal authority.
[Ord. 130 (1978) ▪ 44; Ord. 318 (1998) ▪ 22]

7.22.450 SKIN DIVING. It shall be unlawful for any person or persons to be engaged in skin diving unless there is situated at the place where the diving is conducted either a vessel that is anchored or a marking flag, which flag shall be red and white and be at least three (3) feet high, that is clearly visible a distance of 300 feet.
[Ord. 130 (1978) ▪ 45]

7.22.455 JUMPING FROM STRUCTURES SPANNING RIVERS PROHIBITED.
It shall be unlawful for any person to jump or dive from any bridge, trestle or other structure which spans any river within Benton County.

[Ord. 154 (1981) ▪ 2]

7.22.460 ACCIDENT REPORTING. (a) In the case of collision, accident or other casualty, involving a vessel, it shall be the duty of the operator, if and so far as he can do so without serious danger to himself or persons aboard, to render such assistance as may be practical and necessary to other persons affected by the collision, accident, or casualty.

(b) Any person who complies with this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or casualty, without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent person might have acted under the same or similar circumstances.

(c) The operator of any vessel which is involved in an accident resulting in property damage or personal injury shall stop and give his name and address to any injured person and to the owner or operator of the vessel or property damaged, PROVIDED, that if the operator is unable to locate the other owner or operator he shall leave in a conspicuous place on the vessel or other property damaged a written notice giving his name and address.

(d) When, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel, the operator shall, without delay, notify the nearest U. S. Coast Guard station and the Benton County Sheriff's Department of:

- (1) The date, time, and exact location of the occurrence.
- (2) The name of each person who died or disappeared.
- (3) The number and/or name of the vessel or vessels involved.

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

If the operator cannot give this notice, each person on board shall notify proper authorities, or determine that such notice has been given.

(e) The operator of a vessel involved in an accident shall submit the BOATING ACCIDENT REPORT FORM (CG-3865) within forty-eight (48) hours of any accident in which:

- (1) A person dies within twenty-four (24) hours.
- (2) A person loses consciousness or receives medical treatment or is disabled for more than twenty-four (24) hours.
- (3) A person disappears from a vessel under circumstances that indicate death or injury.

Accidents must be reported within two (2) days if damage to the vessel and other property totals more than five hundred (500) dollars.

[Ord. 130 (1978) ▪ 46; Ord. 318 (1998) ▪ 23]

7.22.470 SOUND SIGNALS IN RESTRICTED VISIBILITY. In fog, mist, falling snow or heavy rain storms, whether during day or night, the following signals shall be used:

(a) Motorboats underway shall sound, at intervals of not more than one (1) minute, one (1) prolonged blast of the whistle or horn.

(b) Sailing vessels underway shall sound, at intervals of not more than one (1) minute, one (1) blast when on the starboard tack, and two (2) blasts in succession when on the port tack; and when the wind is abaft the beam, three (3) blasts in succession of the whistle or horn.

(c) Rafts and other craft not otherwise herein provided for, navigated by hand power, horse power or by the water current shall sound a blast of the whistle, or horn at intervals of not more than one (1) minute.

(d) Motor vessels, when towing, instead of the signals provided in paragraph (a) of this section, shall sound at intervals of not more than one (1) minute, three (3) blasts in succession; namely, one (1) prolonged blast followed by two (2) blasts. A vessel towed may give this signal and shall not give any other.

(e) A vessel at anchor shall, at intervals of not more than one (1) minute, ring the bell rapidly for five (5) seconds.
[Ord. 130 (1978) ■ 47]

7.22.480 SPEED IN RESTRICTED VISIBILITY.

(a) Every vessel shall, in fog, mist, falling snow, or heavy rain storms, go at a moderate speed, having a careful regard to the existing circumstances and conditions, and shall be able to stop one-half (1/2) the distance of available visibility.

(b) A motorboat or vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not certain shall, so far as circumstances permit, stop her engine, and then navigate with caution until the danger of collision is over.
[Ord. 130 (1978) ■ 48]

7.22.490 STEERING AND SAILING RULES.

(a) 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.

