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Ordinance No. 375

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BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

ORDINANCE NO. 375

APPROVING A REQUEST BY WALLA WALLA COUNTY PUBLIC WORKS DEPARTMENT TO AMEND THE WALLA WALLA COUNTY CODE TITLE 12 AS FOLLOWS: RECODIFYING CHAPTERS 12.16, SWIMMING POOLS AND AREAS AND 12.20, WATERCRAFT REGULATIONS IN THEIR ENTIRETY TO TITLE 9 RESULTING IN NEW CHAPTERS 9.22 AND 9.24; AND AMENDING AND REPLACING TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, IN ITS ENTIRETY, RESULTING IN NEW PROCEDURES AND REQUIREMENTS RELATING TO COUNTY ROADS.

Whereas, RCW 36.75 authorizes counties to perform all acts necessary and proper for the administration of county roads;

Whereas, good engineering practice calls for the setting of standards for road construction;

Whereas, such standards should be reviewed and updated periodically to ensure they conform with current federal, state, local, and industry practices;

Whereas, portions of Title 12 were last amended in 1976 and the standards and remedies set forth therein are inconsistent with current standards;

Whereas, portions of the current Title 12 do not pertain to Streets, Sidewalks, and Public Places and are more appropriately located elsewhere in the Walla Walla County Code;

NOW THERFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. The Public Works Department entered into a Supplemental Agreement for Professional Services with Stalzer and Associates (consultant) on March 5, 2007 and again on December 31, 2008 for the purposes of reviewing and updating Title 12.

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2. The Board of County Commissioners held a workshop open to the public on the Title 12 revisions on July 21, 2009.

3. The County issued a SEPA Determination of Non-Significance on August 20, 2009. No comments were received on the Determination of Non-Significance. No appeals were received on the Determination of Non-Significance.

4. Notices of a Public Hearing were published in the Waitsburg Times on September 3 and 10, 2009. Notices of a Public Hearing were published in the Tri-City Herald and the Walla Walla Union Bulletin on September 4 and 11, 2009.

5. The Board of County Commissioners held a public hearing on September 15 2009 for the purpose of receiving testimony on the proposed revisions.

Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The County has reviewed and evaluated comments received from the public.

2. The proposed amendments to the Walla Walla County Code are in accordance with currently accepted federal, state, local, and industry standards for the design of streets, sidewalks and public places.

3. The proposed amendments to the Walla Walla County Code are necessary to provide consistency and guidance and to regulate the design and construction of streets, sidewalks and public places throughout the county.

Section III. Amendment to Walla Walla County Code, Replacing Title 12 in its Entirety. The amendments to the Walla Walla County Code resulting in replacement of Title 12, Streets, Sidewalks and Public Places in its entirety is **adopted** as presented to the Board of County Commissioners on this date as attached in Exhibit A.

Section IV. Amendment to Walla Walla County Code, Recodifying Chapters 12.16 and 12.20. Chapter 12.16 is hereby recodified from Title 12 to Title 9, resulting in new chapter 9.22, Swimming Pools and Areas, of the Walla Walla County Code. Chapter 12.20 is hereby **recodified** from Title 12 to Title 9, resulting in new chapter 9.24, Watercraft Regulations, of the Walla Walla County Code, as as presented to the Board of County Commissioners on this date as attached in Exhibit B.

Section V. Effective Date and Savings. This ordinance is effective as of the date of signing.

Section VI. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

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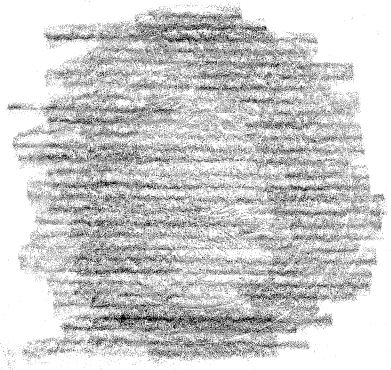
Section VII. This ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 2nd day of November, 2009.



Gregory A Tompkins, Chairman, District 3

Gregg C. Loney, Commissioner, District 1

Perry L. Dozier, Commissioner, District 2

Constituting the Board of County Commissioners of Walla Walla County, Washington

Attest:

Connie R. Vinti, Clerk of the Board

Approved as to form

Jesse D. Nolte, Deputy Prosecuting Attorney

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Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.01 General Provisions
12.02 Definitions
12.04 Applications and Fees
12.06 County Road Standards
12.10 Sidewalks and Paths
12.14 Approaches to County Roads
12.18 Procedures for Accepting Roads
12.22 Accommodation of Utilities
12.26 Obstruction of Right of Way
12.30 Irrigation Water on County Roads Prohibited
12.34 Haul Route Agreements
12.38 Addressing Standards and Guidelines
12.50 Concurrency Management System
12.54 Variances
12.60 Financial Guarantees

Chapter 12.01

GENERAL PROVISIONS

Sections:

12.01.010 Purpose.
12.01.020 Applicability.
12.01.030 Interpretation.
12.01.040 Administrative Procedures.
12.01.050 Administrative Interpretation.
12.01.055 Right of Entry.
12.01.060 Penalties.
12.01.070 Abatement.
12.01.080 Appeals.
12.01.090 Severability.

12.01.010 Purpose.

Walla Walla County has adopted this Title to guide the management, design and construction of the county road system to achieve the goals and objectives of the Comprehensive Plan and to comply with State and Federal law.

12.01.020 Applicability.

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The requirements contained in this Title apply to all public and private roads within the unincorporated areas of the county.

12.01.030 Interpretation.

Interpretation of this Ordinance shall be according to the purpose and intent as outlined in Section 12.01.010.

12.01.040 Administrative Procedures.

Administrative procedures may be adopted by the County Engineer to facilitate implementation of the purpose and intent of this Title.

12.01.050 Administration Interpretation.

Upon request or as determined necessary, the County Engineer may interpret the meaning or application of the provisions of said Title and issue a written administrative interpretation. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

12.01.055 Right of Entry.

The County Engineer shall have right of entry onto any lot, tract, easement or parcel to ensure compliance with the improvements required in this Title.

12.01.060 Penalties.

Unless specifically enumerated, violations of this Title shall be enforced under the provisions of WWCC Chapter 14.13 with the County Engineer acting as the enforcing official.

12.01.070 Abatement.

A. Whenever any violation of this Title constitutes an immediate and emergent threat to the public health, safety, or welfare, the county, after approval by the Board, may summarily and without prior notice abate the condition. In accord with RCW 36.32.120(10) the Board may levy a special assessment on the land or premises on which the violation is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes.

B. With owner consent, and after approval by the Board, the county may enter unsecured property and may remove or correct the condition which is subject to abatement. If the person in control or ownership of the premises does not consent to entry and abatement, the county may seek such judicial process in the Walla Walla County Superior Court, as it deems necessary, to effect the removal, correction or abatement of

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such condition. In the event of any abatement proceedings, judicial or otherwise, in accord with RCW 36.32.120(10) the Board may levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes. (Ord. 363 § 1(part), 2008)

12.01.080 Appeals.

Decisions made under this Title may be appealed to the hearing examiner pursuant to the provisions of WWCC chapter 14.11.

12.01.090 Severability

If any section, subsection, sentence, clause, phrase, or portion of this Title is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

Chapter 12.02

DEFINITIONS

Unless the context clearly indicates otherwise, the words used in this Title shall have the meaning given in this section:

Accessory Dwelling Unit

A dwelling unit within a primary residence or an accessory building for occupancy by a person or family for living and sleeping purposes, or for the temporary use of guests of the occupants of the premises. "Accessory dwelling unit" includes "guesthouse."

Addressable Structures

Any structure that has phone service that could be used to contact the emergency service providers, or any public road bridge or other significant structure that may aid in locating callers but is not otherwise defined.

Applicant

Property owner, public or private agency, public or private utility, developer or designee responsible for a development proposal, permit or approval, or their successor or assignee.

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Approach

Any area, construction or facility within the public road right of way or private road easement that connects the road to adjacent property. The portion of a driveway within the public road right of way or private road easement is an approach.

Appurtenance

Equipment and/or accessories which are a necessary part of an operating utility system or subsystem.

As-Built or Record Drawings

An engineered drawing or plan certified to contain a true and accurate representation of the actual field conditions for the project upon completion of construction.

Backfill

Replacement of excavated material with suitable material compacted as specified.

Board

The board of county commissioners of the county of Walla Walla, Washington.

Bond

A financial security to insure performance and/or warranty.

Boring

Grade and alignment-controlled mechanical or other method of installing a pipe or casing under a road without disturbing the surrounding medium.

Calendar days

All days in a month including weekends and holidays.

Carrier

A pipe directly enclosing a transmitted fluid or gas.

Casing

A larger pipe enclosing a carrier for the purpose of providing structural or other protection to the carrier and/or to allow for carrier replacement without re-excavation, jacking or boring.

Conduit

An enclosed tubular runway for protecting wires or cables.

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Construction Plans

Detailed and working plans including plan and profile, details, notes and any other information necessary for complete construction of the required improvements.

County

Walla Walla County, State of Washington.

County Engineer

Walla Walla County Engineer, having authority specified in RCW 36.75.050 and 36.80, or an authorized representative.

County Road

See "Road, public."

Cover

Depth to top of pipe, conduit, casing or gallery below the grade of a road or ditch.

Cul-de-Sac

A dead end road with a circular area located at the closed end and of sufficient size for turning vehicles around.

Designator

Suffix used to indicate the road type.

Driveway

A privately owned vehicular access route serving up to two lots.

Dwellings

One or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A studio apartment constitutes a dwelling unit within the meaning of this Title.

Encasement

Structural element surrounding a pipe or conduit for the purpose of preventing future physical damage to the pipe or conduit.

Engineer

A professional engineer licensed by the State of Washington for the specific discipline as needed.

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Financial Guarantee

A form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the Walla Walla County Code, and/or to warranty materials, workmanship of improvements, and design. Financial guarantees include assignments of funds, cash deposits, surety bonds, and/or other forms of financial security acceptable to the county.

Franchise

Occupancy and use document granted by the county required for occupancy of road rights-of-way in accordance with RCW 36.55 and RCW 80.32.

Gallery

Underpass for two or more utility lines.

GIS (Geographic Information System)

A system that captures, stores, analyzes, manages and presents data that refers to or is limited to location.

Highway

Every way, lane, road, street, boulevard, and every way or place in the State of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns.

Hot Mix Asphalt

A form of Asphalt Concrete that is mixed at a contractor's Hot Mix Plant, transported to the roadway in dump trucks, placed using a paver, and compacted with Steel-wheel or Rubber-tired Rollers.

Inspector

An authorized representative of the County Engineer assigned to make inspections for performance and compliance with contract, standards and permit compliance.

Manhole

An opening in an underground utility system into which workers or others may enter for the purpose of making installations, inspections, repairs, connections, cleaning or testing.

May

A permissive condition. No requirement for design or application is intended.

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MSAG

Master Street Addressing Guide.

MUTCD

"Manual of Uniform Traffic Control Devices". This is the manual approved by the Federal Highway Administration as the national standard for traffic control devices used on all public streets and highways.

Path

See "Sidewalk".

Pavement

The combination of sub-base, base course, and surfacing placed on a subgrade to support the traffic load and distribute it to the subgrade.

Permit

A document issued under the authority of the county.

Person

Every natural person, firm, co-partnership, corporation, association or organization.

Pipe

A structural tubular product designed, tested and produced for the transmittance of specific liquids and gases under specific conditions.

Plowing

Direct burial of utility lines by means of a plow-type mechanism which breaks the ground, places the utility line at a predetermined depth, and closes the break in the ground.

Pressure

Internal gage pressure in a pipe in pounds per square inch, gage (psig).

Private lines

Privately owned, operated and maintained utility facilities devoted exclusively to the use of the owner.

Relocation

When used in reference to a utility facility, the planned change of location of an existing utility facility to a more

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advantageous place without changing the character or general physical nature of the utility facility.

Replacement

When used in reference to a utility facility, the installation of a like element of a utility system or subsystem in the same or near-same physical location normally due to damage, wear or obsolescence of the element.

Restoration

All work necessary to replace, repair or otherwise restore the right of way and all features contained within to the original or better than original condition as before any change or construction thereto.

Right-Of-Way

Land, property or property interest, usually in a strip, acquired for or devoted to transportation purposes or other public improvements.

Road

A general term for a facility serving three lots or more that provides public or private vehicular circulation or principal means of access to abutting properties, and which includes the roadway and all other improvements inside of the right of way, tract or easement.

Road, private

A road constructed on a private tract, easement or other conveyance that is under private ownership. The County does not repair or maintain private roads.

Road, public

A road constructed on right of way established, purchased or otherwise established for public use and not privately owned or maintained, which is considered as open to vehicular traffic and which has been adopted into the county road system.

Roadway

The improved portion of an easement or right of way used for vehicular travel as measured from the outside of the shoulder or from the back of the curb.

SEPA

Washington State Environmental Policy Act.

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Shall
A mandatory standard or condition.

Should
A standard or condition considered to be advisable or recommended but not mandatory.

Sidewalk
Continuous way intended for pedestrian use and separated from the traveled way by open space, curbing, pavement marking or barrier.

Sleeve
A short casing through a pier, wall or abutment of a highway structure.

Street
See "Road".

Surety
A financial guarantee in the form of a cash savings assignment, letter of credit, or bonding company instrument.

TIA
Traffic Impact Analysis. A report that documents a study of traffic conditions before and after construction of a proposed development. It addresses any deficiencies in the transportation system, either current or after development, and proposes recommended mitigation to correct those deficiencies.

Traffic control
Those activities necessary to safeguard the general public, as well as all workers, during the construction and maintenance of utility facilities within the right-of-way.

Traveled way
That portion of a roadway intended for the movement of vehicles, including turn lanes but exclusive of shoulders, bike lanes, and parking lanes.

Trenched
Installation of a utility in an open excavation.

Untrenched
Installation of a utility without breaking the ground or pavement surface such as by jacking or boring.

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Urban Growth Area

An area designated by the County in the Walla Walla County Comprehensive Plan pursuant to the State of Washington Growth Management Act (RCW 36.70A.)

Utility

A company or individual providing public service such as gas, electric power, irrigation, telephone, telegraph, water, sewer or cable television, whether or not such company is publicly or privately owned or owned by a governmental entity.

WWCC

Walla Walla County Code

Chapter 12.04

APPLICATIONS AND FEES

Sections:

12.04.010 Purpose.
12.04.020 Application Required.
12.04.030 Fees.

12.04.010 Purpose.

The purpose of this chapter is to establish the fees for various permits and project reviews that require action by the Public Works Department.

12.04.020 Application Required.

Any person desiring to construct, improve or restore a public or private road or to use county right of way for any other purpose shall submit an application in the appropriate format as prescribed by the County Engineer.

12.04.030 Fees.

A. Applicants for approvals pursuant to ch.12.04.020 shall pay to the Public Works Department the applicable fees identified on the Public Works Department Fee Schedule in WWCC Title 3.

B. Fees shall be paid upon the filing of an application. However, the County Engineer shall have the authority to waive the fees when waiver of a fee is in the best interest of the public safety, health and welfare.

C. Recording fees shall be paid to the county auditor.

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D. All fees shall be paid in full prior to issuance of a permit and approval of plans.

Chapter 12.06

COUNTY ROAD STANDARDS

Sections:

12.06.010 Purpose.
12.06.020 Adoption of Road Design Standards.
12.06.030 Applicability.
12.06.040 Required improvements.
12.06.050 Maintenance required.
12.06.060 Arrangement of Roads.
12.06.070 Private Roads.

