



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-383

File ID:	AB2019-383	Version:	1	Status:	Substitute Adopted
File Created:	07/01/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance		
Assigned to:	Council Natural Resources Committee			Final Action:	08/07/2019
Agenda Date:	08/07/2019			Enactment #:	ORD 2019-059

Primary Contact Email: TDonovan@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code Chapter 11.32, Boating and Swimming, Special Restrictions, relating to two-stroke engine powered watercraft

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance amending Whatcom County Code Chapter 11.32, Boating and Swimming, Special Restrictions, relating to two-stroke engine powered watercraft

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
07/09/2019	Council	SUBSTITUTE INTRODUCED FOR PUBLIC HEARING	Council
	Notes: Vote: 6-0, Byrd absent		
07/23/2019	Council	HELD IN COMMITTEE	Council Natural Resources Committee
	Notes: Vote: 7-0		
08/07/2019	Council Natural Resources Committee	RECOMMENDED FOR ADOPTION WITH PROPOSED AMENDMENT	
	Notes: Vote: 3-0		
08/07/2019	Council	SUBSTITUTE ADOPTED	
	Notes: Vote: 6-0-1, Byrd abstained, Ordinance 2019-059		

PROPOSED BY: DONOVAN
INTRODUCTION DATE: JULY 9, 2019

ORDINANCE NO. 2019-059

AMENDING WHATCOM COUNTY CODE CHAPTER 11.32, BOATING AND SWIMMING, SPECIAL RESTRICTIONS, RELATING TO TWO-STROKE ENGINE POWERED WATERCRAFT


WHEREAS, Lake Samish functions simultaneously as an important recreational resource, and as an important drinking water source for residents in the area, and

WHEREAS, the Whatcom County code currently recognizes that older, two-stroke boat motors are inappropriate for use on Lake Whatcom, a lake that also serves as a source for drinking water, but this provision has not been extended to Lake Samish, and

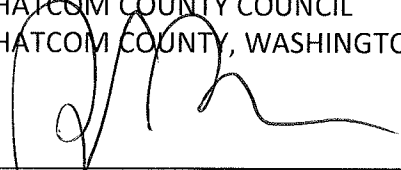
NOW, THEREFORE, BE IT ORDAINED that Chapter 11.32 of the County Code shall be amended to phase in a prohibition of two-stroke engine powered watercraft on Lake Samish as defined in Exhibit A.

ADOPTED this 7th day of August, 2019.


ATTEST


Dana Brown-Davis, Clerk of the Council

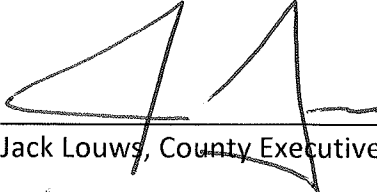
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Rud Browne, Council Chair

APPROVED AS TO FORM:


Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON


Jack Louws, County Executive

Approved () Denied

Date Signed: 8.9.19

EXHIBIT A

Chapter 11.32 SPECIAL RESTRICTIONS

Sections:

11.32.010 Lake Whatcom.

11.32.020 Lake Samish.

11.32.030 Silver Lake.

11.32.040 Birch Bay.

11.32.050 Cain Lake and Toad Lake.

11.32.060 Reed Lake.

11.32.070 Wiser Lake.

11.32.080 Lake Terrell.

11.32.090 Exceptions.

11.32.095 Severability.

11.32.010 Lake Whatcom.

The following restrictions shall apply on Lake Whatcom:

- A. Water skiing is permitted only in a counterclockwise direction.
- B. Maximum speed of vessels shall be 40 miles per hour, except for vessels taking part in a boating event authorized by sheriff's permit, and except for seaplanes using normal procedures during periods of takeoff or landing.
- C. Waters adjacent to Morning Beach Park Sudden Valley shall be restricted to swimming only.
- D. The water adjacent to Afternoon Beach Park is restricted to no public access on the west side of a line that extends northerly from Point A of a point on the easterly line of Parcel A to Point B as shown on Exhibit "A" attached to the ordinance codified in subsections C and D of this section, and swimming and nonpower boats on the east side of said line.

