

Langley Municipal Code

Title 14

Use of City Docks and Floats

Chapters:

14.01 Boat Harbor and Moorage Regulations

Chapter 14.01

Boat Harbor and Moorage Regulations

Sections:

14.01.010	Definitions.
14.01.020	Contract and rates
14.01.030	Transient moorage rates.
14.01.035	Rafting
14.01.040	Extended guest moorage.
14.01.050	Liveaboards
14.01.060	Utilities
14.01.080	Contract deposit
14.01.090	Boat harbor late fees and charges
14.1.100	Measures for securing boats and protecting the boat harbor by statute
14.01.110	City rights not limited
14.01.120	Vessel numbering
14.01.130	Living aboard
14.01.140	Vessels – Condition
14.01.150	Trespassing
14.1.160	Speed Regulations
14.01.170	Interference with navigation
14.01.180	Obstructions – Moving
14.01.190	Floating objects
14.01.200	Restricted areas
14.01.210	Swimming and Diving
14.01.220	Firefighting equipment.
14.01.230	Oil and petroleum products in water
14.01.240	Debris in water
14.01.250	Use of sanitary facilities
14.01.260	Blocking channel
14.01.270	Harbormaster authority
14.01.280	Peace and Quiet
14.01.290	Exclusion of persons from boat harbor
14.01.300	Prohibited activities – Misdemeanors
14.01.310	Prohibited activities – Infractions
14.01.320	Penalty

Section 14.01.010 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

"Annual Moorage" is a designated position where vessels or watercraft may anchor or moor on a year-around basis in that portion of the city's boat harbor facility that is not funded by the IAC (Interagency Committee for Outdoor Recreation).

"Boats" are all boats of any size or type, including dinghies, canoes, motor or sail driven boats.

"Boat harbor" is the Langley Boat Harbor and includes those areas within the boundaries of the harbor to include the water above and below land, rock and bulkheads, gangways, launching ramp, floats, piers, repair grids, piling, work areas and air space above.

"Breakwater" is the vertical timber piles to the north and east of the floating moorage slips.

"Commercial vessel" includes but is not limited to any marine craft that is used or retained primarily for commercial fishing, crabbing or any other taking of fish for profit; any vessel that is operated by a person who holds any commercial fishing license issued under RCW Chapter 75.28; any charter boat from which fish are taken for personal use; any vessel used or designed for transport of freight; any vessel that is primarily for research or development of underwater resources; any vessel that is used or designed for the transport of passengers for profit.

"Charges" are the charges of the city for moorage and all other charges owing or to become owing under a contract between a vessel owner and the city, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

"Dock" is a structure designed to float on salt water or constructed on piles in such a fashion as to permit a means of access from boats to shore.

"Facility" is all structures lying over and on the water east by northeast of the

bulkhead located in the Phil Simon Memorial Park at 260 Wharf Street; and the area known as Phil Simon Park, including the rest room facilities.

"Harbormaster" is the individual duly appointed by the Mayor to manage the boat harbor and approved by a majority of the city council.

"Holding over" is defined as use or occupation of a moorage or storage area at the boat harbor past the expiration date of a lawful moorage under contract or by guest moorage.

A "live-aboard" is a person who maintains a boat or other vessel as his or her primary residence or lives on a boat or vessel for more than fifteen days in any one month.

"Moorage" is a designated position where vessels or watercraft may anchor or moor.

"Owner" is every natural person, firm, partnership, corporation, association, or organization or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for the use of moorage or storage at the boat harbor.

"Overnight tie-up" is the moorage of a boat between the hours of four p.m. and eight a.m. or any portion of those hours.

"Pier" is any pier, wharf, float, grid or other structure to promote the convenient loading or unloading or other discharge of vessels or watercraft, or the repair thereof.

"Restricted area" is an area that has been marked and authorized by the laws and regulations of the city. It should be used for, or closed to, certain designated purposes such as fishing, swimming, skin-diving, and aquatic events.