12.06.010 Purpose.

A. RCW 36.75 authorizes the county to perform all acts necessary and proper for the administration of county roads. The purpose of the Walla Walla County Road Design Standards (Standards) is to set forth specific, consistent and acceptable design and construction standards for all public and private roads in the unincorporated areas of the County. The work and improvements shall be constructed in accordance with the Standards under the supervision and direction of the County Engineer. The Standards support the County's goals for providing a safe, convenient, and cost-effective multi-modal transportation system.

B. The County requires standardization of road design elements when necessary for consistency and to ensure, so far as practicable, that driving, bicycling, transit, and pedestrian needs are met. Considerations include safety, convenience, proper drainage, and requirements for the location and installation of utilities within the right-of-way.

C. The Standards are intended to assist, but not substitute for, competent work by design professionals. The Standards are not intended to unreasonably limit any innovative or creative efforts that could result in equivalent or improved safety, quality or maintainability.

12.06.020 Adoption of Road Design Standards.

A. The "Walla Walla County Road Design Standards" adopted by Ordinance 377, or as subsequently revised by the Board, is hereby incorporated into this Title as the Walla Walla County

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standards for the design and construction of all public and private roads.

B. The Public Works Department is hereby authorized to develop public rules and make minor changes to the text and drawings in order to better implement the Standards as needed and to stay current with changing design, construction technology and methods of construction.

12.06.030 Applicability.

A. The Standards apply to the construction or modification of public and private road and right-of-way facilities that require county licenses or permits including road and right of way facilities constructed or modified by the County.

B. The Standards are not intended to apply to resurfacing, restoration and rehabilitation projects as those terms are defined in the WSDOT Local Agency Guidelines as amended. The County Engineer shall consider the Standards as optional goals for design and construction of resurfacing, restoration and rehabilitation projects.

C. Construction shall be performed in accordance with the Standards and with due regard to public safety.

12.06.040 Required improvements.

The following improvements are required for all land development projects:

A. Project improvements. All land development projects shall construct roads and related facilities within the boundaries of the land development necessary to serve the project, including the provision of rights-of-way, easements and tracts as required.

B. Offsite road improvements. The need for and extent of offsite road improvements shall be based on an assessment of the impacts of the proposed land development by the County Engineer, the county's responsible SEPA official, and as required, the hearing examiner pursuant to the provisions of Chapter 12.50 and Titles 11, 14, 16, 17 and 18 of the WWCC.

C. Frontage improvements. Any land development abutting and impacting existing roads shall improve the frontage of those roads in accordance with the Standards. The County Engineer may waive the requirement to provide specific frontage improvements when:

1. Such improvements would not provide material benefit to the public, where there are no similar frontage improvements on adjacent properties and very little likelihood that additional frontage improvements would be undertaken in the near future. In such cases the property owner will be required

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to sign an agreement waiving their right under RCW 36.88.030, 36.88.040, 36.88.050, 36.88.060, and 36.88.065 to protest the formation of a road improvement district; or

2. The county's 6-Year Transportation Improvement Program includes a project that would encompass the location where frontage improvements are required. In this case the County Engineer may obtain a pro rata financial guarantee for the frontage improvements in lieu of constructing improvements. The amount of the financial guarantee shall be determined by the County Engineer.

12.06.050 Maintenance required.

A. Public roads. All paving, landscaping, or any other improvements within the space between the property line and the outside edge of the shoulder on gravel roads or the edge of the pavement or curb and gutter, as applicable, on paved roads shall be maintained in a safe and usable condition at the expense of the abutting property owner or a homeowner's association or similar nonprofit corporation, if applicable.

B. Private roads. All improvements within a private road easement or tract shall be maintained in a safe and usable condition at the expense of the abutting property owner(s) or a homeowner's association or similar nonprofit corporation, if applicable.

12.06.060 Arrangement of Roads.

The following guidelines shall be considered when establishing new or revised roads:

A. Road patterns should be logical, consistent and understandable to satisfy the needs of emergency and delivery vehicles.

B. Adequate vehicular and pedestrian access should be provided to all parcels of land.

C. Vehicular and pedestrian-vehicular conflict points should be minimized.

D. Ease and cost of maintenance should be considered when designing public roads.

E. Arterial and collector roads shall be located as designated in the transportation element of the Walla Walla County Comprehensive Plan.

F. Local access roads should be designed to minimize through traffic movements and excessive speeds.

12.06.070 Private Roads.

Private roads may be approved in exempt land divisions, in developments subject to the requirements of WWCC Title 16, or in

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developments subject to site plan review. Private roads shall be located on private land and must:

A. Be consistent with the transportation element of the Walla Walla County Comprehensive Plan;

B. Meet the standards of this Title;

C. Not be located where the County Engineer determines that there is a need for a public road;

D. Not place a financial burden on the county;

E. Be unobstructed and maintained for use by emergency, public service and utility vehicles; and

F. Not pose a threat to public safety.

Chapter 12.10

SIDEWALKS AND PATHS

Sections:

12.10.010 Purpose.
12.10.020 Sidewalk and Path Standards.
12.10.030 Drainage of surface water required.
12.10.040 Maintenance required.

12.10.010 Purpose.

The purpose of this chapter is to provide administrative and procedural guidelines to accommodate the installation of sidewalks and paths in a County road right-of-way.

12.10.020 Sidewalk and Path Standards.

Sidewalks and paths shall be designed and constructed in accordance with the Walla Walla County Road Design Standards.

12.10.030 Drainage of surface water required.

All sidewalks and paths shall be constructed to meet the Stormwater Standards in WWCC Title 11 and shall not interfere with surface drainage of existing facilities.

12.10.040 Maintenance required.

A. It shall be the responsibility of the owner of the property abutting upon a public sidewalk or path or a homeowner's association or similar nonprofit corporation, if applicable, to maintain the sidewalk or path at all times in a safe condition, free of any and all obstructions or defects, including but not limited to ice and snow and tripping hazards.

B. The burden and expense of maintaining and repairing public sidewalks or paths shall devolve upon and be borne by the

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property directly abutting thereon or a homeowner's association or similar nonprofit corporation, if applicable, in the manner provided by law.

C. In case any injury or damage to any person shall be caused by the defective condition of any public sidewalk or path, or ice or snow thereon, or by the lack of proper guards or railings on or along the property abutting the public sidewalk or path, the abutting property where the injury or damage occurs and the owner or owners thereof shall be liable to the County, to the maximum extent permitted by law, for all damage, injuries, costs and disbursements which it may be required to pay to the person injured or damaged.

Chapter 12.14

APPROACHES TO COUNTY ROADS

Sections:

12.14.010 Purpose.
12.14.020 Standards.
12.14.030 Permit required.
12.14.040 Inspections.
12.14.050 Final approval.
12.14.060 Responsibility for costs.
12.14.070 Responsibility for maintenance.
12.14.080 Abandonment or non-use.
12.14.090 County action upon noncompliance, abandonment or non-use.
12.14.100 County action for road operation and maintenance.

12.14.010 Purpose.

The purpose of this chapter is to provide administrative and procedural guidelines to accommodate approaches to County roads.

12.14.020 Standards.

The standards for approaches are contained in the Walla Walla County Road Design Standards authorized in Chapter 12.06.

12.14.030 Permit required.

No new approach to any county road shall be constructed and no alteration shall be permitted on any existing approach to a county road unless and until the person benefited by or desiring such approach or alteration has filed with the Public Works

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Department an application for a permit and paid the fees as required by chapter 12.04.

12.14.040 Inspections.

The County has the right to inspect all approaches at the time of their construction and at any time afterwards and to require that the necessary changes and repairs be made at the expense of the person benefited by or desiring such approach.

12.14.050 Final approval.

Final approval shall be granted in writing by the County Engineer. All approach construction, drainage structures, and utilities shall be in place and complete prior to final approval. The applicant shall be responsible for scheduling an inspection for final approval within 30 calendar days of the completion of construction.

12.14.060 Responsibility for costs.

All costs of construction of approaches to any county road shall be at the expense of the person benefited by or desiring such approach and all work shall be done in accordance with the Walla Walla County Road Standards and the conditions of the required permit.

12.14.070 Responsibility for maintenance.

The owner of the benefitted property is responsible for maintaining road approach(es) outside of the shoulder on gravel roads and the edge of pavement on paved roads.

12.14.080 Abandonment or non-use.

Any approach which no longer provides access to a use permitted by Title 17 of the WWCC, or which has become abandoned or unused through a change of the conditions for which it was originally intended or which for any other reason has become unnecessary, shall be closed and the owner of the property served by the approach shall replace it at the owner's expense with the facilities within the county right of way that abut all sides of the approach. All such facilities are to be constructed in accordance with the Road Design Standards.

12.14.090 County action upon noncompliance, abandonment or non-use.

Upon failure of the person benefited by or desiring such approach to alter, construct, use, occupy or maintain the particular approach in accordance with the provisions of the permit issued thereof, or if the approach is abandoned or unused, the County Engineer may take the following actions:

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A. Notify the person benefited by or desiring such approach verbally if possible and by first-class letter or, if the person is unavailable, post a notice of violation pursuant to WWCC Chapter 14.13.

B. Thirty calendar days after written notice or posting, the County Engineer may initiate abatement actions pursuant to section 12.01.070.

12.14.100 County action for road operation and maintenance.

The County may alter or improve any existing approach to a county road when such alteration or improvement is necessary for the proper operation or maintenance of the county road or is part of a County road improvement project.

Chapter 12.18

PROCEDURES FOR ACCEPTING ROADS

Sections:

12.18.010 Purpose.
12.18.020 Road Design Standards.
12.18.030 Plans- permits required-private road covenant-changes.
12.18.040 Work Control Measures.
12.18.050 Inspection.
12.18.060 Engineer of record certification.
12.18.070 Final approval.
12.18.080 Maintenance covenant and notice-private roads.

12.18.010 Purpose.

The purpose of this chapter is to establish the procedures that will be used in considering applications for establishing, constructing or improving public or private transportation facilities for vehicles, public transit, pedestrians, and bicycles.

12.18.020 Road Design Standards.

Plan requirements and geometric design standards for public and private roads are contained in the Walla Walla County Road Design Standards.

12.18.030 Plans-permits required-private road covenant-changes.

Prior to road construction, applicants must submit plans, specifications and related documents for review and approval by

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the County Engineer, furnish financial guarantees, and obtain the appropriate construction permits.

A. Plans. All submittals shall be stamped and signed by a civil engineer licensed in the State of Washington and bear a certification by the applicant's design engineer that they were prepared in conformance with and meet county design requirements and all other applicable laws and regulations.

B. Plan approval required. All plans and calculations shall be approved by the County Engineer prior to issuance of permits for road construction.

C. Permits required. Construction shall not commence until the appropriate construction permits have been issued.

D. Private road covenant required. Where a private road is approved, a property owner, homeowner's association, or similar nonprofit corporation, shall provide the county with copies of the grantee organization's articles of incorporation and bylaws if incorporated and with evidence of the financial ability to construct and maintain the road(s).

E. Changes. Any changes in the approved plans must be approved by the County Engineer prior to construction or final approval, if construction has begun.

12.18.040 Work Control Measures.

All work shall comply with all applicable provisions of the WWCC, applicable state and federal laws and regulations, and permit conditions to prevent any hazards to public safety, health, and welfare during construction. Measures to control work may include, but are not limited, to the following:

A. On existing roads, two-way traffic and all existing lanes of traffic shall be maintained at all times unless detour and/or traffic control plans have been approved in advance by the County Engineer.

B. Roads shall be kept free of dirt and debris.

C. Pedestrian and bicycle facilities shall be kept free of obstructions.

D. Pedestrian and vehicular access to occupied buildings shall be maintained except where written approval from the building owner has been obtained.

E. Drainage facilities shall be maintained and fully functional. The standards contained in WWCC Title 11 shall be utilized at all times until full build out.

F. On-site grading shall be done in a manner to minimize off-site erosion and siltation in conformance with all County, State, and Federal requirements, permits and approved plans.

12.18.050 Inspection.

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The County shall conduct general monitoring of road construction and the applicant shall be responsible for the cost of all engineering, testing requirements, construction staking, and construction inspection fees in accordance with the fees authorized in Chapter 12.04.

12.18.060 Engineer of record certification.

The engineer of record shall certify that the road was constructed in conformance with county standards and approved plans and that the record drawings are an accurate representation of the construction of the road along with documentation of any changes made during construction.

12.18.070 Final approval.

Final approval shall be granted in writing by the County Engineer. All infrastructure including but not limited to road construction, drainage structures, and utilities shall be in place and complete prior to final approval. The applicant shall schedule an inspection for final approval within thirty calendar days of the completion of construction.

12.18.080 Maintenance covenant and notice-private roads.

A. For private roads, the applicant, homeowner's association, or similar nonprofit corporation, shall sign a covenant which binds him/her, heirs and successors, and assigns in interest to pay for the maintenance of the private road as a condition of final approval. The county may impose such other conditions as it deems appropriate to assure that private road and related improvements will be adequately maintained. Said covenant shall be filed with the county auditor.

B. The following language shall be recorded on all properties served by a private road: "Walla Walla County has no responsibility to build, improve, maintain or otherwise service any private road."

Chapter 12.22

ACCOMMODATION OF UTILITIES

Sections:

12.22.010 Purpose.
12.22.020 Application of provisions.
12.22.030 Administration.
12.22.040 General conditions and requirements.
12.22.050 Permits.
12.22.060 Specific requirements—Underground utilities.

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12.22.070 Specific requirements—Overhead utilities.
12.22.080 Installations on roadway bridges and structures.
12.22.090 Preservation, restoration and cleanup.
12.22.100 Traffic control and public safety.
12.22.110 Emergency repairs.

12.22.010 Purpose.

The purpose of this chapter is to provide administrative and procedural guidance to accommodate the installation and relocation of all above and below ground utilities which are located within or adjacent to a road right-of-way.

12.22.020 Application of provisions.

These requirements shall apply to all new franchises and permits issued pursuant to RCW 80.32.010, RCW 80.36.040 and RCW 36.55, to all public and private utilities, and to all installation and relocation of utilities, including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, irrigation, and similar pipes, lines or cables.

This chapter cannot address all situations and conditions that may be encountered. Specific provisions contained herein may not be appropriate for all locations and existing conditions. The chapter is intended to assist, but not substitute for, competent work by both road and utility design and installation professionals. This chapter is not intended to limit any innovative or creative effort which could result in better quality, better cost savings or improved safety characteristics.

It shall be the responsibility of any utility installing or relocating any of its facilities to ascertain and abide by the requirements and conditions of this chapter.

12.22.030 Administration.

This chapter shall be administered by the County Engineer. The day-to-day administration and operation of this chapter may be delegated by the County Engineer. In the event of conflicting provisions between this chapter and an existing franchise agreement with the county, the provisions of the franchise agreement shall prevail until such time as the franchise expires.

12.22.040 General conditions and requirements.

A. Location.

1. All utility facilities are allowed in the right-of-way on a first-come, first-serve basis. It is the

responsibility of the utilities to coordinate with other utilities, purchase right-of-way, or acquire private easements where space is limited.

2. Utility installations shall be located to minimize the need for later adjustment to accommodate future roadway improvements and to permit access for servicing such installations with minimum interference to roadway traffic. Utilities shall, within the limits of standard business practice, make available appropriate short and long range development plans to the County Engineer and coordinate utility modifications with the county's road improvement projects. In areas where there is no conflict with other underground utilities, the utility shall, to the extent practical, locate all underground installations in accordance with the directions of the County Engineer.

