

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2007-59

SUBJECT: Reckless Operation of Watercraft and Discharging Pollutants

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 12/6/2007
- (X) Passed by the City Council: 12/12/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 12/19/2007
- (X) Effective: 12/24/2007

DISTRIBUTED COPIES AS FOLLOWS: email all departments

- (J) NK Herald: Published
- (1) Ordinance or Resolution Book
- (K) Code Publishing - via email if in electronic format
- (1) City Attorney
- () Civil Service Commission and/or Sec/Chief Examiner
- (K) Clerk's Department: Original
- () City Council
- () Finance:
- () Fire District #18
- () Mayor
- (1) Municipal Court
- () MRSC from website:
- () Parks/Recreation:
- () Planning/Building:
- (1) Police
- () Public Works:
- () Public Works/Engr Section:
- () Bookshelf Contracts Copy
- ()

City Clerk

12-27-2007

Date

ORDINANCE NO. 2007-59
AN ORDINANCE OF THE CITY OF POULSBO,
WASHINGTON, AMENDING SECTIONS 12.28.120
AND 12.28.130 IN ORDER TO CLARIFY THAT
RECKLESS OPERATION OF WATERCRAFT AND
DISCHARGING POLLUTANTS INTO CITY WATERS
ARE MISDEMEANORS AND IN ORDER TO REQUIRE
CLEANUP OF ANY POLLUTANTS DISCHARGED IN
VIOLATION OF SECTION 12.28.130; PROVIDING FOR
SEVERABILITY AND ESTABLISHING AN
EFFECTIVE DATE.

WHEREAS, the City of Poulsbo recently adopted amendments to its marine regulations in Chapter 12.28 of the Poulsbo Municipal Code, and

WHEREAS, upon further review the Poulsbo City Council has determined to amend Sections 12.28.120 and 12.28.130 in order to clarify the penalties for violation of those code sections, now therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. **Reckless Operation of Watercraft.** Section 12.28.120 of the Poulsbo Municipal Code is hereby amended to read as follows:

12.28.120 Reckless Operation

It is unlawful for any person to operate any watercraft or vessel in a reckless manner upon, over or through the waters of the city. For the purposes of this section, to “operate in a reckless manner” means the operation of a watercraft or vessel in such a manner as to indicate a willful or wanton disregard for the safety of persons or property. Any person violating this section shall be guilty of a misdemeanor.

Section 2. **Discharging Pollutants and Littering.** Section 12.28.130 of the Poulsbo Municipal Code is hereby amended to read as follows:

12.28.130 Discharging Pollutants and Littering.

A. It shall be unlawful for any person to dump, throw, discharge, pump, or otherwise deposit junk, oil, gas, trash, debris, garbage, refuse, ballast or other waste of any kind on or into the waters of the city, including, but not limited to, any substance classified as a dangerous or hazardous waste or substance under state or federal law. This section shall also be applicable to persons owning, using or occupying floating homes. For purpose of this section, "floating home" means a building on a float used in whole or in part for human habitation as a dwelling, which is moored, anchored or otherwise secured in the waters of the city. This prohibition shall not apply, however, to any treated sewage discharged into any water of the city by the city of Poulsbo or any other governmental entity having permission of the city and applicable state and federal regulatory agencies to do so.

B. Any person violating this section shall be guilty of a misdemeanor.

C. Costs of Cleanup. In addition to any other fine or monetary penalty any person violating this section shall pay to the city all costs incurred by the city in cleaning up the material or substance deposited or discharged

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

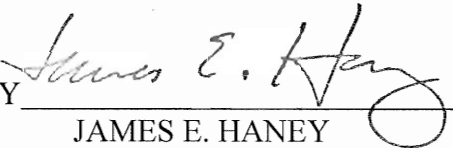


MAYOR KATHRYN H. QUADE

ATTEST/AUTHENTICATED:


CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: December 6, 2007
PASSED BY THE CITY COUNCIL: 12/12/2007
PUBLISHED: 12/19/2007
EFFECTIVE DATE: 12/24/2007
ORDINANCE NO. 2007-59

SUMMARY OF ORDINANCE NO. 2007-59

of the City of Poulsbo, Washington

On the 12th day of December, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-59. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS 12.28.120 AND 12.28.130 IN ORDER TO CLARIFY THAT RECKLESS OPERATION OF WATERCRAFT AND DISCHARGING POLLUTANTS INTO CITY WATERS ARE MISDEMEANORS AND IN ORDER TO REQUIRE CLEANUP OF ANY POLLUTANTS DISCHARGED IN VIOLATION OF SECTION 12.28.130; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 14th day of December, 2007.

Karol Jones
CITY CLERK KAROL JONES, CMC