"Transient vessel" is a vessel using a moorage facility that belongs to an owner who does not have a moorage agreement with the City of Langley. Transient vessels include, but are not limited to, vessels seeking a harbor of refuge, day use or overnight use of moorage facility on a space-as-available basis.

“Vessel” is every species of watercraft or other artificial conveyance capable of being used as a means of transportation on water that does not exceed 200 feet in length. “Vessel” includes any trailer used for the transportation of watercraft.

(Ord. 840, 2003)

14.01.020 Contract and rates.

- A. All tariff rates for moorage charges and other charges for services provided by the boat harbor shall be adopted by ordinance of the city council except as specifically authorized. Notice of rates adopted shall be posted at the Boat Harbor.
- B. All moorages at the boat harbor shall be by written contract except for transient moorages or emergency tie-ups. All rates for service and moorage specified in the contract shall be subject to change by ordinance or resolution by the city council.
- C. All moorages at the boat harbor shall be subject to lawful regulation issued by the City of Langley and may be modified from time to time.
- D. All moorage fees and other charges owed shall be paid by the tenth of the month in which it is billed.

(Ord. 840, 2003)

14.01.030 Transient moorage.

- A. Transient moorage rates shall be set by resolution or ordinance of the city council.
- B. Continuous moorage by one boat, at the moorage facility, is limited to fourteen (14) consecutive nights within a thirty-day (30) period, except for those boats with annual or winter moorage contracts. Changing slips or leaving the moorage facility temporarily and returning shall not affect

this limit. The thirty-day (30) period starts with the first day of moorage.

(Ord. 840, 2003)

14.01.035 Rafting.

A. During times that dockside moorage is full, rafting of boats will be allowed in those areas designated in Figure 14-1. (Exhibit A, attached) Established moorage fees will be collected for boats that are rafted.

B. At the direction of the Harbormaster, or authorized city staff, rafting may be allowed in areas designated “Clear Zone” on Figure 14-1 only to protect life and property during times of foul weather or other natural emergency.

(Ord. 856, 2005)

14.01.040 Extended guest moorage.

Stays in excess of fourteen days require a written contract, including a deposit.

- A. Winter Monthly Moorage.
 - a. Winter monthly moorage may be provided for recreational or commercial vessels and other aqua-cultural activities during the period of October 1st through April 30th of each year.
 - b. The monthly rate for winter moorage shall be set by resolution of the Langley City Council and may include utilities available at the moorage facility.
 - c. Preference for winter moorage is granted to those boat owners who successfully complete the Winter Moorage Agreement from the year before. After those owners have been given an opportunity for winter moorage, applications will be considered on a first come, first serve basis. The City reserves the right to refuse moorage to owners who have been delinquent in payments or have violated the terms and

Langley Municipal Code

conditions of previous lease agreements.

- d. All boaters interested in annual moorage shall submit a completed application, on forms provided by the city, along with a copy of the boat registration and proof of insurance along with an application fee as set by council resolution. Commercial vessels will be required to present a copy of their state business license and are required to obtain a City of Langley business license. The Mayor and the Public Works Director shall review and approve or disapprove all applications.

B. Winter Full Term Moorage

- a. Winter Full Term moorage may be provided for recreational or commercial vessels and other aqua-cultural activities for the period of October 1st through April 30th of each year.
- b. The monthly rate for winter full term moorage shall be set by resolution of the Langley City Council and may include utilities available at the moorage facility.
- c. Preference for winter full term moorage is granted to those boat owners who successfully complete the Winter Moorage Agreement from the year before. After those owners have been given an opportunity for winter moorage, applications will be considered on a first come, first serve basis. The City reserves the right to refuse moorage to owners who have been delinquent in payments or have violated the terms and conditions of a previous lease agreement.

d. All boaters interested in annual moorage shall submit a completed application, on forms provided by the city, along with a copy of the boat registration and proof of insurance along with an application fee as set by council resolution. Commercial vessels will be required to present a copy of their state business license and are required to obtain a City of Langley business license. The Mayor and the Public

Works Director shall review and approve or disapprove all applications.