3. All above-ground utilities and their appurtenances as well as all above-ground appurtenances of below-ground utilities that may constitute a roadside obstacle for traffic using the road shall be located as close as practicable to the edge of the right-of-way line. Utility objects located within the right-of-way in the following areas are normally considered a roadside obstacle:

a. Outside of horizontal curves where advisory sign speeds for the curve are fifteen or more mph below the posted speed limit of that section of roadway;

b. Within the turn radius of public grade intersections (further defined as the quadrant area from the center of the circle connecting the tangents of the edge of the traveled way of the county roadway and intersecting streets or roads);

c. Where a barrier or embankment, rock outcropping, ditch or other roadside feature may direct a vehicle into a utility object;

d. Closer than 10 (ten) feet horizontal beyond the edge of the usable shoulder.

e. If an appurtenance within the right-of-way would constitute an unacceptable roadside obstacle, said obstacle may be:

i. Relocated to another place within the right-of-way;

ii. Converted to a break-away design;

iii. Crash-protected; or

iv. Relocated to another location off the road right-of-way.

Installations that are required for a road purpose, such as street lighting or traffic signals, are to be located and designed in accordance with this chapter.

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B. Design--General.

1. The utility shall be responsible for the design of the utility facility being proposed. This responsibility shall include, in addition to the integrity of the proposed utility facility, provisions for public safety during the course of construction, as well as consideration of traffic safety and accident potential for the life of the installation.

2. For work requiring a permit as defined in Section 12.22.050, the County Engineer may review and approve the utility's plans with respect to:

a. Location;

b. The manner in which the utility facility is to be installed;

c. Measures to be taken to preserve safe and free flow of traffic;

d. Structural integrity of the roadway, bridge or other structure;

e. Integrity of the stormwater facilities that serve the roadway; and

f. Ease of future road maintenance, and appearance of the roadway.

3. Easements for electric, telephone, water, sanitary sewer, gas and similar utilities shall be at least ten feet wide and of sufficient width to assure future maintenance.

4. When initial installation of utilities will be other than underground, easements for the same shall be sufficiently wide and so located as to permit future installation of underground utilities.

5. Provisions shall be made for known or planned expansion of the utility facilities, particularly those located underground or attached to bridges or other structures within the right-of-way.

6. Granting of a franchise or permit shall not imply or be construed to mean the county shall be responsible for the design, construction or operation of the facility or for public safety during the facility's installation, operation or maintenance.

C. Standards and Codes.

All utility installations shall be designed in accordance with the standards, codes and regulations applicable to the type of utility. The methods of installation and materials used shall conform to the codes and standards promulgated by government and by the industry. This shall also include any road design standards which the County Engineer shall deem necessary to provide adequate protection to the road, its safe operation, appearance and maintenance.

D. Adjustment and Relocation of Existing Facilities.

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1. Existing underground utilities on county road right-of-way may be removed or relocated when road work funded by the county would disturb the existing underground utility. All such removal or relocation shall be at the sole expense of the owning utility and all work shall be accomplished by the same permitting process as for new installations.

2. Notwithstanding reinforcement or protection otherwise provided, a permittee shall be responsible for the security of each existing pipeline and utility within a road construction zone. Where there are unusual utility hazards or where heavy construction equipment will be used, the permittee shall provide adequate temporary protection. In replacing the roadway, the design should give due consideration to the protection of previously existing utilities in the roadway section without sacrificing the geometrics of roadway design.

12.22.050 Permits.

A. General Requirements. For any aerial, surface or subsurface work, including, but not limited to, relocation, upgrading existing service, or new service, whether franchised or not, a permit shall be required for occupancy of road right-of-way by all utility facilities, including private lines. No facility shall be used for other than the purpose stated, unless written approval is granted by the County Engineer.

B. Specific Requirements. When required, permit applications shall be submitted in a standard format as prescribed by the County Engineer. The permit application shall include the following information:

1. Agreement to all pertinent provisions of this chapter and to such special conditions as the County Engineer may deem appropriate;

2. Submittal of a Certificate of Liability naming Walla Walla County as an additional insured in the amount specified on the permit.

3. Description of the facilities to be installed;

4. Unless otherwise specified on the permit, all work as specified in a permit shall be completed within six (6) months after the date of issuance of the permit. At the end of the permit period, if the work is not completed and approved by the County Engineer, an extension must be requested and approved by the County Engineer. Extension requests shall be in writing. In the event of revocation, the county may use its own forces or a private contractor to restore the area. All restoration costs will be billed to the utility. If the utility wishes to complete the project, they will be required to apply for another permit. Projects not started within the six (6) month period will require a new application and permit.

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5. Permits may be revoked by the County Engineer when the utility or the contractor is found in violation of this chapter, the term of the permit, the traffic control plan, or is operating in a manner which it appears might endanger the traveling public or the on-site workers.

6. No work may commence prior to permit approval by the County Engineer.

12.22.060 Specific requirements– Underground utilities.

A. Underground Utilities--Location and Alignment.

1. For all crossings, the angle of crossing should be as near a right angle to the road centerline as practicable. However, lesser angles may be permitted based upon economic considerations or practical alternatives.

2. Where practicable, crossings should avoid deep cuts, footings of bridges and retaining walls, or locations where highway drainage would be affected.

3. Longitudinal installations should run parallel to the roadway and lie as near as practicable to the right-of-way line. Installations which cannot be so installed will be allowed within the right-of-way provided that:

a. The installation will not adversely affect the design, construction, stability, structural integrity, traffic safety or operation of the road facility; or

b. Failure to allow such installation will create an undue hardship or financial burden upon the utility.

4. Where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits, a uniform alignment of facilities may be allowed by the County Engineer.

B. Underground Utilities--Cover. The grade of and resulting cover for an underground utility shall be in compliance with applicable federal, state and county requirements unless otherwise specified.

C. Underground Utilities--Encasement.

1. Casings shall be installed for roadway crossings where required by appropriate industry code or the County Engineer.

2. Casings may be required for the following conditions:

a. As an expediency in the insertion, removal, replacement or maintenance of a carrier line crossing or other locations where it is necessary in order to avoid open trench construction; or

b. As protection for carrier lines from external loads or shock either during or after construction of a road; or

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c. For jacked or bored installations of coated carrier lines unless assurance is provided to the County Engineer that there will be no damage to the protective coating.

3. Within the road right-of-way, where practicable, casing pipes shall extend beyond the toe of fill slopes, back of roadway ditch, or outside of curb.

4. Other than for necessary vents and/or drains, casing pipes shall be sealed at both ends.

5. Casing pipes shall be designed to support the load of the road and superimposed loads thereon and, as a minimum, shall equal the structural requirements for road drainage facilities. Casings shall be composed of materials of sufficient durability to withstand conditions to which they may normally be exposed.

D. Underground Utilities--Uncased Carriers.

1. The carrier pipe shall conform to the material and design requirements of the appropriate utility industry and governmental codes and specifications.

2. The carrier pipe shall be designed to support the load of the road, plus superimposed loads thereon, when the pipe is operated under all ranges of pressure from maximum internal to zero pressure.

E. Underground Utilities--Appurtenances.

1. Vents shall be required for casings, tunnels and galleries enclosing carriers of fuel where required by federal safety standards. Vent standpipes should be located and constructed so as neither to interfere with maintenance of the road nor to be concealed by vegetation. Preferably standpipes should stand by a fence or on the right-of-way line.

2. Drains shall be required for casings, tunnels or galleries enclosing carriers of liquid, liquefied gas or heavy gas. Drains for carriers of hazardous materials shall be directed to natural or artificial holding areas to prevent the potential for surface or ground water contamination. Drains for which only water or other nonhazardous liquids may discharge may be directed into the roadway ditch or natural water course at locations approved by the County Engineer. The drain outfall shall not be used as a wasteway for routine purging of the carrier unless specifically authorized by the County Engineer.

3. Location markers and emergency information should be used when required by applicable state and federal standards. Tracer wire should be used for water, sewer and gas.

4. Manholes should be designed and located in a manner that will cause the least interference to other utilities or future road expansion.

F. Underground Utilities--Installation. Installations shall ensure safety of traffic and preservation of the roadway

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structure, and required construction shall, unless otherwise provided in the approved permit, be in accordance with the following controls:

1. Trenched construction and backfill:

a. Where the pavement must be removed, it first shall be cut in vertical (or undercut) continuous straight lines.

b. Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus two feet. Shoring shall comply with the Washington State Department of Labor and Industries Safety Code.

c. The pipe or carrier shall be installed and the trench backfilled in a manner assuring no deformation of the pipe likely to cause leakage and restoration of the structural integrity of the roadway structure. Specific trench backfill requirements regarding materials and methods shall be provided by the County Engineer.

d. When trenching is approved on paved roads, the pavement shall be restored as required by the Road Design Standards. Minimum county standards shall be used in all trench excavation.

e. When disturbing a newly constructed or overlaid road, including seal coated or chip sealed, within five years from completion, bore or jack the necessary crossing under the road surface a minimum depth of thirty-six inches.

2. Untrenched construction may be required for pipelines crossing roads paved with asphalt concrete or cement concrete and for roads paved with bituminous surface treatment when directed by the County Engineer.

a. If sufficient right-of-way exists, the length of untrenched construction shall extend a minimum of four feet from edge of pavement, except that a lesser standard may be permitted by the County Engineer where conditions warrant.

b. Overbreaks, unused holes or abandoned casings shall be backfilled as directed by the County Engineer.

c. Water boring under roadways will not be permitted.

3. Plowing of communication and electrical lines on road shoulders or in drainage ditches adjacent to existing roads by means of a vibratory plow will only be allowed provided that evidence is presented which demonstrates that the structural integrity of the plowed area will not be impaired.

G. Underground Utilities--One Call System. Utility facilities shall be located and identified in accordance with Title 19 RCW, Chapter 19.122, and Sections 19.122.010 through

19.122.900 prior to commencing work (Washington State One Call System).

12.22.070 Specific requirements– Overhead utilities.

A. Single-pole construction and joint use of the pole is desirable and should be used whenever feasible. The vertical and lateral clearances for overhead power and communication lines above roads and bridges shall be in accordance with WAC 468-34-290 or the National Electrical Safety Code or Washington State Department of Labor and Industries "Electrical Construction Code" whichever is greater.

B. Where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits, a uniform alignment of facilities may be allowed.

C. Crossings at county roads and bridges shall be as nearly perpendicular as possible unless granted otherwise by the County Engineer.

12.22.080 Installations on roadway bridges and structures.

Attachment of utility lines to a roadway structure (including bridges) may be allowed where such attachment conforms to sound engineering considerations for preserving the roadway structure and its safe operation, maintenance and appearance. The attachment shall be in accordance with the following:

A. Attachment of a utility shall not be considered unless the structure in question is of a design that is adequate to support the additional load and can accommodate the utility facility without compromise of highway features, including reasonable ease of maintenance.

B. Manholes and other utility access panels should be avoided within the roadway portion of the structure.

C. Attachment on a structure of a pipeline carrying a hazardous transmittant shall be avoided where practicable.

D. The utility attachment shall not reduce the clearance of a structure where such clearance is critical. Attachment to the outside of a structure should be avoided where there are reasonable alternatives.

E. Utility mountings shall be of a type which shall not create noise resulting from vibration.

F. The hole created in a structure abutment shall be sleeved, shall be of the minimum size necessary to accommodate the utility line, and shall be sealed to prevent any leakage of water or backfill material.

G. The utility line back of the abutment shall curve or angle out to align outside the roadbed area in as short a distance as is operationally practicable.

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H. Communication and electrical power line attachments shall be suitably insulated, grounded and preferably carried in protective conduit or pipe from point of exit from the ground to re-entry.

12.22.090 Preservation, restoration and cleanup.

A. The size of disturbed area necessary to install a utility shall be kept to a minimum.

B. Restoration methods shall be in accordance with the specifications of the county maintaining an original or better than original condition and/or special provisions of the franchise, permit or agreement.

C. Unsatisfactory restoration work shall be promptly corrected by the utility.

12.22.100 Traffic control and public safety.

A. Traffic controls, including detours for all utility work, shall conform to the currently applicable MUTCD.

B. All construction and maintenance operations shall be planned to keep interference with traffic to a minimum. On heavily traveled roads, construction operations interfering with traffic should not be scheduled during periods of peak traffic flow. Work shall be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.

C. Open excavations shall comply with all local and state codes and permit requirements at all times, and shall include barricades, lights, flaggers or other protective devices as may be required by the County Engineer and MUTCD.

D. The storage of materials and parking of equipment and vehicles on roadways shall not be allowed within 10 feet of the edge of the travelled way unless permission is granted otherwise by the County Engineer.

12.22.110 Emergency repairs.

A. Occasionally, emergency repairs are required when there is a sudden, unplanned interruption in service, and it is necessary to immediately restore service to ensure the health, welfare or safety of the public. Examples are a sudden discovery that a utility line is leaking or an important communication line has failed. In these cases, the utility can work in the right-of-way without first obtaining a permit. For all such emergency repairs during normal work hours, the utility shall immediately notify the County Engineer of the repair work and shall apply for the appropriate permit the next business day. If emergency repairs are required during evening hours, weekends or holidays, the utility shall be allowed to proceed with the

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repair and shall provide notification and apply for a permit on the next business day. After hours, weekend and holiday emergency work also requires that notification be sent to the sheriff's office. Permanent repairs shall be completed in accordance with the requirements of this chapter and the approved permit.

B. All utility facilities shall be kept in a good state of repair. Emergency repairs shall be undertaken immediately if the safety of the public or the integrity of the roadway is compromised.

C. If emergency repairs disturb the right-of-way but not the roadway section or shoulder area within 10 feet of the travelled way, such repairs shall be undertaken in a timely manner and the right-of-way restored as soon as practical. Approval as to the manner of final restoration of the right-of-way shall be secured from the County Engineer. Protection for traffic shall follow the MUTCD.

Chapter 12.26

OBSTRUCTION OF RIGHT OF WAY

Sections:

12.26.010 Purpose.
12.26.020 Permission required to temporarily obstruct right of way.
12.26.030 Permit required.
12.26.040 Agreement and insurance required.
12.26.050 Prohibited obstructions.
12.26.060 Removal by County or franchised utility provider—construction or repair.
12.26.070 Removal—Notice required.
12.26.080 Violation—Enforcement and Penalty.

12.26.010 Purpose.

The purpose of this chapter is to define obstructions permitted and prohibited on all or any portion of a public right of way, and to define circumstances and procedures by which the County may grant permission for obstruction to roads or pedestrian facilities or remove unauthorized obstructions.

12.26.020 Permission required to temporarily obstruct right of way.

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Any individual, firm or corporation may apply to the County Engineer for authorization to conduct the following activities temporarily in a county right-of-way:

A. Special Events. Temporarily obstruct sidewalks, paths, curbs, gutters, planting strips, shoulders or roads for the purpose of staging sales, promotional events, parades, or neighborhood gatherings.

B. Outdoor Dining Facilities. Temporarily obstruct sidewalks, paths, curbs, gutters, or planting strips for the purpose of outdoor dining facilities.

C. Long-Term Uses of Public Rights-of-Way. Occupy a portion of a sidewalk or path for outdoor dining facilities on a long-term basis.

D. Construction Related Activities. Temporarily obstruct all or a portion of a public right of way for work or staging associated with land development, building construction, or other construction activity related to issuance of a county land use or construction permit.

12.26.030 Permit required.

Any individual, firm or corporation desiring to obstruct all or a portion of a public right-of-way shall obtain the necessary permits from the County and pay any required fees. The County Engineer may impose conditions necessary to ensure safe vehicular and pedestrian travel and to otherwise protect the public safety.

12.26.040 Agreement and insurance required.

A. An individual, firm or corporation shall execute an agreement which holds the County harmless for any claim related to the activity in a form acceptable to the County.

B. Any individual, firm or corporation shall provide the County with a certificate of insurance, in an amount acceptable to the County, which names the County as an additional insured.