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

- (1) A sailboat which is running free shall keep out of the way of a sailboat which is closehauled.
- (2) A sailboat which is closehauled on the port tack, shall keep out of the way of a sailboat which is closehauled on the starboard tack.

- (3) 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.
- (4) 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.
- (5) A sailboat which has the wind aft shall keep out of the way of other sailboats.

[Ord. 130 (1978) ■ 49]

7.22.500 RULES AND WHISTLE SIGNALS FOR VESSELS MEETING, NEARING BENDS, LEAVING BERTHS, OR OVERTAKING.

(a) 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 (1) 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 (2) short and distinct blasts of her whistle, which the other vessel shall answer promptly by two (2) 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.

(b) 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 (4), of the whistle or horn.

(c) 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 (1/2) mile ahead, such motorboat, when she shall have arrived within one-half (1/2) mile of such curve or bend, shall give a signal of one (1) 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; but if the first alarm signal of such vessel be 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 as 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.

(d) 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 (1) short blast of the whistle or horn, as a signal of such desire, and if the vessel ahead answers with one (1) 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 (2) short blasts of the whistle or horn as a signal for such desire, and if the vessel ahead answers with two (2) 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 that point, she shall immediately signify the same by giving short rapid blasts of the whistle or horn, not less than four (4) 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.

(e) 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 day time 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.

[Ord. 130 (1978) ▪ 50]

7.22.510 MOTORBOATS CROSSING. When two (2) 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.

[Ord. 130 (1978) ▪ 51]

7.22.520 SAILING VESSEL RIGHT OF WAY. When a motorboat and a sailboat are proceeding in such a direction as to involve risk of collision, the motorboat shall keep out of the way of the sailboat, except when the sailing vessel is overtaking the motorboat from behind.

[Ord. 130 (1978) ▪ 52]

7.22.530 PRIVILEGED VESSEL DUTY. Whenever, under this chapter, one of the two vessels is to keep out of the way, the other is to maintain her course and speed.

[Ord. 130 (1978) ▪ 53]

7.22.540 BURDENED VESSEL DUTY.

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

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

[Ord. 130 (1978) ▪ 54]

7.22.550 OVERTAKING VESSELS.

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

(b) Every vessel coming up on another vessel from any direction more than two points 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 chapter or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(c) 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.
[Ord. 130 (1978) ▪ 55]

7.22.560 RIGHT OF WAY - FISHING VESSELS. Vessels underway shall keep out of the way of sailboats or boats fishing with nets, lines, or trawls. This section shall not give to any vessel or boat engaged in fishing the right to obstruct a channel used by vessels other than fishing vessels.
[Ord. 130 (1978) ▪ 56]

7.22.570 GENERAL PRUDENTIAL RULE. In obeying and construing this chapter, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from it necessary in order to avoid immediate danger.
[Ord. 130 (1978) ▪ 57]

7.22.580 BACKING SIGNAL. When vessels are in sight of each other, a motor vessel underway whose engines are going astern shall indicate the fact by three (3) short blasts on the whistle or horn.
[Ord. 130 (1978) ▪ 58]

7.22.590 RULE OF GOOD SEAMANSHIP. Nothing in this chapter shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or the neglect of any precaution which may be required by the ordinary practice of seamen, or by special circumstances of the case.
[Ord. 130 (1978) ▪ 59]

7.22.600 DISTRESS SIGNALS. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signal to be used or displayed by her, either together or separately:

(a) A continuous sounding with any fog-signal apparatus, firing a gun if in the day time:

(b) At night the primary signal will be a red flare either hand held or propelled skyward, and in such cases as flares are not available, the vessel shall give a continuous sounding of the fog signal, or the firing of a gun.

[Ord. 130 (1978) ▪ 60]

7.22.602 VISUAL DISTRESS SIGNALLING DEVICES REQUIRED. (a) Daylight Hours: During the hours from sunrise to sunset, all vessels carrying passengers for hire and all recreational vessels sixteen (16) feet or greater in length, EXCEPT those recreational vessels which are:

- (1) participating in organized water events,
- (2) manually propelled, or
- (3) sailboats less than twenty-six (26) feet in length without propulsion machinery, shall be equipped with the daytime visual distress signalling devices specified in BCC 7.22.604.