C. Annual Moorage

- a. Annual moorage shall be provided to a limited number of recreational vessels.
- b. The monthly rate for annual moorage shall be set by resolution of the Langley City Council and may include utilities available at the moorage facility.
- c. A waiting list has been established, allowing potential boaters to sign up for an annual moorage space.
- d. When an annual moorage berth becomes available, the waiting list shall be reviewed and the following factors shall be taken into consideration when assigning the available space.
 - i. Priority shall be given to boaters who have successfully held a winter moorage lease with the City during the previous term; whose boats fit the available space; and are either property owners in the City of Langley or are residents of Langley.
 - ii. Second priority shall be given to boaters who have successfully held a winter moorage lease with the City during the previous term; or are property owners in the City of Langley, or are Langley residents and whose boats fit the available space.
 - iii. Third priority shall be given to boaters who have been on the list the longest and whose boats fit the available space.
- e. If an annual moorage space becomes available during the year and there are no boaters on the waiting list, then the City shall advertise for new applicants based on the priorities set forth above.
- f. All boaters interested in annual moorage shall submit a completed

application along with a copy of the boat registration and proof of insurance along with an application fee as set by council resolution.

g. The Mayor and the Public Works Director shall review and approve or disapprove all final awarding of moorage.

C. All boats that have a monthly or annual moorage agreement that leave the facility, may be subject to rafting upon return to the harbor if the harbor is full. No refund of fees will be given if short term rafting is required.

(Ord. 840, 2003) (Ord. 859, 2005)

14.01.050 Live-aboards.

In addition to qualifying for winter or annual moorage, an application must be completed to live-aboard a vessel moored in the harbor. The application must be reviewed and approved by the Mayor and/or his/her delegate. The applicant must agree to a credit check and a criminal background check and pay an application fee set forth by the Langley City Council. The fee for living aboard a vessel in the boat harbor shall also be set forth by the Langley City Council. This fee is in addition to all other applicable moorage charges, taxes and utility charges. Dogs are not allowed to live aboard these vessels.

(Ord. 840, 2003)

14.01.060 Utilities.

The Langley City Council sets forth utility rates.

(Ord. 840, 2003)

14.01.080 Contract deposit.

Occupancy of a slip for a period of fourteen days or greater will require execution of a written contract at the time of occupancy. At the time of execution, payment of the first month's moorage will be required. Additionally, a deposit equal to one full month's moorage will be required. This deposit shall be applied to any moorage charges owing at the time of termination of the moorage. The remainder shall be refunded. Thirty days' notice is required prior to vacating a slip. A deposit of an

additional one month's moorage paid in advance may be required if during the time a vessel is moored in the boat harbor, the account has become delinquent and the original deposit has been applied to the delinquency or the original deposit for any reason can no longer be used for security.

(Ord. 840, 2003)(Ord. 859, 2005)

14.01.090 Boat harbor late fees and charges.

A. Late charges shall be collected under the circumstances provided below as set forth by resolution of the council.

a. Late charge at the rate of 12 percent per year shall be charged on all accounts in excess of 30 days delinquent.

b. A service charge shall be imposed when notice of delinquency is mailed by certified mail.

c. A service charge shall be imposed when the vessel is chained or otherwise secured.

d. A service charge shall be imposed when council action is requested to sell a vessel.

e. A service charge shall be imposed when it is necessary to inventory a vessel.

B. In addition, the person contracting for moorage or storage, or the vessel's owner, as the case may be, shall pay all costs incurred by the city in collection including, but not limited to, costs of title and lien search, postage, publication of notice, fees and wages for auctioneer and reimbursement to the city for employee's time spent on collection at an hourly rate of \$20.00 per hour for tasks required in securing, safekeeping and selling the property and for which no fixed charge is set out in subsections (A)(a) through (A)(e) above.