12.26.050 Prohibited obstructions.

The following improvements, activities and conditions are prohibited obstructions within a public right of way.

A. Improvements. All improvements of any kind or character whatsoever, placed, maintained, or erected in or abutting a county right-of-way in such a manner as to obstruct or impair the free and full use of the right of way, including the interruption or interference with the clear vision of pedestrians or persons operating vehicles thereon, and including interference with traffic signs, poles, wires, pipes, fixtures or any other part of any public utility situated in the road , whether placed by permit or without permit, are unlawful and are

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placed in or abutting the public right-of-way at the property owner's sole expense and risk.

B. Activities and conditions. The following activities and conditions also are prohibited obstructions:

1. Display of Goods. Any display of goods, wares or merchandise or articles for holding same on or above the right of way except as provided in Section 12.26.020.

2. Sprinkler or watering device. Any lawn sprinkler or other watering device set so that the same throws water over and across any sidewalk, path or trail, or in any manner obstructs the proper use of the sidewalk, path, or trail.

3. Rubbish or grass. Any grass or rubbish placed, lying, or remaining upon any pavement, sidewalk, path or trail.

4. Snow or ice. Accumulations of snow and/or ice moved from any private property, including private parking lots or facilities, of whatever kind or nature, onto a public sidewalk, path or trail or the traveled way portion of any public road or alley.

5. Overhanging vegetation. Any trees, plants, shrubs or vegetation, or any parts thereof, placed or maintained in such a manner as to overhang and interfere with the operation or use of any public road, sidewalk, path or trail.

12.26.060 Removal by County or franchised utility provider—construction or repair.

All obstructions are subject to removal by the County or franchised utility provider for the purpose of utility or street construction or repair. Removal of these materials and improvements shall not be subject to reimbursement from, or claim against the County for damage or replacement. When an area within a county right-of-way is disrupted for County construction purposes, the County will repair or replace the existing county-required improvements with like improvements as determined by the County Engineer. No other obstruction within the public right-of-way will be replaced by the County. The owner of the property upon which the obstruction is located or of the property abutting the county right-of-way upon which the obstruction is located shall remove or destroy any obstruction which should be removed or destroyed to ensure safe vehicular and pedestrian travel and to otherwise protect the public safety.

12.26.070 Removal - Notice required.

If any obstruction or parts thereof should be removed or destroyed, the County Engineer shall cause a notice in writing to be served on the owner of the property, in the manner hereinafter set forth. Such notice shall describe the property

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involved and the condition(s) to be corrected and shall require that the owner cause the condition to be corrected within such period of time as shall be designated in the notice which shall in no event be less than 15 calendar days.

12.26.080 Violation--Enforcement and penalty.

A. If the violation of Section 12.26.050 interferes with, befouls, obstructs, or tends to obstruct, or renders dangerous for passage a public, street, alley, highway, such violation shall constitute a misdemeanor and shall be punishable as specified in RCW 9.66.040. Each day a violation exists may constitute a separate violation.

B. Any violation of Section 12.26.050 not constituting a violation of subsection A of this section shall constitute a civil infraction punishable by the following fines:

First offense	$ 75.00
Each subsequent offense	$ 250.00

Notices of civil infraction may be issued by the Walla Walla County sheriff, the County Engineer, or the Walla Walla County prosecuting attorney. Each day a violation exists may constitute a separate violation.

Chapter 12.30

IRRIGATION WATER ON COUNTY ROADS PROHIBITED

Sections:

12.30.010 Purpose,
12.30.020 Falling or sprinkling on road.
12.30.030 Flowing or accumulating on road.
12.30.040 Violation—Penalty.

12.30.010 Purpose.

The purpose of this chapter is to set forth rules and restrictions regarding the accumulation of irrigation water on County roads.

12.30.020 Falling or sprinkling on road.

No person shall suffer, permit or engage in any irrigation procedure which will result in irrigation water falling or sprinkling upon any portion of county road right-of-way that is used for travel or parking of motor vehicles. Reasonable care

shall be taken to prevent wind drift of sprinkler irrigation water on county public road right-of-way.

12.30.030 Flowing or accumulating on road.

No person shall allow irrigation water to flow uncontrolled over or to accumulate upon any portion of county road right-of-way in any manner which is detrimental to the road or any part thereof.

12.30.040 Violation—Penalty.

A. Any person who violates any provision of this section shall be liable to repair such damage as may result from such violation to the satisfaction of the County Engineer.

B. Any person who violates any provision of this section is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than two hundred fifty dollars or imprisoned in the county jail for not more than ninety days, or both, for each separate offense.

Chapter 12.34

HAUL ROUTE AGREEMENTS

Sections:

12.34.010 Purpose.
12.34.020 Authorization.
12.34.030 Procedure.

12.34.010 Purpose.

The purpose of this chapter is to establish procedures for haul route agreements. Existing, expanded or new operations which cause accelerated deterioration and additional maintenance cost to Walla Walla County shall be required to enter into a haul route agreement with the Public Works Department.

12.34.020 Authorization.

The County Engineer is authorized to enter into haul route agreements when:

A. Hauling operations exceed the weight limits established in WWCC Title 10 or other applicable weight limits; or

B. Necessary to mitigate accelerated deterioration or maintenance impacts to a county road. Impacts must be identified by the county during the project and/or environmental review processes as a direct consequence of a proposed

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development or subdivision or uses or activities proposed by, but not limited to, a conditional use permit, a building permit, or a grading permit.

12.34.030 Procedure.

Procedures for particular agreements may vary, depending on the type of hauling operation, quantity of hauling, type of road, and other factors. The following general procedure is established to implement agreements, inspect haul routes, develop estimates for additional maintenance or reconstruction costs and terminate agreements:

A. The applicant shall apply for proper permits to the Public Works Department before commencing any new or expanded hauling operations.

B. The applicant shall prepare a road use plan.

C. The applicant and County Engineer shall conduct a joint pre-inspection to determine the existing condition of the road prism.

D. The County Engineer shall complete a pre-inspection report of the haul route.

E. The applicant shall enter into a haul route agreement with the county before commencing or expanding hauling operations.

F. The applicant shall immediately notify the County Engineer in writing if any changes in the hauling operation occur.

G. The County Engineer shall make annual inspection reports of the haul route and determine the amount of reimbursement for additional maintenance resulting from the hauling operation.

H. The applicant shall reimburse the county for those additional maintenance and other costs associated from the hauling operation.

I. The applicant shall notify the County Engineer in writing at the completion of the hauling operation and the County Engineer shall conduct a joint post inspection of the haul route with the applicant.

J. The applicant shall reimburse the county for additional maintenance costs resulting from hauling operation and the county shall terminate the haul route agreement.

Chapter 12.38

ADDRESSING STANDARDS AND GUIDELINES

Sections:

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12.38.010 Purpose.
12.38.020 Applicability.
12.38.030 Roads Requiring Names.
12.38.040 Road Naming Policy.
12.38.050 Road Type Designators.
12.38.060 Procedure for Naming Roads.
12.38.070 Maintenance of Master Road Names Directory/GIS Coverage.
12.38.080 Private/Public Road Name Sign Installation.
12.38.090 Road Sign Installation Fees.
12.38.100 Address System.
12.38.110 Rules.
12.38.120 Road Origin.
12.38.130 General Numbering Guidelines.
12.38.140 Assignment of Numbers by MSAG Coordinator.
12.38.150 Posting Address Numbers.
12.38.160 Address Posts.
12.38.170 Issuance of Post.
12.38.180 Responsibility for Address Signing Maintenance.

Section 12.38.010 Purpose.

The purposes of this section are:

A. To prescribe a system for the naming of roads and the numbering of structures.

B. To provide a uniform pattern of addresses for emergency, law enforcement, medical and fire responders, utility providers and mail service.

C. To provide a database and address location maps for County records and Enhanced 9-1-1 service.

D. To provide clear, distinct and uniform address posting throughout the County.

E. To provide for a uniform pattern of placement or replacement of address identifiers and private road name signs.

Section 12.38.020 Applicability.

These standards shall apply to all public and private roads within the County and to all addressable structures and the associated property as needed, with the exception of incorporated jurisdictions that have adopted separate structure addressing ordinances.

Section 12.38.030 Roads Requiring Names.

A. All public and private roads, improved or unimproved, providing access to three or more lots, shall have a name. In some instances private roads serving two lots may be named. The MSAG Coordinator is responsible for reviewing all road names and

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notifying the appropriate city, state, and federal agencies of all approved road names.

B. Where duplicate or other conflicting names exist, the road serving the largest number of existing improved properties shall retain its name, as of the effective date of this chapter. The other road(s) shall be renamed in accordance with the provisions of Subsection 12.38.060(D).

Section 12.38.040 Road Naming Policy.

In selecting road names, consideration shall be given to the following:

A. There shall be no duplication of existing names within the County boundary.

B. Names of similar pronunciation and/or spelling shall not be allowed (example: "Briar Lane", "Brier Lane").

C. Unusual or popular names with a high probability of being stolen shall not be allowed.

D. Variations of the same name with a different road designation shall not be allowed (example: "Pine" Road, "Pine" Drive, "Pine" Lane)

E. A road name shall not include numbers, dashes, apostrophes or other non-alphabetical characters.

F. Articles (the, a, an) shall not be used to begin road names.

G. Road names are limited to three (3) words, not including the road type designator.

H. Road names shall not exceed twenty-two characters including spaces.

I. Road names duplicating facilities shall not be allowed (example: "Bowling Alley", "Tennis Court").

J. Usage of names derived from community names or geographic features shall be limited to locations in close proximity to such communities or geographic features.

K. Road names that begin with a word that appears as the first word in two or more official road names shall not be allowed (example: "Spring" Valley, , "Spring" Branch, "Spring" Gulch, "Spring" Street).

L. Where a proposed road is a continuation of or in alignment with an existing road, it shall utilize the same road name as the existing road. A new road name shall be required if the proposed road is disconnected from the existing road by an offset greater than sixty (60) feet.

M. Roads that extend from incorporated areas into unincorporated areas may retain the same name.

Section 12.38.050 Road Type Designators.

Road type designators shall be consistent with the roadway's expected traffic use, physical design and location. Designation of roads within Walla Walla County should be in accordance with the following guidelines (except in the case of existing and recorded road designations). When an existing road requires renaming, it shall be in compliance with these standards. The following guidelines list the more common road type designators.

Description of Road	Designator	USPS Abbreviation
A dead-end road or cul-de-sac when not an extension of an existing road or a continuation of a proposed road.	Court	CT
A dead-end road or cul-de-sac from which other cul-de-sacs originate.	Place	PL
A road that begins and ends on the same road.	Loop	LOOP
A road that circles back upon itself.	Circle	CIR
A major road in a community, usually with a definite directional course.	Avenue	AVE
A community or subdivision road, usually with a definite directional course.	Street	ST
Roads which do not have a definite directional course.	Drive Lane Road Way	DR LN RD WAY
A wide road with median and landscaping.	Boulevard	BLVD
A scenic or landscaped road.	Parkway	PKWY
A federal or state designated primary road.	Highway	HWY
A road generally along high ground.	Bluff	BLF
A road which crosses a geographic feature (such as a creek) or, a short road that serves as a connector between two other roads.	Crossing	CSG

Section 12.38.060 Procedure for Naming Roads.

The following procedure shall govern the naming of all roads:

A. For subdivisions, proposed road names shall be specified on the preliminary plat, short plat or binding site plan. Plats must be reviewed by the MSAG Coordinator for road name approval. A developer may contact the MSAG Coordinator prior to submission to determine the viability of proposed names. Road names will be reserved during the plat or binding site plan review process by the MSAG Coordinator. Names shall be

reserved unless the project is disapproved, withdrawn or otherwise voided.

B. No short plat, final plat or binding site plan shall be approved until the MSAG Coordinator has reviewed and made a recommendation on all road names.

C. In the case of other new roads or the naming of unnamed roads, participation in road naming shall be limited to those who own property served by the road in question. For the purpose of this subsection, the term "served by a road" shall include right of use whether or not a property actually uses such road.

1. Where the road serves several properties, the landowners shall be given the opportunity to propose the name. A request to officially name a road must be submitted, in writing, to the MSAG Coordinator. The request shall be prepared on a county application form and include the following information:

a. A description of the road's location giving the direction and exact distance from the nearest intersection of two (2) public roads.

b. A list of all landowners having property served by the road in question together with certification that all such landowners have been notified by the applicant of the proposed name.

c. Signatures of more than 50% of the landowners served by the road in agreement with a proposed common road name.

2. The MSAG Coordinator will review the request and make a recommendation as follows:

a. If unanimous approval of the landowners served by the road is not reached within 45 calendar days of a recommendation by the MSAG Coordinator, the MSAG shall forward a recommendation to the County Engineer for submittal to the Board for action. The Board shall consider the name and approve a name by resolution.

b. If unanimous approval of the landowners served by the road is reached within 45 calendar days of a recommendation by the MSAG Coordinator, the MSAG shall recommend a name to the County Engineer for approval.

3. In the event that there is no participation from the landowners, the MSAG Coordinator shall recommend a name to the County Engineer for submittal to the Board for action. The Board shall consider the name and approve a name by resolution.

D. A request to rename an existing named road shall be filed and considered in the same manner as set forth in Subsection 12.38.060(C). If the name has been legally recorded as part of the land division process, a plat amendment is required.

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E. In the case of renaming a road with a large number of existing addresses, the MSAG Coordinator shall recommend a name to the County Engineer for submittal to the Board for action. The Board shall consider the name and approve a name by resolution.

F. For any roads that fall within an urban growth area, the MSAG coordinator shall coordinate the road naming process in Subsections 12.38.060(A), (C) and (D) with the respective city's appropriate department.

Section 12.38.070 Maintenance of Master Road Names Directory/GIS Coverage.

All approved road names, public and private, shall be listed in a Master Road Names Directory to be maintained by the MSAG Coordinator. The data shall then be recreated within the County GIS system.

Section 12.38.080 Private/Public Road Name Sign Installation.

The MSAG Coordinator will relay the new road name to the appropriate office within the Public Works Department. Signs within the public road right of way shall comply with the MUTCD and shall have the approval of the MSAG prior to placement.

A. Public Roads. The Public Works Department will obtain, install and maintain the road name sign. The applicant will be given an estimate from the County for road sign installation. The Public Works Department will install the road name sign(s) when the infrastructure is ready.

B. Private Roads. Walla Walla County will provide, install and maintain private road name signs and address posts as needed. It is the responsibility of the applicant to notify the MSAG Coordinator when the private road is completed and ready for sign installation. The applicant and/or property owner(s) will be responsible for the costs of such service as authorized in chapter 12.04. No other signs will be placed by or be the responsibility of the County.

Section 12.38.090 Road Sign Installation Fees.

The fee for road sign installation is established in the fee schedule authorized under chapter 12.04.

Section 12.38.100 Address System.

Each address will consist of a house number followed by a road name and a designator. The addressing used by the County will be based on an equal interval system, which derives its addresses from the road distance traveled. A sequential numbering system will be applied to dwellings as they are located along a road. From the designated origin of the road,

the addresses will be issued every 5.28 feet. Any addressing that falls within an incorporated city's limits will be handled by that city's addressing agent. Any addresses that fall within the urban growth areas of the County will be handled by the MSAG Coordinator. If an area is in the process of being annexed into an incorporated city's limits, proof of the annexation must be shown to the MSAG Coordinator during the platting process to show that the agent for the incorporated city will address the area.