(b) Nighttime Hours: During the hours from sunset to sunrise, all vessels shall be equipped with those nighttime visual distress signalling devices specified in BCC 7.22.604.

(c) Visual distress signalling devices required hereby shall be readily accessible and in operative condition, shall bear a U. S. Coast Guard approval number or certification statement and shall not bear an expired expiration date.

Any person who violates this section shall be subject to an infraction. The monetary penalty shall be as adopted by resolution of the Board of County Commissioners.

[Ord. 154 (1981) ▪ 3; Ord. 318 (1998) ▪ 24]

7.22.604 SCHEDULE OF AUTHORIZED VISUAL DISTRESS SIGNALLING DEVICES.

(a) The following described categories of visual distress signalling devices, when carried in the numbers indicated for day and/or night use as indicated, shall satisfy the requirements of BCC 7.22.602:

<u>COAST GUARD NUMBER MARKED ON DEVICE</u>	<u>DEVICE DESCRIPTION</u>	<u>ACCEPTED FOR USE</u>	<u>REQUIRED TO BE CARRIED</u>
1) 160.021	Hand-held red distress signals (These signals must have a date of October 1980 or later to be acceptable).	Day & Night	3
2) 160.022	Floating orange smoke distress signals (5 min.)	Day only	3
3) 160.024	Pistol-projected parachute red flare distress signal. (These signals require use in combination with a suitable launching device approved under 46 CFR 160.028).	Day & Night	3
4) 160.036	Hand-held, rocket propelled parachute red distress signals.	Day & Night	3
5) 160.037	Hand-held orange smoke distress signals.	Day only	3
6) 160.057	Floating orange smoke distress signals.	Day only	3
7) 160.066	Distress signal for boats, red aerial pyrotechnic flare. (These devices may be either self-contained or pistol launched, and either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160.028).	Day & Night	3
8) 160.072	Distress signal for boats, orange flag with black ball and square in center.	Day only	1
9) 160.013	Electric distress light for boats.	Night only	1

(b) Any combination of three of the devices enumerated in Subsection (a)(1) through (7) hereof shall satisfy the requirements of this section for day or night use as indicated.
[Ord. 154 (1981) 4]

7.22.606 DISPLAY OF VISUAL DISTRESS SIGNALS EXCEPT IN EMERGENCIES PROHIBITED. It shall be unlawful for any person to display a visual distress signal except in circumstances requiring assistance due to immediate or potential danger to life or of personal injury.
[Ord. 154 (1981) ▪ 5]

7.22.610 CORRECTION OF ESPECIALLY HAZARDOUS CONDITION.

(a) If the Sheriff observes a vessel used without sufficient Personal Flotation Devices or insufficient firefighting equipment or in an overloaded condition or other unsafe condition as defined in this section, 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 remain there until the situation creating the especially hazardous condition is corrected or ended.

(b) For the purpose of this section, "Other Unsafe Condition" means a boat which:

- (1) Does not display the navigation lights required (sunset to sunrise), or
- (2) Has fuel leakage from either the fuel system or engine, or
- (3) Has an accumulation of fuel in the bilges or a compartment other than a fuel tank, or
- (4) Does not meet the requirements for backfire flame control, or
- (5) Does not meet the ventilation requirements for fuel tanks and engine spaces.

[Ord. 130 (1978) ▪ 61]

7.22.620 GARBAGE. It shall be unlawful for any person, while on any watercraft or any person while on the shores or on any structure extending onto a waterway, to throw or discard into the waters any waste, debris, refuse, oil, garbage or other fluids or

solid materials which in any manner tend to pollute said water.
[Ord. 130 (1978) ■ 64]

7.22.630 VIOLATIONS - PENALTIES. Any person who violates any provision of this chapter not otherwise specified as an infraction having a monetary penalty, shall be guilty of a misdemeanor.
[Ord. 130 (1978) ■ 62; Ord. 214 (1987) ■ 21; Ord. 318 (1998) ■ 25]

7.22.640 AUTHORITY OF SHERIFF TO BOARD BOATS. The Sheriff is hereby given the authority to board any vessel found underway in the waters of the County of Benton for the purpose of inspection and enforcement of this chapter.
[Ord. 130 (1978) ■ 63]