(Ord. 840, 2003)

14.01.100 Measures for securing boats and protecting the boat harbor authorized by statute.

A. The harbormaster, or his or her designee, may take reasonable measures, including the use of chains, ropes and locks or removal from the water, to secure vessels

within the boat harbor so that the vessels are in the possession and control of the city, and cannot be removed from the boat harbor. These procedures may be used if an owner mooring or storing a vessel at the boat harbor fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such harbor charges are owing, to pay the harbor charges owed or to commence legal proceedings. Notification shall be by registered mail to the owner at owner's last known address. In the case of a transient vessel, or where the owner has furnished no address, the city need not give such notice prior to securing the vessel. At the time of securing the vessel, the harbormaster, or his or her authorized designee, shall attach to the vessel a readily visible notice. The notice shall be of reasonable size and shall contain the following information:

a. The date and time notice was attached;

b. A statement that if the account is not paid in full within 90 days from the time the notice was attached; the vessel may be sold at public auction to satisfy the boat harbor charges;

c. The address and telephone number at which additional information may be obtained concerning release of the vessel. After a vessel is secured, the city shall make reasonable efforts to notify the owner by registered mail in order to give the owner the information contained in the notice.

B. The harbormaster, or the designee of the harbormaster, may move a moored vessel ashore for storage within properties under the city's control or for storage with private persons under their control as bailees of the city, if the vessel is, in the opinion of the harbormaster, or the designee of the harbormaster, a nuisance, if the vessel is in danger of sinking or creating other damage; or is owing boat harbor charges. The vessel's owner shall pay costs of any such procedure.

C. If a vessel is secured under subsection (A) of this section, or moved ashore under subsection (B) of this section, the owner who is obligated to the boat harbor for boat

harbor charges may regain possession of the vessel by:

a. Making arrangements satisfactory with the harbormaster for the immediate removal of the vessel from the boat harbor or for authorized moorage; and

b. Making payment to the city of all boat harbor charges, or by posting with the city a sufficient cash bond or other acceptable security, to be held in trust by the city pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the city shall reserve so much of the bond or other security as agreed or as is necessary to satisfy any judgment, costs and interests as may be awarded to the city. The balance, if any, shall be refunded immediately to the owner at his last known address.

D. If a vessel has been secured by the harbormaster under subsection (A) of this section, remains moored or stored at the boat harbor; and is not released to the owner under the bonding provisions of this section within 90 days after notifying, or attempting to notify, the owner under subsection (A) of this section, the vessel shall be conclusively presumed to have been abandoned by the owner.

E. If a vessel moored or stored at the moorage facility is abandoned, the harbormaster may, by resolution of the city council, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as follows:

a. Before the vessel is sold, the owner of the vessel shall be given at least 20 days' notice of the sale in the manner set forth in subsection (A) of this section, if the name and address of the owner are known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of boat harbor charges owed with respect to the vessel. The notice of the sale shall be

published at least once, more than 10 but not more than 20 days before the sale, in the designated legal newspaper for Langley. Such notice shall include the name of the vessel, if any, the last known owner and his or her address, and a reasonable description of the vessel to be sold. The city may bid all or part of its boat harbor charges at the sale and may become a purchaser at the time of sale.

b. Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of the boat harbor charges owing. Such lawsuit must be commenced within 10 days of the date the notification was provided pursuant to subsection (A) of this section, or the right to a hearing shall be deemed waived and the owner shall be liable for any boat harbor charges owing the city operator. In the event of litigation, the prevailing party shall be entitled to reasonable attorney's fees and costs.

c. The proceeds of a sale under this section shall first be applied to payment of boat harbor charges. The balance, if any, shall be paid to the owner. If the owner cannot, in the exercise of due diligence, be located by the city clerk/treasurer within one year from the date of the sale, the excess funds from the sale shall revert to the Department of Revenue, pursuant to Chapter 63.28 RCW. If the sale is for a sum less than the applicable boat harbor charges, the city is entitled to assert a claim for a deficiency.

d. In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within 10 days of sale, title to the vessel shall revert to the moorage facility owner.

F. All tariffs, including these regulations under the ordinance codified in this chapter, shall be conspicuously posted at the boat harbor at all times.

(Ord. 840, 2003)

14.01.110 City rights not limited.

Nothing contained in this chapter shall be construed as a limitation on the power of the city to exercise other powers or rights granted by law or contract

(Ord. 840, 2003)

14.01.120 Vessel numbering.

All boats entering the Harbor shall have valid registration as required by the U.S. Coast Guard or applicable state law. The City reserves the right to require proof of ownership. Failure to comply will be cause for refusal of, or termination of moorage.