The County shall be divided into two (2) numbered areas. The area known as Burbank will use the same equal interval system as the rest of the County but will have a separate addressing grid. The addressing grid for both areas is described below:

County Divider	Area of Control - All unincorporated areas of Walla Walla County except the area defined under the Burbank Addressing Grid. North-South Divider ▪ Highway 12 West-East Divider ▪ North along Harvey Shaw Rd from its intersection with Highway 125. ▪ Upon intersecting County Highway 124, divider will follow Lyons Ferry Rd northwest until intersecting the County boundary. ▪ For areas south of Highway 12, the City of Walla Walla divider will be extended south along Cottonwood Rd and Power Line Rd.
Burbank Divider	Area of Control - This area is defined as the area between the County line to the north and west and Union Pacific Railroad lying east of Highway 12 and south until the intersection of Dodd Rd. North-South Divider ▪ East along Humorist Rd from its intersection with Second Avenue and dead ending at the Union Pacific Railroad. West-East Divider ▪ South along Lake Rd from its intersection with Sunset Dr to its intersection with Humorist Rd. ▪ West along Humorist Rd to its intersection with Highway 12. ▪ South along Highway 12 until its intersection with Dodd Rd.

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Section 12.38.110 Rules.

The following rules apply to the County addressing system:

A. Even numbers shall be on the right side of the road and odd numbers on the left side of the road, facing the direction in which the numbers progress.

B. All addressable structures and properties shall be numbered on the named road from which the primary access (driveway) intersects. The specific number shall be determined by the point where the centerline of the driveway meets the named road.

C. All new roads will have a starting address of one (1). The exceptions will be any addressed roads extending from the urban growth area and/or city limits, which will start with the number following the last possible city address and then continue incrementally by the proposed rural interval. New roads that fall in the urban growth area may use the numbering system that falls within the grid. Exceptions may be necessary due to coordination with respective city's addressing systems.

D. Directionals will only be used when a road crosses through a North-South or East-West divider.

Section 12.38.120 Road Origin.

For the purpose of assigning addresses each road will have a designated origin. The factors in determining the origin of a road will be:

A. Future growth potential. If a road has growth potential, the origin should be designated as the end that is least likely to be extended.

B. The most logical access for an emergency vehicle.

C. Roads that cross an axis line will be assigned a directional and will be numbered, beginning with one (1), closest to the axis and increasing outward in each direction.

D. Consideration may also be given to the type of development involved, the relationship to the type of development involved, the relationship of the road in question to other roads around it and the pattern of address numbers that result.

Section 12.38.130 General Numbering Guidelines.

A. Loop - Roads begin at the low numbered intersection and are numbered with the even numbers on the right side of the road and the left side of the circle is numbered with odd numbers. This will result, in some cases, in fewer numbers on the inside of the circle, and also with spaces between numbers.

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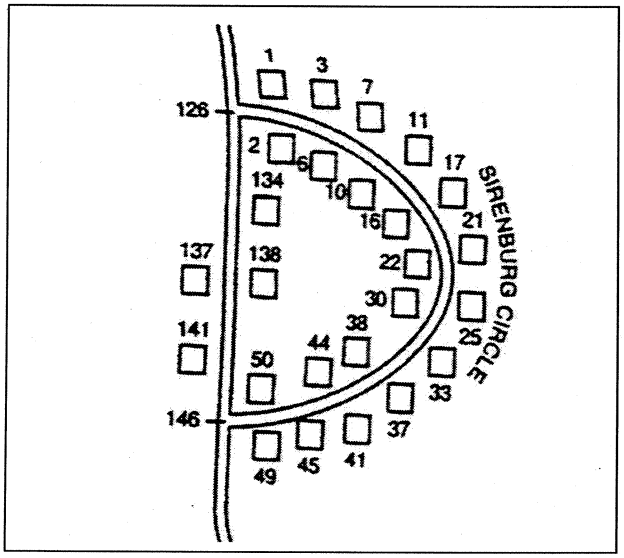
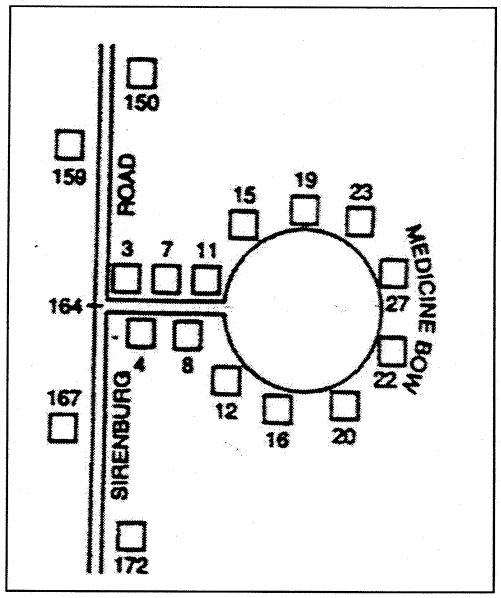
Loop Street Numbering



B. Cul-de-sac - The numbering begins from the intersection toward the cul-de-sac. Once in the cul-de-sac the numbers proceed odd on the left side to the top or bottom of the circle and even on the right side to the top or bottom of the circle.

Cul-de-sac Numbering



C. Corner Lot - Numbering should be assigned off the road which provides access. Lots within a subdivision will be numbered off the front of the house regardless of access (driveway.)

D. Duplex or Townhouse - A number shall be provided to the front entrance of each individual unit. If there are

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multiple units that are not visible from the street there will be one address given and individual numbers designated to each dwelling.

E. Multi-tenant Structure - Multi-tenant structures should be numbered with the middle of the building determining the number and then assigning unit or suite numbers such as 101, 102, 201, 202 to each unit. An example of a multi-tenant structure address would be 740 Brockman Pkwy Unit 101 or 201 if on the second floor.

F. Mobile Home Park - Each road within a mobile home park shall be named and each mobile home shall be addressed off the road upon which it fronts following the guidelines above for a loop road or a cul-de-sac.

G. Accessory Dwelling Unit - Accessory dwelling units that have phone service provided, with a telephone number different from the main structure, will be assigned a separate number in sequence with a letter or number building designation. For example, 15426 Maple Drive, Building C (numerical and alphabetical numbers shall not be combined.

H. Subdivision - Addressing in a subdivision will be done off the front of the residence and is usually the center of the lot. There will be no blue address posts within the subdivision, but the houses will be required to be numbered in accordance with Section 12.38.130.

Section 12.38.140 Assignment of Numbers by MSAG Coordinator.

A. All numbers for properties and addressable structures shall be assigned by the MSAG Coordinator. Numbers assigned/posted by any other person or entity, including the property owner, shall not be recognized.

B. Numbers shall be assigned to any new addressable structure shown on a site plan or lot created by short plat or subdivision during the plat review. At the time of land division, or plat review where lot frontage is large, temporary addresses shall be assigned (RCW 58.17.280). Those addresses may change at a later date due to the location of the point of access (driveway) to the property. Addresses assigned to a land division shall be determined by the center point of the front lot line. Corner lots shall be assigned an address from the center point of each front lot line. The front lot line shall be determined by the orientation of the majority of the lots on said block. The Community Development Director may choose not to utilize this action if the plat could be further divided or under other extenuating circumstances.

C. Numbers shall also be assigned when requested by individuals for new structures that do not require a site development plan or subdivision approval.

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D. Any addressing that falls within an incorporated city's limits shall be handled by that city's addressing agent. Any addresses that fall within the urban growth areas of the County shall be handled by the MSAG Coordinator. If the area is in the process of being annexed into an incorporated city's limits, proof of the annexation shall be shown to the MSAG Coordinator during the platting process to show that the agent for the incorporated city will address the area.

E. An address shall not be given to a lot that will not be developed.

Section 12.38.150 Posting Address Numbers.

All property owners with telephone service on site shall obtain their assigned address from the MSAG Coordinator. It shall be posted in accordance with the following guidelines:

A. Urban Residential Development. Property owners shall post ARABIC numerals only in contrasting background on the residential structure (light on dark/dark on light). They shall be a minimum of four inches in height, with a ½" stroke and shall be located above or to either side of the main entrance door. If a structure is more than 100 feet from the street of is not clearly visible from the street, the address will be posted in front of the structure off of the street it is addressed from. It will be no less than 4 feet or no more than 6 feet above the ground on a substantial, maintained support structure. (example: flag lots or dwellings accessed from easements or right of ways.)

B. Rural Residential and Other Structures. If the structure is located greater than 100 feet from the roadway, and/or when the front entrance is not visible from the road, the Public Works Department shall post addresses on a County-approved address post at the access to the property (driveway). This is to be approved by the MSAG Coordinator. In some cases, multiple posting may occur.

C. Corner lots. On corner lots, the number shall be displayed to face the street upon which the property is addressed.

D. Previously displayed numbers. Any numbers previously displayed which could be confused with or mistaken for the assigned address number and/or do not comply with the provisions of this Subsection, must be removed from the mailbox and property.

E. Numbers maintained. Numbers shall be properly maintained by the property owner to ensure that they are clearly discernible from the roadway upon which the property is numbered.

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F. Multi-tenant structures and complexes. Display of address numbers for multi-tenant structures and multi-building complexes:

1. If a building is divided into multiple units with separate interior entrances, and each unit has been assigned an individual number, then each unit number shall be displayed on or next to the main entrance doorway.

2. The address range of all individual unit numbers within a multi-unit building shall be displayed in a manner that is clearly visible from the road upon which the units are numbered.

3. Multiple multi-tenant structures in a complex shall post a letter designator that is clearly visible from the access road.

Section 12.38.160 Address Posts.

The address post will be a blue plastic post, approximately 4 feet tall, with 3-inch reflective white numbers and a 3-inch strip of reflective orange tape.

Section 12.38.170 Issuance of Post.

At the time a building permit is issued for new construction which would require an address post, the applicant must submit an application for an approved address. Following issuance of the building permit, the MSAG Coordinator will notify the agent responsible for installing the posts that an address has been issued. Address posts shall be installed as soon as practicable unless a delay of installation is requested. When a delay of installation is granted, the applicant shall be responsible for notifying the MSAG Coordinator when the address post installation is needed.

County assigned address posts shall not be removed. Once the post has been installed and it is removed by the homeowner on purpose, the County will not be responsible for the delay in time it may take the emergency service personnel to get to the residence. If the post is damaged, it is the homeowner's responsibility to inform the MSAG Coordinator. In some cases a replacement fee may be charged.

Section 12.38.180 Responsibility for Address Signing Maintenance.

A. Non-County Address Post Signage: If an address is legally posted on a residence or other area, but is not required by these standards to be posted on a County assigned address post, the property owner is responsible for continued maintenance and posting of the property address. If the address is not posted or not visible from the street or road, Walla

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Walla County is not responsible if an emergency call cannot be located by emergency service personnel.

B. County Address Post Signage: It is the duty of each property owner to have an address post as specified in this chapter and to maintain the same so that the address post and the numbers thereon are visible from the road or street. The property owner has 30 calendar days to contact the MSAG Coordinator for a replacement post or numbers if it/they are absent from the property or otherwise damaged. The property owner is responsible for the cost of replacement posts and numbers. The county shall publish a schedule of fees for the cost of replacing them. Walla Walla County is not responsible for the failure of emergency service personnel to locate the site of an emergency call if the address cannot be located by said personnel because the address number of the property is not posted or not visible from the street or road.

Chapter 12.50

CONCURRENCY MANAGEMENT SYSTEM

Sections:

12.50.010 Purpose.
12.50.020 Applicability.
12.50.030 Concurrency review.

12.50.010 Purpose.

Pursuant to the State Growth Management Act, the purpose of this chapter is to ensure that applicable transportation facilities and services necessary to accommodate the impacts of development are made concurrent with the development. This chapter establishes a concurrency management system to ensure that transportation improvements and/or strategies needed to maintain the level of service (LOS) standards set in the comprehensive plan are available at the time of development approval or occupancy, or that a financial commitment is in place to complete the facilities within six years.

12.50.020 Applicability.

A. Projects subject to concurrency review. Each applicant requesting development approval by the county shall provide all information required by the County Engineer in order for a concurrency determination to be made on the proposed project.

B. Projects not subject to concurrency review. The following projects are exempt from concurrency review:

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1. Single-family home on an existing lot of record; or

2. Any project generating a total of fewer than ten PM peak hour trips from the total project; or

3. Any project exempt from threshold review pursuant to Chapter 43.21C RCW.

C. Concurrency Facilities and Services. The following transportation facilities, if impacted or used by the proposed development, shall be subject to concurrency review: those county roads for which level of service (LOS) standards are established in the Walla Walla County Comprehensive Plan.

12.50.030 Concurrency review.

A. Timing. All applicants for project permits, except those exempt, shall apply for concurrency review at the time applications for such project permits are submitted. Concurrency review shall be performed as part of the processing of a project permit as specified in WWCC Title 14.

B. Concurrency Determination. The County Engineer shall make a determination of concurrency as part of the development permit review process. Developments that result in a reduction of a level of service below the adopted level of service standards for the affected transportation facility cannot be approved unless an improvement or strategy relied upon to demonstrate concurrency will be completed or implemented in the required time frame.

C. Traffic Impact Analysis. The County Engineer may require that a Traffic Impact Analysis (TIA) be prepared as part of the development review process in order to reach a concurrency determination and to identify the transportation facilities needed, if any, to achieve concurrency. Guidelines for a TIA are set forth in the Walla Walla County Traffic Impact Analysis Guidelines as amended.

D. Appeals. The concurrency determination shall be part of the permit decision, and may be appealed only as part of an appeal of the underlying permit pursuant to Title 14.

Chapter 12.54

VARIANCES

Sections:

12.54.010 Purpose.
12.54.020 Authority.
12.54.030 Application for variance.

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12.54.040 Approval Criteria.
12.54.050 Decision.

12.54.010 Purpose.

The purpose of this chapter is to provide the procedures and criteria for variances to the requirements of this Title.

12.54.020 Authority.

The County Engineer shall have the authority to approve a variance from the requirements of this Title in specific cases consistent with the criteria in subsection 12.54.040.

12.54.030 Application for Variance.

A request for a variance from this Title or the Walla Walla County Road Design Standards (Standards) must be submitted in writing to the County Engineer. A complete application for a variance shall consist of:

A. A completed variance application form.

B. A statement of the requirement and a description of the variance requested.

C. A description of how the variance request complies with each of the approval criteria in section 12.54.040.

D. Such other information, including plans, deemed by the County Engineer as necessary to conduct a review of the variance request.

E. Payment of the application fee established by the county.

12.54.040 Approval Criteria.

Variances from the requirements of this Title or the Walla Walla County Road Design Standards (Standards) may be approved by the County Engineer if the applicant presents substantial evidence to demonstrate that all of the following criteria are satisfied:

A. Strict compliance with the requirement(s) is not appropriate because of impracticality, undesirable or unusual conditions.

B. The proposed variance(s) are functionally equivalent to and are consistent with the intent of the requirement(s), and/or provide compensating benefits to the county and the public.

C. The proposed variance(s) are based on sound engineering judgment.

D. The proposed variance(s) have not been made necessary by actions of the applicant.

E. Safety, function, appearance and economical maintenance requirements are met with the proposed variance(s).

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12.54.050 Decision.

The County Engineer shall review the variance request for compliance with the approval criteria in subsection 12.54.040. After review, the County Engineer shall issue written findings and conclusions approving or denying the variance. Approval of a variance may be conditioned to the extent necessary to address any engineering, public health, safety or welfare concerns, and as allowed by applicable law.

Chapter 12.60

FINANCIAL GUARANTEES

Sections:

12.60.010 Financial guarantees authorized.
12.60.020 Financial guarantee-waiver.
12.60.030 Financial guarantee-form.
12.60.040 Financial guarantee-conditions.
12.60.050 Financial guarantee-inspection of work.
12.60.060 Performance guarantee.
12.60.070 Release of performance guarantee.
12.60.080 Maintenance, operation, and defects guarantee required.
12.60.090 Release of maintenance, operation, and defects guarantee.
12.60.100 Default.