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

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

1. Watercraft powered by a two-stroke-powered engine whose engine is certified and labeled as meeting the 2006 or later model year United States Environmental Protection Agency (EPA) emissions standards, as specified in Title 40, Code of Federal Regulations, Part 91; or
2. Effective only until January 1, 2013, all carbureted two-stroke auxiliary sailboat engines; or
3. Effective only until January 1, 2013, all carbureted two-stroke engines of 10 horsepower or less;
or
4. Effective only until January 1, 2013, all electronic fuel-injected (EFI) two-stroke engines originally purchased before August 2004; or
5. Effective only until January 1, 2013, watercraft powered by a two-stroke-powered engine whose engine is certified and labeled as meeting the United States Environmental Protection Agency (EPA) 2001 emissions standards, including Rotax fuel-injected (RFI) two-stroke engines. (Ord. 2008-012 Exh. A; Ord. 2007-038 Exh. A; Ord. 2004-042; Ord. 90-83 (part)).

11.32.020 Lake Samish.

(Ord. 2008-012 Exh. A; Ord. 2007-038 Exh. A; Ord. 2004-042; Ord. 90-83 (part)).

The operation of all two-stroke engine-powered watercraft on Lake Samish is hereafter prohibited, effective November 1, 2020, except as follows:

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

11.32.030 Silver Lake.

The following restrictions shall apply on Silver Lake:

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

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

C. For the entire area of Silver Lake the idling speed or no-wake provision shall be in force at all hours from the official opening day of fishing season until May 20th of each year; thereafter, until June 30th, the no-wake restriction shall be in force in the mornings before 10:00 a.m. and in the evenings after 7:00 p.m. Use of motorized vessels with more than 10 horsepower is prohibited. (Ord. 2008-012 Exh. A; Ord. 2007-038 Exh. A; Ord. 2004-042; Ord. 90-83 (part)).

11.32.040 Birch Bay.

It is unlawful for any person to water ski within 600 feet of the shoreline of all Birch Bay waters. (Ord. 2008-012 Exh. A; Ord. 2007-038 Exh. A; Ord. 2004-042; Ord. 90-83 (part)).

11.32.050 Cain Lake and Toad Lake.

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

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

B. Speed shall be restricted to idling and/or no wake at all times. (Ord. 2008-012 Exh. A; Ord. 2007-038 Exh. A; Ord. 2004-042; Ord. 94-019; Ord. 90-83 (part)).

11.32.060 Reed Lake.

Only all-electric motors and/or manually powered boats are permitted to operate on Reed Lake. (Ord. 2008-012 Exh. A; Ord. 2007-038 Exh. A; Ord. 2004-042; Ord. 90-83 (part)).

11.32.070 Wiser Lake.

The following restrictions shall apply on Wiser Lake:

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

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

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

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

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

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

G. Water skiing is permitted only in a counterclockwise direction. (Ord. 2008-012 Exh. A; Ord. 2007-038 Exh. A; Ord. 2004-042; Ord. 90-83 (part)).

11.32.080 Lake Terrell.

Speed is restricted to idling and/or no wake at all times. (Ord. 2008-012 Exh. A).

11.32.090 Exceptions.

No restrictions contained in this chapter shall be deemed to apply to persons or vessels engaged in emergency operations necessary to save life or property or in the performance of wildlife management activities undertaken by either county or state governmental agencies or their designees. (Ord. 2008-012 Exh. A; Ord. 2007-038 Exh. A; Ord. 2004-042; Ord. 2002-008; Ord. 94-019).

11.32.095 Severability.

If any provision of this chapter is held to be invalid, all other provisions shall remain in effect. (Ord. 2008-012 Exh. A; Ord. 2007-038 Exh. A; Ord. 2004-042; Ord. 94-019).