(Ord. 840, 2003)(Ord 858, 2005)

14.01.130 Living aboard.

Permanently living aboard a vessel or watercraft in the boat harbor is prohibited except when written permission is received from the city. In determining whether or not a vessel may be used as permanent quarters, the city shall consider the size of the vessel, the adequacy of the quarters and sanitation facilities. The city may issue rules and regulations to implement any permit or permits issued and may revoke any permit immediately if, in the harbormaster's opinion, there is any dumping of debris or sewage. If there is a breach of the rules and regulations as may be prescribed by the city under this section, then five days notice shall be given to cure any breach and if, in the opinion of the harbormaster, such violation continues, the permit may be terminated. If a permit is terminated, the permittee may appeal to the city council by directing a notice of appeal within 20 days from the termination of the permit.

(Ord. 840, 2003)

14.01.140 Vessels – Condition.

Vessels, which in the opinion of the harbormaster do not meet normal safety standards or are deemed hazardous to the boat harbor property or other vessels, may be denied permission to remain on the boat harbor premises. All vessels that do not carry the equipment required by the applicable United States laws or regulations now in existence or as the same may be amended in the future which pertain to the

vessel shall be deemed not to meet normal safety standards. If the harbormaster, or his designee, may deem that hazard is imminent, he may request the vessel to leave immediately. Vessels moored at the boat harbor, or who enter the boat harbor water, may be boarded and inspected to see that they meet the applicable safety standards. Boarding may be done by the harbormaster, or his designee, at reasonable times and places, and failure to comply with a reasonable boarding and inspection request shall be grounds to cancel the moorage contract immediately. All vessels which do not carry the equipment required by the applicable United States laws or regulations which pertain to said craft, as now in force or as they may be amended in the future, may have the moorage agreement canceled. The harbormaster, or the harbormaster's designee, shall have the power to take possession of a vessel within the boat harbor that is deemed hazardous to the boat harbor property or other vessels, and move said vessels ashore or to another location in or outside the boat harbor to provide for safety of the boat harbor property or other vessels. (Ord. 840, 2003)

14.01.150 Trespassing.

A. It is unlawful to secure, tie up, anchor, moor or otherwise fasten any vessel to or adjacent to a float, dock, pier, breakwater, piling, or vessel in the waters of the Langley Boat Harbor for more than two hours without the continuing permission of the harbormaster. Upon revocation of such permission, the owner or other person in charge of the vessel, or both, shall immediately remove the vessel from boat harbor waters.

B. It shall be unlawful to bring an unseaworthy vessel into the waters of the Langley Boat Harbor except in the case of emergency necessary to prevent injury or death to person or damage to property.

C. It shall be a defense to an offense charged under subsection (A) of this section that the person charged entered the Langley Boat Harbor area with the vessel to save life or property and could not obtain permission

prior to his or her entry into the waters of the Langley Boat Harbor; provided, further, that this defense shall be unavailable if the vessel, boat, ship, barge or other floating object has remained in the waters of the Langley Boat Harbor for a period longer than necessary to make or to obtain a tow to another port to make the vessel seaworthy or 10 days, whichever period of time is shorter.

(4) It shall be unlawful to park or leave any vehicle, trailer, boat, boat on trailer, recreational vehicle or other equipment in the boat harbor parking lot for a period in excess of 72 consecutive hours.

(Ord. 840, 2003)

14.01.160 Speed regulations.

On all waters of the boat harbor it is unlawful for any person to operate any vessel at a speed in excess of three knots or leave a wake.