12.60.010 Financial guarantees authorized.

The County Engineer is authorized to require applicants to post financial guarantees with the county as assurance that the applicant will complete, warranty and maintain required improvements in a manner necessary to protect the public health, safety, and welfare.

12.60.020 Financial guarantee-waiver.

The county shall not require any state agency, unit of local government, or gas company or electrical company (as those terms are defined in RCW 80.04.010) to secure the performance of a permit requirement with a financial guarantee as a condition of issuing a permit or approval for a building construction project. The County Engineer, however, may require such state agency or unit of local government, gas company or electric company to sign an agreement to complete required improvements

and protect the county's rights and duty to remedy unsatisfactory performance.

12.60.030 Financial guarantee-form.

Financial guarantees shall be in a form approved by the County Engineer and the prosecuting attorney's office.

12.60.040 Financial guarantee-conditions.

Every financial guarantee shall obligate the applicant to complete all required improvements in conformance with the WWCC and all conditions specified in permit and construction plan approvals.

12.60.050 Financial guarantee-inspection of work.

The applicant shall submit a written request for a final inspection to the County Engineer approximately sixty calendar days prior to expiration of a financial guarantee.

12.60.060 Performance guarantee.

A. A performance guarantee shall be posted prior to issuance of a permit or approval of construction plans if no permit is required. A performance guarantee shall be in an amount equal to the County Engineer's estimates for improvements based on the schedules appropriate to the required work to ensure that the amount fully covers likely costs. Performance guarantees shall include a contingency in an amount to be determined by the County Engineer.

B. If more than one such guarantee is required, the applicant may, with the permission of the County Engineer, and to the extent allowable by law, combine guarantees; provided, that at no time shall the guaranteed amount be less than the total amount which would have been required in the form of separate performance guarantees; and provided further, that such guarantee shall on its face clearly delineate those separate additional performance guarantees which it is intended in lieu of.

C. The County Engineer may allow reductions in performance guarantee amounts in accordance with the county's cost estimate of the work remaining to be completed. The applicant's request for reduction shall be in writing and accompanied by a schedule for completion of the remaining work.

D. Performance guarantees shall require construction and installation of improvements within two years after the date of issuance of a permit or approval of construction plans if no permit is required.

E. The applicant may request an extension of up to six months of the time limit for compliance if circumstances beyond

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the control of the applicant warrant an extension. The request for an extension shall be in writing and accompanied by a schedule for completion of remaining work. Approval of such request shall be at the administrator's or County Engineer's sole discretion.

12.60.070 Release of performance guarantee.

The County Engineer shall release a performance guarantee when:

A. All permit fees have been paid; and

B. Inspection of the work has been performed; and

C. A determination has been made that the conditions and requirements specified in the performance guarantee have been met; and

D. Final construction approval has been granted in writing; and

E. A maintenance, operation, and defects guarantee has been posted.

12.60.080 Maintenance, operation and defects guarantee required.

A. The County Engineer shall require all applicants to post a maintenance, operation and defects guarantee warranting the successful operation and maintenance of improvements, and guaranteeing that the workmanship, materials, and design used in the construction of improvements required by the conditions of any permits or approvals issued pursuant to this Title and Titles 11, 16, 17, and 18 (or their successors) are free of defects.

B. Maintenance, operation and defects guarantees shall be in an amount determined by the County Engineer and shall include a contingency.

C. All maintenance, operation, and defects guarantees shall guarantee successful maintenance, operation, workmanship, materials, and design of improvements for a period of two years following written final construction approval of such improvements.

12.60.090 Release of maintenance, operation and defects guarantee.

The County Engineer shall release a maintenance, operation and defects guarantee when:

A. All permit fees have been paid; and

B. Inspection of the work has been performed; and

C. A determination has been made that the conditions and requirements specified in the maintenance, operation and defects guarantee have been met; and

D. Final approval has been granted in writing.

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12.60.100 Default.

A. Determination of default shall be made by the County Engineer after an inspection has indicated that improvements need to be corrected or completed.

B. In the event of failure to comply with any of the conditions and terms of the permits and/or approvals covered by this Title, the County Engineer shall notify the applicant and guarantor in writing of the default.

C. If satisfactory assurance is not received by the county within a time period determined by the County Engineer that conditions will be appropriately corrected, the County Engineer may:

1. order the applicant to perform all necessary corrective work, and/or

2. contract with a third party to complete work required pursuant to this Title.

D. The county may collect against the financial guarantee when work is not completed in a timely manner. It is in the County Engineer's sole reasonable discretion to determine whether the work has been completed satisfactorily in a timely manner, and to determine whether the financial guarantee shall be collected to remedy the violation.

E. The guarantor shall be responsible for the payment of any and all necessary costs and expenses that have been or will be incurred or expended by the county in causing any and all such required work to be done. In the event that total costs associated with the required work exceed the guarantee amount, the applicant shall remain responsible to the county for the payment of any remaining amount.

F. Nothing in this chapter shall limit the ability of the county to enforce or otherwise compel compliance with conditions of any county permit or approval.

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EXHIBIT B

Section I.

Chapter 12.16 is deleted from Title 12, and recodified as Chapter 9.22.

~~Chapter 12.16~~

~~PUBLIC SWIMMING POOLS AND AREAS~~

~~Sections:~~

~~12.16.010 Purpose.~~
~~12.16.020 Swimming, wading or entering Quarry Pond prohibited Boundary description.~~
~~12.16.030 Entering area surrounding Quarry Pond prohibited during certain hours.~~
~~12.16.040 Violation Penalty.~~

~~12.16.010 Purpose. The ordinance codified in this chapter is enacted under the police power of the board to protect the safety of person and properties in the area set out in Section 12.16.020. (Ord. 100 § 3, 1974; Amd. unnumbered Ord. § 3, 8-5-74)~~

~~12.16.020 Swimming, wading or entering Quarry Pond prohibited Boundary description. No person shall swim, wade or enter into that portion of the Columbia River known as Quarry Pond, which is more particularly described below in this section, for those months of each year commencing June 1st through October 1st:~~

~~Quarry Pond, located approximately three miles south of Burbank, west of Highway 395, within Lots 20, 21, 28 and 29 in Township 8, Range 31, within Walla Walla County, state of Washington.~~
~~(Ord. 100 § 1, 1974; Amd. unnumbered Ord. § 1, 8-5-74)~~

~~12.16.030 Entering area surrounding Quarry Pond prohibited during certain hours.~~

~~No person shall trespass upon said Quarry Pond or that area surrounding said Quarry Pond and more particularly described in Section 12.16.020, during the hours of nine p.m. and six a.m., and that area shall be closed during said times to the public.~~
~~(Ord. 100 § 2, 1974; Amd. unnumbered Ord. § 2, 8-5-74)~~

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~~12.16.040 Violation-Penalty.~~

~~Any person guilty of violation of this chapter may be punished by a fine of not more than one hundred dollars or by not more than thirty days in the county jail, or both, for each separate offense. (Ord. 100 § 4, 1974; Amd. unnumbered Ord. § 4, 8-5-74)~~

A new chapter, Chapter 9.22, is added to Title 9, recodifying former Chapter 12.16.

Chapter 9.22

PUBLIC SWIMMING POOLS AND AREAS

Sections:

9.22.010 Purpose.
9.22.020 Swimming, wading or entering Quarry Pond prohibited-Boundary description.
9.22.030 Entering area surrounding Quarry Pond prohibited during certain hours.
9.22.040 Violation-Penalty.

9.22.010 Purpose. The ordinance codified in this chapter is enacted under the police power of the board to protect the safety of person and properties in the area set out in Section 9.22.020. (Ord. 100 § 3, 1974; Amd. unnumbered Ord. § 3, 8-5-74)

9.22.020 Swimming, wading or entering Quarry Pond prohibited-Boundary description. No person shall swim, wade or enter into that portion of the Columbia River known as Quarry Pond, which is more particularly described below in this section, for those months of each year commencing June 1st through October 1st:

Quarry Pond, located approximately three miles south of Burbank, west of Highway 395, within Lots 20, 21, 28 and 29 in Township 8, Range 31, within Walla Walla County, state of Washington.
(Ord. 100 § 1, 1974; Amd. unnumbered Ord. § 1, 8-5-74)

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9.22.030 Entering area surrounding Quarry Pond prohibited during certain hours.

No person shall trespass upon said Quarry Pond or that area surrounding said Quarry Pond and more particularly described in Section 9.22.020, during the hours of nine p.m. and six a.m., and that area shall be closed during said times to the public. (Ord. 100 § 2, 1974; Amd. unnumbered Ord. § 2, 8-5-74)

9.22.040 Violation-Penalty.

Any person guilty of violation of this chapter may be punished by a fine of not more than one hundred dollars or by not more than thirty days in the county jail, or both, for each separate offense. (Ord. 100 § 4, 1974; Amd. unnumbered Ord. § 4, 8-5-74)

Section II.

Chapter 12.20 is deleted from Title 12, and recodified as Chapter 9.24.

~~Chapter 12.20 WATERCRAFT REGULATIONS~~

~~12.20.010 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 Walla Walla. (Ord. 140 § 1, 1978)~~

~~12.20.020 Policy.~~

~~It is the policy of Walla Walla 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. 140 § 2, 1978)~~

~~12.20.030 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. "Motorboat" means any watercraft propelled in any respect by machinery, including those temporarily equipped with a detachable motor; provided for the purpose of this chapter, "motorboat" shall not include motorboats regulated by the~~

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~~Washington Utilities and Transportation Commission; motorboats owned and operated by the United States, or any state or political subdivision of the state.~~

~~C. "Operator" means a person who is in control or in charge of a vessel while it is in use.~~

~~D. "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles his to such possession.~~

~~E. "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.~~

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

~~G. "Reporting authority" means the same as "issuing authority."~~

~~H. "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.~~

~~I. "Sheriff" means the sheriff of Walla Walla County or any duly appointed deputy sheriff of Walla Walla County.~~

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

~~K. "State of principal use" means the state on whose waters a vessel is used or to be used most during a calendar year.~~

~~L. "Use" means to operate, navigate or employ.~~

~~M. "Vessel" means any contrivance used or designed for navigation on water, including seaplanes when operated on waters of this county; provided, that for the purpose of this chapter, the term "vessel" does 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 Chapter 75.28. (Ord. 140 § 3, 1978; Ord. 195 (Exh. A (part)), 1987)~~

~~12.20.040 Certification of number required Exceptions.~~

~~A. All undocumented vessels equipped with propulsion of any type except as provided in subsection B of this section,~~

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~~shall have a certificate of number issued by the proper issuing authority in the state in which the vessel is principally used.~~

~~The certificate 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 Walla Walla;~~

~~2. Military or public vessels of the United States, except recreational-type vessels;~~

~~3. A vessel whose owner is a state or subdivision 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. 140 § 5, 1978)~~

~~12.20.050 Certificate of number on leased or rented vessels.~~

~~The certificate of number shall not be required to be aboard vessels less then twenty-six feet in length which are leased or rented for less then twenty-four hours to a person for that person's noncommercial 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. 140 § 6, 1978)~~

~~12.20.060 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 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;~~

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~~E. Read from left or 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. 140 § 7, 1978)~~

~~12.20.070 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 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 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 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 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 is not acceptable on recreational vessels as an approved device. (Ord. 140 § 8, 1978)~~

~~12.20.080 P.F.D. requirements for recreational vessels under sixteen feet.~~

~~No person shall use a recreational vessel less than sixteen feet in length or any canoe or kayak unless at least one 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.;~~

~~D. Type IV. P.F.D. (Ord. 140 § 9, 1978)~~

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~~12.20.090 P.F.D. requirements for recreational vessels sixteen feet and over.~~

~~A. No person shall use a recreational vessel sixteen feet or more in length, except a canoe or kayak, unless at least one 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:~~

~~1. Type I P.F.D.;~~

~~2. Type II P.F.D.;~~

~~3. Type III P.F.D.~~

~~B. Recreational vessels sixteen feet or more in length, except a canoe or kayak, must also carry aboard, and have immediately available, at least one Type IV throwable P.F.D. in addition to the abovementioned requirements. (Ord. 140 § 10, 1978)~~

~~12.20.100 P.F.D. requirements for commercial vessels.~~

~~A. Every commercial vessel less than forty feet in length which does not carry passengers for hire shall have at least one 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 forty feet or more in length not carrying passengers for hire shall have at least one Type I 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 ten percent of the total number of persons carried.~~

~~D. Each vessel twenty-six feet or more in length must have at least one ring buoy in addition to the P.F.D.'s required in subsections A, B and C of this section. (Ord. 140 § 11, 1978)~~

~~12.20.110 P.F.D. approval Access and 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 sixteen feet or more in length.~~

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~~E. All P.F.D.'s shall be a suitable size for each person on board. (Ord. 140 § 12, 1978)~~

~~12.20.120 Fire extinguishers on motorboats less than twenty-six feet in length carrying passengers for hire.~~

~~Every motorboat less than twenty-six feet in length used for carrying passengers for hire shall be equipped with one U.S. Coast Guard approved Type B-I fire extinguisher. (Ord. 140 § 13, 1978)~~

~~12.20.130 Fire extinguishers on motorboats less than twenty-six feet in length.~~

~~Every motorboat less than twenty-six feet in length that has any of the following conditions shall be equipped with one 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. (Ord. 140 § 14, 1978)~~

~~12.20.140 Fire extinguishers on motorboats twenty-six feet in length to less than forty feet in length.~~

~~Every motorboat not less than twenty-six feet in length but less than forty feet in length shall be equipped with at least two U.S. Coast Guard approved Type B-I fire extinguishers or one U.S. Coast Guard approved Type B-II extinguisher. (Ord. 140 § 15, 1978)~~

~~12.20.150 Fire extinguishers on motorboats forty feet in length to not more than sixty-five feet in length.~~

~~Every motorboat not less then forty feet in length but not more than sixty-five feet in length shall be equipped with at least three U.S. Coast Guard approved Type B-I fire extinguishers or one U.S. Coast Guard approved Type B-I fire extinguisher and one U.S. Coast Guard approved Type B-II fire extinguisher. (Ord. 140 § 16, 1978)~~

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~~12.20.160 Motorboats equipped with fixed fire extinguisher.~~

~~An approved fixed fire extinguisher in the engine compartment of a motorboat may be substituted for one Type B-I fire extinguisher otherwise required by this chapter. (Ord. 140 § 17, 1978)~~

~~12.20.170 Backfire flame arrestors.~~

~~Every motorboat equipped with inboard engine installed after April 25, 1940, shall be equipped with a U.S. Coast Guard approved backfire flame arrestor 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 backfire flame to the open atmosphere clear of the vessel, persons on board, and nearby vessel and structures.~~

~~C. Engines using a fuel with a flash point of over one hundred ten degrees Fahrenheit. (Ord. 140 § 18, 1978)~~

~~12.20.180 Mufflers-Prevention of noise and smoke.~~

~~Every motorboat 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 Walla Walla except for motorboats engaged in an organized sporting event. (Ord. 140 § 19, 1978)~~

~~12.20.190 Ventilation on motorboats or motor vessels-Exception.~~

~~A. Every motorboat or motor vessel, except open motorboats, which use fuel having a flash point of less then one hundred ten 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 in every engine and fuel tank compartment.~~

~~B. 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 in such a manner as to prevent displaced gases from being recirculated. (Ord. 140 § 20, 1978)~~

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~~12.20.200 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 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 square inch of open area per cubic foot, within one 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 square inches of open area per cubic foot provided by frequent openings along the full length of the compartment forward. (Ord. 140 § 21, 1978)~~

~~12.20.210 Sound devices-Motorboats less than twenty-six feet in length.~~

~~Every motorboat less than twenty-six feet in length shall be equipped with one mouth, hand, or power-operated whistle or horn capable of producing a steady two second blast audible at least one-half mile. (Ord. 140 § 22, 1978)~~

~~12.20.220 Sound devices-Motorboats twenty-six feet in length to less than forty feet in length.~~

~~Every motorboat not less than twenty-six feet but less than forty feet in length shall be equipped with one hand or power-operated whistle or horn capable of producing a steady two second blast audible at least one mile, and one bell which, when struck, produces a clear, bell-like tone. (Ord. 140 § 23, 1978)~~

~~12.20.230 Sound devices-Motorboats forty feet in length to not more than sixty-five feet in length.~~

~~Every motorboat not less than forty feet but not more than sixty-five feet in length shall be equipped with one power-operated whistle or horn audible at least one mile, and one bell which, when struck, produces a clear, bell-like tone. (Ord. 140 § 24, 1978)~~

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~~12.20.240 Navigation lights-Nonmotorboats.~~

~~Every vessel not motorized underway from sunset to sunrise, or at such time as vision is less than five hundred feet, shall be equipped with a hand lantern showing white light which shall be temporarily exhibited in sufficient time to prevent a collision. (Ord. 140 § 25, 1978)~~

~~12.20.250 Navigation lights-Motorboats less than twenty-six feet in length.~~

~~Every motorboat less than twenty-six feet in length underway from sunset to sunrise or at such time as vision is less than five hundred feet shall be equipped with the following lights:~~

~~A. One white light aft to show all around the horizon points on the compass or three hundred sixty degrees;~~

~~B. One combination light on the fore port 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 points of the compass or one hundred twelve and one-half degrees. (Ord. 140 § 26, 1978)~~

~~12.20.260 Navigation lights-Motorboats twenty-six feet in length to not more than sixty-five feet in length. Every motorboat not less than twenty-six feet but not more than sixty-five feet in length underway from sunset to sunrise or at such times that vision is less than five hundred feet shall be equipped with the following lights:~~

~~A. One white light as far forward as possible to show an unbroken light twenty points of the compass or two hundred twenty-five degrees with ten points or one hundred twelve and one-half degrees on each side of the vessel;~~

~~B. One white light aft to show all around the horizon (thirty-two points of the compass or three hundred sixty degrees) and higher than the white forward;~~

~~C. One red light on the port side and one green light on the starboard side each showing ten points on the compass with a screen installed to prevent lights from being seen across the bow. (Ord. 140 § 27, 1978)~~

~~12.20.270 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 then twenty-six feet in length may be carried off the centerline. (Ord. 140 § 28, 1978)~~

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~~12.20.280 Lights in lieu of chapter provisions.~~

~~Every motorboat may display, in lieu of the navigation light requirements of this chapter, navigation lights required by the International Rules of the Road. (Ord. 140 § 29, 1978)~~

~~12.20.290 Water skiing in a negligent manner.~~

~~No person shall ride or manipulate any water ski, surfboard, or similar device in such a negligent manner as to endanger or be likely to endanger any person or property. (Ord. 140 § 30, 1978)~~

~~12.20.300 Towing of water skiers-Hours.~~

~~No person shall operate a vessel for the purpose of towing a person on water skis, surfboard or similar device at any time during the period from one hour after sunset to one 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 Walla Walla County commissioners. (Ord. 140 § 31, 1978)~~

~~12.20.310 Towing of 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, surfboard or similar device may be effected 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 feet of any boat-launching ramp or within one hundred feet of any anchored vessel, trolling vessel, swimmer or swimmers, shoreline, or other activity on or in the water.~~

~~C. Except on safe takeoffs, vessels with skiers under tow and skier must keep one hundred feet or more from shore. A takeoff 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 feet of the shore, and brought to shore under the speed restrictions applicable within one hundred feet of shore; provided, when safe, the skier, but not the towing vessel, may ski less than one hundred feet from the shoreline in the process of landing.~~

~~D. All vessels towing skiers from a skiing platform or float shall proceed in a counter-clockwise direction.~~

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E. All vessels taking off with skiers from within one hundred feet of the shoreline 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 shoreline.

F. No vessel shall follow behind a person being towed on skis, surfboard or other device closer than three hundred feet, nor cross the towing vessel's bow by less than two hundred feet, nor come within less then one hundred feet of the person being towed.

G. No person shall operate a vessel towing a person or persons on water skis, surfboard, or similar device unless another competent person in the boat is continuously observing the person being towed; provided, that this subsection shall not apply to motorboats:

1. Used by water ski schools in the giving of instruction;

2. Used in daily authorized water ski tournaments, competitions, expositions or trials.

H. It is unlawful for any person or persons to be towed on water skis, surfboard, or similar device without a life jacket or flotation device. (Ord. 140 § 32, 1978)

12.20.320 Water skiing while intoxicated prohibited.

No person shall ride or manipulate any water ski, surfboard, or similar device while under the influence of any intoxicating liquor, narcotic drug, barbiturate, marijuana, or any other controlled substance as defined by RCW Chapter 69.50. (Ord. 140 § 33, 1978)

12.20.330 Operating a motorboat while intoxicated prohibited.

A. 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 Chapter 69.50.

B. 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. 140 § 34, 1978)

12.20.340 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

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~~a motorboat at a speed great enough to leave a wake which is likely to cause damage to a person, persons, or property. (Ord. 140 § 35, 1978)~~

~~12.20.345 Motorboat operation prohibited where.~~

~~A. No person shall operate a motorboat on the Walla Walla River at any point between the Burlington Northern tressel at Zangar Junction (RM 8.75) and the Oregon-Washington state boundary.~~

~~B. The sheriff shall annually prepare and post at convenient public places adjacent to the Walla Walla River which shall specify the specific restrictions applicable to the particular area set out in this chapter. Notices shall be posted on the wharf or dock of each boat livery and adjacent to public launching ramps, docks or wharfs, and at such locations as will reasonably inform the boating public of these restrictions. (Ord. 195 (Exh. A (part)), 1987)~~

~~12.20.350 Age requirements to operate motorboat.~~

~~It is unlawful for a minor under the age of sixteen years to operate or be permitted, by the owner or persons having charge of a motorboat, to operate a motorboat powered by an engine of ten horsepower or more unless accompanied by a person who is legally capable of operating such motorboat. It is unlawful for a minor ten years of age or under to operate or be permitted to operate a motorboat in excess of four horsepower. (Ord. 140 § 36, 1978)~~

~~12.20.360 Mooring of vessels and rafts to buoys or beacons prohibited.~~

~~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 Walla Walla County sheriff's department, or in any manner hang on with a vessel or raft to such buoy or beacon. (Ord. 140 § 37, 1978)~~

~~12.20.370 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. (Ord. 140 § 38, 1978)~~

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~~12.20.380 Overloading boats prohibited.~~

~~No person shall overload a boat beyond its safe carrying capacity rating, taking into consideration weather and other normal operating conditions. (Ord. 140 § 39, 1978)~~

~~12.20.390 Anchoring and/or mooring vessel in 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. 140 § 40, 1978)~~

~~12.20.400 Authorization for 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 other event on any waters of Walla Walla County. Persons or organizations desiring to sponsor such events shall give notice to the sheriff at least ten days in advance of 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 nonparticipants 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 his of the nature and extent of such event. (Ord. 140 § 41, 1978)~~

~~12.20.410 Operation of motorboats in swimming areas prohibited.~~

~~No person shall operate a motorboat within water areas which are clearly marked by buoys or some other distinguishing device as a bathing or swimming area. (Ord. 140 § 42, 1978)~~

~~12.20.420 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~~

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~~the waters of Walla Walla County or endanger or be likely to endanger any person or property. (Ord. 140 § 43, 1978)~~

~~12.20.430 Swimming.~~

~~It is unlawful for any person to swim:~~

~~A. More than one hundred feet from shore unless the swimmer is accompanied by a vessel 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. 140 § 44, 1978)~~

~~12.20.440 Skin diving.~~

~~It is 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 at least three feet high, that is clearly visible a distance of three hundred feet. (Ord. 140 § 45, 1978)~~

~~12.20.450 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, 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.~~

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~~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 Walla Walla County sheriff's department of:~~

~~1. The date, time and exact location of the occurrence;~~

~~2. The name of each person who dies 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 hours of any accident in which:~~

~~1. A person dies within twenty-four hours;~~

~~2. A person loses consciousness or receives medical treatment or is disabled for more than twenty-four hours;~~

~~3. A person disappears from a vessel under circumstances that indicate death or injury.~~

~~Accidents must be reported within two days if damage to the vessel and other property totals more than one hundred dollars. (Ord. 140 § 46, 1978)~~

~~12.20.460 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 minute, one prolonged blast of the whistle or horn;~~

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

~~C. Rafts and other craft not otherwise provided for in this chapter, navigated by hand power, horsepower or by the water current shall sound a blast of the whistle, or horn at intervals of not more than one minute.~~

~~D. Motor vessels, when towing shall, instead of the signals provided in subsection A of this section, shall sound at intervals of not more than one minute, three blasts in~~

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succession; namely, one prolonged blast followed by two blasts. A vessel towed away may give this signal and shall not give any other.

E. A vessel at anchor shall, at intervals of not more than one minute, ring the bell rapidly for five seconds. (Ord. 140 § 47, 1978)

12.20.470 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 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. 140 § 48, 1978)

12.20.480 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 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 to 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. 140 § 49, 1978)

12.20.490 Rules and whistle signals for vessels meeting, nearing bends, leaving berths and 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

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~~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 mast 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, 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 mile ahead, such motorboat, when she has 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; but if the first alarm signal of such vessel is 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 desires to pass on the starboard side~~

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~~of the vessel ahead, she shall give on 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 desires 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 that 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.~~

~~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. 140 § 50, 1978)~~

~~12.20.500 Motorboats crossing.~~

~~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. (Ord. 140 § 51, 1978)~~

~~12.20.510 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. 140 § 52, 1978)~~

~~12.20.520 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. 140 § 53, 1978)~~

~~12.20.530 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.~~

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~~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. 140 § 54, 1978)~~

~~12.20.540 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. 140 § 55, 1978)~~

~~12.20.550 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 of obstructing a channel used by vessels other than fishing vessels. (Ord. 140 § 56, 1978)~~

~~12.20.560 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. 140 § 57, 1978)~~

~~12.20.570 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 short blasts on the whistle or horn. (Ord. 140 § 58, 1978)~~

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~~12.20.580 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. 140 § 59, 1978)~~

~~12.20.590 Distress signals.~~

~~When a vehicle 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, if in the day time, or by using marine distress signal flares, or by displaying a U.S. flag upside down;~~

~~B. At night the primary signal will be a red flare either hand held or propelled skyward, also a marine distress signal flare, or the vessel shall give a continuous sounding of the fog signal. (Ord. 140 § 60, 1978)~~

~~12.20.600 Correction of an especially hazardous condition.~~

~~A. 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 bilge 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.~~

~~B. 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~~

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~~hazardous condition is corrected or ended. (Ord. 140 § 61, 1978)~~

~~12.20.610 Punishment.~~

~~Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars per violation, or ninety days in jail, or by both such fine and such jail sentence. (Ord. 140 § 62, 1978)~~

~~12.20.620 Authority of officers to board boats.~~

~~The sheriff is given the authority to board any vessel found underway in the waters of the county of Walla Walla for the purpose of inspection and enforcement of this chapter. (Ord. 140 § 63, 1978)~~

~~12.20.630 Garbage.~~

~~It is 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 the water. (Ord. 140 § 64, 1978)~~

~~12.20.640 Enforcement.~~

~~It shall be the duty of the sheriff to enforce all provisions of this chapter. (Ord. 140 § 4, 1978)~~

~~12.20.650 Severability.~~

~~If any provision of this chapter, or its application to any person or circumstances, is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances, shall not be affected. (Ord. 140 § 65, 1978)~~

A new chapter, Chapter 9.24, is added to Title 9, recodifying former Chapter 12.20.

Chapter 9.24 WATERCRAFT REGULATIONS

Sections:

9.24.010 Applicability.
9.24.020 Policy.
9.24.030 Definitions.

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9.24.050 Certificate of number on leased or rented vessels.
9.24.060 Display of number (U.S. Coast Guard).
9.24.070 Performance requirements for P.F.D.'s.
9.24.080 P.F.D. requirements for recreational vessels under sixteen feet.
9.24.090 P.F.D. requirements for recreational vessels sixteen feet and over.
9.24.100 P.F.D. requirements for commercial vessels.
9.24.110 P.F.D. approval--Access and condition.
9.24.120 Fire extinguishers on motorboats less than twenty-six feet in length carrying passengers for hire.
9.24.130 Fire extinguishers on motorboats less than twenty-six feet in length.
9.24.140 Fire extinguishers on motorboats twenty-six feet in length to less than forty feet in length.
9.24.150 Fire extinguishers on. motorboats forty feet in length to not more than sixty-five feet in length.
9.24.160 Motorboats equipped with fixed fire extinguisher.
9.24.170 Backfire flame arrestors.
9.24.180 Mufflers--Prevention of noise and smoke.
9.24.190 Ventilation on motorboats or motor vessels--Exception.
9.24.200 Ventilation--Open motorboats.
9.24.210 Sound devices--Motorboats less than twenty-six feet in length.
9.24.220 Sound devices--Motorboats twenty-six feet in length to less than forty feet in length.
9.24.230 Sound devices--Motorboats forty feet in length to not more than sixty-five feet in length.
9.24.240 Navigation lights--Nonmotorboats.
9.24.250 Navigation lights--Motorboats less than twenty-six feet in length.
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9.24.270 Location of white lights.
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9.24.600 Correction of an especially hazardous condition.
9.24.610 Punishment.
9.24.620 Authority of officers to board boats.
9.24.630 Garbage.
9.24.640 Enforcement.
9.24.650 Severability.

9.24.010 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 Walla Walla. (Ord. 140 § 1, 1978)

9.24.020 Policy.

It is the policy of Walla Walla 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

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the boating safety laws and regulations of the state of Washington and the United States. (Ord. 140 § 2, 1978)

9.24.030 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. "Motorboat" means any watercraft propelled in any respect by machinery, including those temporarily equipped with a detachable motor; provided for the purpose of this chapter, "motorboat" shall not include motorboats regulated by the Washington Utilities and Transportation Commission; motorboats owned and operated by the United States, or any state or political subdivision of the state.

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

D. "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles his to such possession.

E. "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.

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

G. "Reporting authority" means the same as "issuing authority."

H. "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.

I. "Sheriff" means the sheriff of Walla Walla County or any duly appointed deputy sheriff of Walla Walla County.

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

K. "State of principal use" means the state on whose waters a vessel is used or to be used most during a calendar year.

L. "Use" means to operate, navigate or employ.

M. "Vessel" means any contrivance used or designed for navigation on water, including seaplanes when operated on waters of this county; provided, that for the purpose of this chapter,

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the term "vessel" does 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 Chapter 75.28. (Ord. 140 § 3, 1978; Ord. 195 (Exh. A (part)), 1987)

9.24.040 Certification of number required-Exceptions.

A. All undocumented vessels equipped with propulsion of any type except as provided in subsection 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 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 Walla Walla;

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

3. A vessel whose owner is a state or subdivision 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. 140 § 5, 1978)

9.24.050 Certificate of number on leased or rented vessels.

The certificate of number shall not be required to be aboard vessels less then twenty-six feet in length which are leased or rented for less then twenty-four hours to a person for that person's noncommercial 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. 140 § 6, 1978)

9.24.060 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

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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 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 or 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. 140 § 7, 1978)

9.24.070 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 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 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 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 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 is not acceptable on recreational vessels as an approved device. (Ord. 140 § 8, 1978)

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9.24.080 P.F.D. requirements for recreational vessels under sixteen feet.