(Ord. 840, 2003)

14.01.170 Interference with navigation.

No person shall operate any vessel in a manner that unreasonably or unnecessarily interferes with other vessels or with the free and proper navigation of the waterways of the boat harbor. Anchoring or mooring in heavily traveled channels of the boat harbor shall constitute such interference if unreasonable under the prevailing circumstances

(Ord. 840, 2003)

14.01.180 Obstructions – Moving.

No master or person having charge of any vessel or obstruction shall moor or anchor the same in a way so as to unreasonably hinder use of navigable waters of the boat harbor by others, or make the same fast to any buoy, pier or other structure owned by or under the authority and control of the city without obtaining permission from the harbormaster or his designee.

(Ord. 840, 2003)

14.01.190 Floating objects.

All vessels, watercraft, logs, pilings, building materials, scows, houseboats or any other article of value found adrift in boat

harbor waters, may be taken in charge by the harbormaster and shall be subject to reclamation by the owner thereof, on payment by him to the city of any expenses incurred by the city, and in case of failure to reclaim may be sold or disposed of according to law.

(Ord. 840, 2003)

14.01.200 Restricted areas.

In the interest of safe navigation, life, safety and protection of property, the harbormaster may designate and identify restricted areas within the boat harbor and harbor. No person shall operate a vessel, or vehicle, or trespass in a restricted area without written approval of the harbormaster; provided, that this provision shall not apply to vessels or persons engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in case of an emergency.

(Ord. 840, 2003)

14.01.210 Swimming and diving.

It shall be unlawful to swim or dive from the dock, floating moorages, ramp way, piling or within the breakwater. Diving for maintenance purposes may be allowed with permission of the harbormaster.

(Ord. 840, 2003)

14.01.220 Firefighting equipment.

Fire extinguishers and other firefighting equipment are to be used only for the fighting of fires and any other use shall be unlawful. Any other use will subject user to replacement of items or contents.

(Ord. 840, 2003)

14.01.230 Oil and petroleum products in waters.

Any person in charge of any vessel or on or about any vessel, pier or dock or on the shore or breakwater of the boat harbor who throws, spills or causes to be discharged petroleum products upon the waters of the boat harbor or disposes of them other than at an approved site is guilty of an unlawful act.

Any person causing or allowing petroleum products to get on the waters of the boat harbor shall immediately take whatever steps are necessary and available to remove or confine the same from the water and said person shall also promptly notify the harbormaster, or his designee. Failure to promptly report is unlawful. The harbormaster or his designee may use whatever equipment or facilities may be deemed necessary to remove the petroleum product from the water. Any expenses, including the hourly pay of persons employed by the city, in the cleanup shall be charged to the person causing the spill or the owner of the boat responsible.

(Ord. 840, 2003)

14.01.240 Debris in waters.

It is unlawful for any person to deposit, throw or place any object, garbage, litter, debris or any waste in the boat harbor harbor, pedestrian or vehicle parking area except into a receptacle or litter container.

(Ord. 840, 2003)

14.01.250 Use of sanitary facilities.

It is unlawful for any person to flush any sewage or waste matter into the waters of the boat harbor. All persons shall use dockside sanitary facilities.

(Ord. 840, 2003)

14.01.260 Blocking channel.

It is illegal for any person to moor a boat in a channel designated for ingress or egress from the boat harbor.

(Ord. 840, 2003)

14.01.270 Harbormaster authority.

The harbormaster shall have the authority to issue orders and/or written rules and regulations necessary for the safe and efficient operation of the boat harbor consistent with this chapter and for the preservation and use of park and open spaces included within the boat harbor area. The harbormaster may move boats for the protection of life or property or proper utilization of the facility.

(Ord. 840, 2003)

14.1.280 Peace and Quiet.

Quiet hours at the facility shall be from 11:00 p.m. to 6:00 a.m. (Ord. 840, 2003)