No person shall use a recreational vessel less than sixteen feet in length or any canoe or kayak unless at least one 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.;

D. Type IV. P.F.D. (Ord. 140 § 9, 1978)

9.24.090 P.F.D. requirements for recreational vessels sixteen feet and over.

A. No person shall use a recreational vessel sixteen feet or more in length, except a canoe or kayak, unless at least one 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:

1. Type I P.F.D.;

2. Type II P.F.D.;

3. Type III P.F.D.

B. Recreational vessels sixteen feet or more in length, except a canoe or kayak, must also carry aboard, and have immediately available, at least one Type IV throwable P.F.D. in addition to the abovementioned requirements. (Ord. 140 § 10, 1978)

9.24.100 P.F.D. requirements for commercial vessels.

A. Every commercial vessel less than forty feet in length which does not carry passengers for hire shall have at least one 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 forty feet or more in length not carrying passengers for hire shall have at least one Type I 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 ten percent of the total number of persons carried.

D. Each vessel twenty-six feet or more in length must have at least one ring buoy in addition to the P.F.D.'s required in subsections A, B and C of this section. (Ord. 140 § 11, 1978)

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9.24.110 P.F.D. approval-Access and 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 sixteen feet or more in length.

E. All P.F.D.'s shall be a suitable size for each person on board. (Ord. 140 § 12, 1978)

9.24.120 Fire extinguishers on motorboats less than twenty-six feet in length carrying passengers for hire.

Every motorboat less than twenty-six feet in length used for carrying passengers for hire shall be equipped with one U.S. Coast Guard approved Type B-I fire extinguisher. (Ord. 140 § 13, 1978)

9.24.130 Fire extinguishers on motorboats less than twenty-six feet in length.

Every motorboat less than twenty-six feet in length that has any of the following conditions shall be equipped with one 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. (Ord. 140 § 14, 1978)

9.24.140 Fire extinguishers on motorboats twenty-six feet in length to less than forty feet in length.

Every motorboat not less than twenty-six feet in length but less than forty feet in length shall be equipped with at least two U.S. Coast Guard approved Type B-I fire extinguishers or one U.S. Coast Guard approved Type B-II extinguisher. (Ord. 140 § 15, 1978)

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9.24.150 Fire extinguishers on motorboats forty feet in length to not more than sixty-five feet in length.

Every motorboat not less then forty feet in length but not more than sixty-five feet in length shall be equipped with at least three U.S. Coast Guard approved Type B-I fire extinguishers or one U.S. Coast Guard approved Type B-I fire extinguisher and one U.S. Coast Guard approved Type B-II fire extinguisher. (Ord. 140 § 16, 1978)

9.24.160 Motorboats equipped with fixed fire extinguisher.

An approved fixed fire extinguisher in the engine compartment of a motorboat may be substituted for one Type B-I fire extinguisher otherwise required by this chapter. (Ord. 140 § 17, 1978)

9.24.170 Backfire flame arrestors.

Every motorboat equipped with inboard engine installed after April 25, 1940, shall be equipped with a U.S. Coast Guard approved backfire flame arrestor 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 backfire flame to the open atmosphere clear of the vessel, persons on board, and nearby vessel and structures.

C. Engines using a fuel with a flash point of over one hundred ten degrees Fahrenheit. (Ord. 140 § 18, 1978)

9.24.180 Mufflers-Prevention of noise and smoke.

Every motorboat 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 Walla Walla except for motorboats engaged in an organized sporting event. (Ord. 140 § 19, 1978)

9.24.190 Ventilation on motorboats or motor vessels-Exception.

A. Every motorboat or motor vessel, except open motorboats, which use fuel having a flash point of less then one hundred ten 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 in every engine and fuel tank compartment.

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B. 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 in such a manner as to prevent displaced gases from being recirculated. (Ord. 140 § 20, 1978)

9.24.200 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 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 square inch of open area per cubic foot, within one 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 square inches of open area per cubic foot provided by frequent openings along the full length of the compartment forward. (Ord. 140 § 21, 1978)

9.24.210 Sound devices-Motorboats less than twenty-six feet in length.

Every motorboat less than twenty-six feet in length shall be equipped with one mouth, hand, or power-operated whistle or horn capable of producing a steady two second blast audible at least one-half mile. (Ord. 140 § 22, 1978)

9.24.220 Sound devices-Motorboats twenty-six feet in length to less than forty feet in length.

Every motorboat not less than twenty-six feet but less than forty feet in length shall be equipped with one hand or power-operated whistle or horn capable of producing a steady two second blast audible at least one mile, and one bell which, when struck, produces a clear, bell-like tone. (Ord. 140 § 23, 1978)

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9.24.230 Sound devices-Motorboats forty feet in length to not more than sixty-five feet in length.

Every motorboat not less than forty feet but not more than sixty-five feet in length shall be equipped with one power-operated whistle or horn audible at least one mile, and one bell which, when struck, produces a clear, bell-like tone. (Ord. 140 § 24, 1978)

9.24.240 Navigation lights-Nonmotorboats.

Every vessel not motorized underway from sunset to sunrise, or at such time as vision is less than five hundred feet, shall be equipped with a hand lantern showing white light which shall be temporarily exhibited in sufficient time to prevent a collision. (Ord. 140 § 25, 1978)

9.24.250 Navigation lights-Motorboats less than twenty-six feet in length.

Every motorboat less than twenty-six feet in length underway from sunset to sunrise or at such time as vision is less than five hundred feet shall be equipped with the following lights:

A. One white light aft to show all around the horizon points on the compass or three hundred sixty degrees;

B. One combination light on the fore port 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 points of the compass or one hundred twelve and one-half degrees. (Ord. 140 § 26, 1978)

9.24.260 Navigation lights-Motorboats twenty-six feet in length to not more than sixty-five feet in length.

Every motorboat not less than twenty-six feet but not more than sixty-five feet in length underway from sunset to sunrise or at such times that vision is less than five hundred feet shall be equipped with the following lights:

A. One white light as far forward as possible to show an unbroken light twenty points of the compass or two hundred twenty-five degrees with ten points or one hundred twelve and one-half degrees on each side of the vessel;

B. One white light aft to show all around the horizon (thirty-two points of the compass or three hundred sixty degrees) and higher than the white forward;

C. One red light on the port side and one green light on the starboard side each showing ten points on the compass with a

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screen installed to prevent lights from being seen across the bow. (Ord. 140 § 27, 1978)

9.24.270 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 then twenty-six feet in length may be carried off the centerline. (Ord. 140 § 28, 1978)

9.24.280 Lights in lieu of chapter provisions.

Every motorboat may display, in lieu of the navigation-light requirements of this chapter, navigation lights required by the International Rules of the Road. (Ord. 140 § 29, 1978)

9.24.290 Water skiing in a negligent manner.

No person shall ride or manipulate any water ski, surfboard, or similar device in such a negligent manner as to endanger or be likely to endanger any person or property. (Ord. 140 § 30, 1978)

9.24.300 Towing of water skiers-Hours.

No person shall operate a vessel for the purpose of towing a person on water skis, surfboard or similar device at any time during the period from one hour after sunset to one 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 Walla Walla County commissioners. (Ord. 140 § 31, 1978)

9.24.310 Towing of 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, surfboard or similar device may be effected 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 feet of any boat-launching ramp or within one hundred feet of any anchored vessel, trolling vessel, swimmer or swimmers, shoreline, or other activity on or in the water.

C. Except on safe takeoffs, vessels with skiers under tow and skier must keep one hundred feet or more from shore. A takeoff will not be considered "safe" unless it can be

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accomplished without risk to any swimmers or craft. Skiers must be picked up by a vessel before coming within one hundred feet of the shore, and brought to shore under the speed restrictions applicable within one hundred feet of shore; provided, when safe, the skier, but not the towing vessel, may ski less than one hundred feet from the shoreline 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 feet of the shoreline 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 shoreline.

F. No vessel shall follow behind a person being towed on skis, surfboard or other device closer than three hundred feet, nor cross the towing vessel's bow by less than two hundred feet, nor come within less then one hundred feet of the person being towed.

G. No person shall operate a vessel towing a person or persons on water skis, surfboard, or similar device unless another competent person in the boat is continuously observing the person being towed; provided, that this subsection shall not apply to motorboats:

1. Used by water ski schools in the giving of instruction;

2. Used in daily authorized water ski tournaments, competitions, expositions or trials.

H. It is unlawful for any person or persons to be towed on water skis, surfboard, or similar device without a life jacket or flotation device. (Ord. 140 § 32, 1978)

9.24.320 Water skiing while intoxicated prohibited.

No person shall ride or manipulate any water ski, surfboard, or similar device while under the influence of any intoxicating liquor, narcotic drug, barbiturate, marijuana, or any other controlled substance as defined by RCW Chapter 69.50. (Ord. 140 § 33, 1978)

9.24.330 Operating a motorboat while intoxicated prohibited.

A. 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 Chapter 69.50.

B. Determination of such intoxication shall be by the same criteria as provided in RCW 46.61.506, or otherwise in the same

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manner as when an individual is alleged to be under the influence of an intoxicating liquor or drug while operating a motor vehicle. (Ord. 140 § 34, 1978)

9.24.340 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. (Ord. 140 § 35, 1978)

9.24.345 Motorboat operation prohibited where.

A. No person shall operate a motorboat on the Walla Walla River at any point between the Burlington Northern tressel at Zangar Junction (RM 8.75) and the Oregon-Washington state boundary.

B. The sheriff shall annually prepare and post at convenient public places adjacent to the Walla Walla River which shall specify the specific restrictions applicable to the particular area set out in this chapter. Notices shall be posted on the wharf or dock of each boat livery and adjacent to public launching ramps, docks or wharfs, and at such locations as will reasonably inform the boating public of these restrictions. (Ord. 195 (Exh. A (part)), 1987)

9.24.350 Age requirements to operate motorboat.

It is unlawful for a minor under the age of sixteen years to operate or be permitted, by the owner or persons having charge of a motorboat, to operate a motorboat powered by an engine of ten horsepower or more unless accompanied by a person who is legally capable of operating such motorboat. It is unlawful for a minor ten years of age or under to operate or be permitted to operate a motorboat in excess of four horsepower. (Ord. 140 § 36, 1978)

9.24.360 Mooring of vessels and rafts to buoys or beacons prohibited.

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 Walla Walla County sheriff's department, or in any manner hang on with a vessel or raft to such buoy or beacon. (Ord. 140 § 37, 1978)

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9.24.370 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. (Ord. 140 § 38, 1978)

9.24.380 Overloading boats prohibited.

No person shall overload a boat beyond its safe carrying capacity rating, taking into consideration weather and other normal operating conditions. (Ord. 140 § 39, 1978)

9.24.390 Anchoring and/or mooring vessel in 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. 140 § 40, 1978)

9.24.400 Authorization for 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 other event on any waters of Walla Walla County. Persons or organizations desiring to sponsor such events shall give notice to the sheriff at least ten days in advance of 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 nonparticipants 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 his of the nature and extent of such event. (Ord. 140 § 41, 1978)

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9.24.410 Operation of motorboats in swimming areas prohibited.

No person shall operate a motorboat within water areas which are clearly marked by buoys or some other distinguishing device as a bathing or swimming area. (Ord. 140 § 42, 1978)

9.24.420 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 Walla Walla County or endanger or be likely to endanger any person or property. (Ord. 140 § 43, 1978)

9.24.430 Swimming.

It is unlawful for any person to swim:

A. More than one hundred feet from shore unless the swimmer is accompanied by a vessel 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. 140 § 44, 1978)

9.24.440 Skin diving.

It is 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 at least three feet high, that is clearly visible a distance of three hundred feet. (Ord. 140 § 45, 1978)

9.24.450 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.

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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, 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 Walla Walla County sheriff's department of:

1. The date, time and exact location of the occurrence;

2. The name of each person who dies 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 hours of any accident in which:

1. A person dies within twenty-four hours;

2. A person loses consciousness or receives medical treatment or is disabled for more than twenty-four hours;

3. A person disappears from a vessel under circumstances that indicate death or injury.

Accidents must be reported within two days if damage to the vessel and other property totals more than one hundred dollars. (Ord. 140 § 46, 1978)

9.24.460 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 minute, one prolonged blast of the whistle or horn;

B. Sailing vessels underway shall sound, at intervals of not more than one minute, one blast when on the starboard tack, and two blasts in succession when on the port tack; and when the

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wind is abaft the beam, three blasts in succession of the whistle or horn.

C. Rafts and other craft not otherwise provided for in this chapter, navigated by hand power, horsepower or by the water current shall sound a blast of the whistle, or horn at intervals of not more than one minute.

D. Motor vessels, when towing shall, instead of the signals provided in subsection A of this section, shall sound at intervals of not more than one minute, three blasts in succession; namely, one prolonged blast followed by two blasts. A vessel towed away may give this signal and shall not give any other.

E. A vessel at anchor shall, at intervals of not more than one minute, ring the bell rapidly for five seconds. (Ord. 140 § 47, 1978)

9.24.470 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 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. 140 § 48, 1978)

9.24.480 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 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 to 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;

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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. 140 § 49, 1978)

9.24.490 Rules and whistle signals for vessels meeting, nearing bends, leaving berths and 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 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 mast 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, 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 mile ahead, such motorboat, when she has 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

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passing shall immediately be given and answered; but if the first alarm signal of such vessel is 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 desires to pass on the starboard side of the vessel ahead, she shall give on 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 desires 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 that 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.

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. 140 § 50, 1978)

9.24.500 Motorboats crossing.

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. (Ord. 140 § 51, 1978)

9.24.510 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

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vessel is overtaking the motorboat from behind. (Ord. 140 § 52, 1978)

9.24.520 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. 140 § 53, 1978)

9.24.530 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. 140 § 54, 1978)

9.24.540 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. 140 § 55, 1978)

9.24.550 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 of obstructing a channel used by vessels other than fishing vessels. (Ord. 140 § 56, 1978)

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9.24.560 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. 140 § 57, 1978)

9.24.570 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 short blasts on the whistle or horn. (Ord. 140 § 58, 1978)

9.24.580 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. 140 § 59, 1978)

9.24.590 Distress signals.

When a vehicle 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, if in the day time, or by using marine distress signal flares, or by displaying a U.S. flag upside down;

B. At night the primary signal will be a red flare either hand held or propelled skyward, also a marine distress signal flare, or the vessel shall give a continuous sounding of the fog signal. (Ord. 140 § 60, 1978)

9.24.600 Correction of an especially hazardous condition.

A. 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 bilge or a compartment other than a fuel tank; or

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4. Does not meet the requirements for backfire flame control; or

5. Does not meet the ventilation requirements for fuel tanks and engine spaces.

B. 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. (Ord. 140 § 61, 1978)

9.24.610 Punishment.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars per violation, or ninety days in jail, or by both such fine and such jail sentence. (Ord. 140 § 62, 1978)

9.24.620 Authority of officers to board boats.

The sheriff is given the authority to board any vessel found underway in the waters of the county of Walla Walla for the purpose of inspection and enforcement of this chapter. (Ord. 140 § 63, 1978)

9.24.630 Garbage.

It is 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 the water. (Ord. 140 § 64, 1978)

9.24.640 Enforcement.

It shall be the duty of the sheriff to enforce all provisions of this chapter. (Ord. 140 § 4, 1978)

9.24.650 Severability.

If any provision of this chapter, or its application to any person or circumstances, is held invalid, the remainder of the

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chapter, or the application of the provision to other persons or circumstances, shall not be affected. (Ord. 140 § 65, 1978)

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