14.01.290 Exclusion of persons from the boat harbor or portions of the boat harbor.

A. The harbormaster or other person designated under subsection (D) of this section may order anyone to leave the premises of the boat harbor who within the boat harbor:

a. Causes injury to another or creates a substantial risk of injury to another; or

b. Causes damage to property of the city or to the boat harbor or the property of another or creates a substantial risk of such damage; or

c. Causes, while within the boat harbor, an unlawful interference with another person's lawful use of the boat harbor or sidewalks adjacent to the boat harbor; or

d. Engages in conduct creating a substantial risk of damage to property of the city or another or to the boat harbor; or

e. Commits any offense listed in LMC 14.01.200 or 14.01.210 under circumstances where it is likely that the conduct would have continued but for action of others acting under authority of this chapter; or

f. Allows a boat to trespass at the boat harbor as defined under LMC 14.01.150. Upon such an order being given, the recipient shall no longer be invited, licensed or otherwise privileged to remain in the boat harbor area from which he or she was ordered to leave. The order may specify an area of the upland or the moorage area on the docks and adjacent waters or both. A person who has been ordered by the harbormaster to leave the boat harbor or a portion thereof shall not re-enter the premises of the boat harbor from which he or she was ordered to leave for a period of 24 hours after the order was given.

B. The harbormaster or the chief of police may forbid anyone from re-entering the premises of the boat harbor for a period longer than 24 hours and less than a year whenever:

a. The person has been ordered to leave one or more times for reasons set out in subsection (A) of this section; and

b. The person who while in the boat harbor under the incidents specified in subsection (B)(a) of this section:

(i) Had caused injury to another, or

(ii) Had engaged in conduct creating a substantial risk of injury to another within the boat harbor, or

(iii) Had caused damage to property, or

(iv) Had engaged in conduct creating a substantial risk of damage to property of the city or another or to the boat harbor, or

(v) Had caused while on boat harbor property an unlawful interference with another person's lawful use of the boat harbor or sidewalks adjacent to the boat harbor, or

(vi) Had committed two or more violations of this chapter or other misdemeanor under city code within the area of the boat harbor within a one-year period (the violation can be either a gross misdemeanor, misdemeanor or infraction or any

- combination thereof), or
- (vii) Made threats to kill or harm a boat harbor employee, tenant or guest of the boat harbor;

c. The harbormaster finds it is necessary to continue exclusion of the person in the boat harbor to provide for safety of persons using or working in the boat harbor or protection of boat harbor property or prevent interference with boat harbor functions.

An order prohibiting re-entry for a period longer than 24 hours shall be in writing by the city. It shall identify rights of appeal under Chapter 1.14 LMC. Chapter 1.14 LMC shall govern appeals. Appeal from the decision shall be in writing to the city administrator or his or her designee and filed with as set forth in Chapter 1.14 LMC.

C. Any of the following persons are guilty of the crime of illegal trespass in the boat harbor:

a. Anyone who fails to leave the boat harbor or the portion of the boat harbor from which he or she was excluded after being ordered by the harbormaster, or another authorized to act in his or her behalf under the authority of this section to leave;

b. Anyone who re-enters the boat harbor or the portion of the boat harbor from which he or she was excluded during the time period of exclusion after leaving the premises under an order of exclusion on this section;

c. Anyone who enters the boat harbor within the period contained in a written order prohibiting entry issued by the harbormaster or chief of police under the authority of this section;

d. Anyone who enters that portion of the boat harbor from which the person was excluded within the period contained in a written order prohibiting entry issued by the chief of police under the authority of this section.

D. Any of the following persons may issue orders of exclusion for 24 hours on behalf of the harbormaster:

a. Any employee of the city working for the Langley Boat Harbor; or

b. A police officer.

An order prohibiting re-entry for a period longer than 24 hours may only be issued by the police chief or a police officer.

E. Every offense defined by this section or conduct made unlawful hereby shall constitute a misdemeanor and any person convicted of such crime may be punished by a fine in any sum not to exceed \$1,000 or by imprisonment for a term not to exceed one year, or by both such fine and imprisonment. (Ord. 840, 2003)

14.01.300 Prohibited activities – Misdemeanors.

A. The following activities are not permitted in the boat harbor area:

a. Violating the limit of fourteen consecutive nights within a thirty-day period without a written moorage agreement.

b. Knowingly or intentionally disturbing or interfering with any individual or group engaged in a lawful use of boat harbor facilities, or conducting oneself in a way that is a danger to oneself, other people or other property;

c. Willfully marking, marring, defacing, disfiguring, injuring, tampering with or displacing, removing, burning, cutting, carving, digging up or damaging any boat harbor property or attendant facility, statue, structure, monument, fountain, vase, wall, fence, railing, vehicle, bench or any plants, trees or shrubs, or attaching rope, wire or other contrivance to a tree, plant, shrub or structure;

d. Engaging in lewd or lascivious conduct in public;

e. Opening, possessing alcoholic beverages in an open container, or consuming any alcoholic beverages, except on private vessels.

f. Urinating or defecating in any public place in the boat harbor other than in a designated restroom;

g. Urinating or defecating on the floor or walls of a public restroom;

h. An open fire on the float, including cutting torches, welders or

anything else that would constitute a fire hazard, unless specifically authorized by the harbormaster.

i. Conducting oneself as to disturb boaters or live-aboards in their sleeping quarters during quiet hours. The use of sound-emitting electronic equipment including electrical speakers, radios, phonographs, televisions or other such equipment at a volume that emits sound beyond the immediate moorage site that may disturb other moorage users without specific permission of the harbormaster is prohibited.

j. Assisting any other person or persons in carrying out any of the above acts.

B. Every offense defined by this section or conduct made unlawful hereby shall constitute a misdemeanor and any person convicted of such crime may be punished by a fine in any sum not to exceed \$1,000 or by imprisonment not to exceed one year, or both such fine and imprisonment.

14.01.310 Prohibited activities – Infractions.

A. The following activities are not permitted in the boat harbor:

a. Spitting on sidewalks, docks, grounds, buildings or water areas;

c. Cursing or swearing at another person who is using the boat harbor or who is using the adjacent park or street;

d. Blocking any roadway, gangway, pier, float, finger pier, sidewalk, dock or pathway in the boat harbor or adjacent to the boat harbor. “Blocking” means standing, sitting or reclining on a sidewalk by oneself or in concert with others in such a way that more than half of the width of a walkway is blocked from normal use as a walkway; or placing landing steps so that they occupy more than half the width of the finger pier.

e. Standing or walking on the tabletops of any picnic table in the boat harbor;

f. Distributing, leaving, throwing, tacking or posting any sign, hardback poster, advertisement or inscription for advising any good, service, meeting of people or similar

purpose except for authorized locations authorized by the harbormaster or his or her designee;

g. Soliciting, interfering with, or accosting other people for purpose of selling, begging, immoral acts, harassing or otherwise interfering with another’s use of the boat harbor or adjacent park or for other similar purposes;

h. Disposing of or depositing any refuse or other material in the boat harbor except in designated receptacles;

i. Noncompliance with directions from the harbormaster;

j. Unattended boats that are not securely moored with bow, stem and spring lines. (Four or more lines are required.)

k. Unattended dinghies stored in the water or in an area that is not designated for dinghy moorage.

l. Fishing on the float area.

m. Unauthorized personnel on the float. Authorized personnel are registered boat owners, their guests, City staff or as approved by the harbormaster.

n. Allowing children under the age of 8 on the floats or finger piers unless supervised by an adult.

o. Dogs without a leash.

p. Operating engine driven electric generators during quiet hours, except in the event of a power failure.

q. Rafting without the prior direction of the harbormaster. Moorage fees shall apply.

r. Mooring a boat to the breakwater.

s. Assisting any other person or persons in carrying out any of the above acts.

B. Every offense defined by this section shall be a civil infraction and shall be punishable as such by a civil penalty of up to \$250.00.

(Ord. 840, 2003)

14.01.320 Penalty.

In addition to the remedies provided in other sections, it is a misdemeanor for anyone to violate LMC 14.01.120, 14.01.130, 14.01.140, and 14.01.150, and said violation(s) shall be punishable by a fine not

Langley Municipal Code

to exceed \$1,000.00 and a jail sentence of no more than 90 days, or both such fine and imprisonment. Each day of continuing violation, or part thereof, shall be a separate offense.

Other violations of this chapter shall be infractions punishable as set out in Chapter 1.14 LMC, as now in effect or hereafter amended.

(Ord. 840, 2003)