

Ordinance No. 109, 1979

An Ordinance
establishing boating rules and regulations,
determining standards of water safety,
and adopting a chapter in the Clallam County Code (C.C.C.)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 15.04*

BOATING AND WATER SAFETY

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- 15.04.020 Applicability
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C.C.C. 15.04.010 Purpose. It is necessary for the public health, safety, and welfare that the operation of boats and swimming in the lakes and rivers of Clallam County be regulated.

C.C.C. 15.04.020 Applicability. The regulations below shall apply within all lakes and rivers of Clallam County.

C.C.C. 15.04.030 Definitions. The following words and phrases as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:

*New Chapter

(1) "Boat". Any watercraft, including but not limited to rafts, canoes, skiffs, dinghies, rowboats, sailing vessels, motor boats, or other vehicles or devices which move on water, but not including simple flotation devices such as innertubes and air mattresses.

(2) "Motor Boat". Any boat propelled in whole or in part by machinery, including boats temporarily equipped with detachable motors.

(3) "Person". Any individual, firm, corporation, co-partnership, company, association, or joint stock association including any trustee, administrator, executor, receiver, assignee or other personal representative thereof.

(4) "Operator". Any person having control of a boat.

(5) "Waterway marker". Any device designed to be placed in or near water to convey a message to a boat operator, including buoys and signs.

(6) "Water skiing". The operation of a motor boat which has in tow a person on water skis, aquaplane or other similar boat.

C.C.C. 15.04.040 Reasonable Care Required. Every operator of a boat or motor boat and every user of a towed device shall at all times operate the same so as not to endanger the life, limb or property of any person. Operating a boat in a manner inconsistent with this chapter and which interferes with the free and proper use of the lakes and rivers of the county shall not be operating in a careful and prudent manner.

C.C.C. 15.04.050 General Speed Limit. No person shall operate a motor boat at a rate of speed greater than will permit him, in the exercise of reasonable care to bring the motor boat to a stop within half the assured clear distance ahead, and in no event at a speed greater than forty miles per hour (40 mph),

Provided, that this limit shall not apply to the operation of a motor boat in a race or regatta which is affirmatively sanctioned by the County Sheriff on a marked racing course.

C.C.C. 15.04.060. Rules of Operation.

(1) The following rules of operation shall apply whenever boats are approaching one another, so as to involve the risk of collision, except that whenever a motor boat and a sailboat are proceeding in such direction as to involve the risk of collision, the motor boat shall keep out of the way of the sailboat:

(a) When two (2) boats are approaching each other "head-on" or nearly so (so as to involve risk of collision), it shall be the duty of each boat to bear to the right and pass the other boat on its left side.

(b) When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right-of-way.

(c) One boat may overtake another on either side, but must grant right-of-way to the overtaken boat.

(2) No boat shall operate closer to other boats using the waters of the lakes and rivers than is reasonable and safe and shall stay a reasonable and safe distance from slower moving craft.

(3) No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other normal operating conditions. Information relating to maximum capacity shall be determined and exhibited in accordance with the methods and formulas recognized by the United States Coast Guard.

(4) No person operating a motor boat shall allow any person to ride or sit on the gunwales thereof or on the decking over the bow of the vessel while underway; Provided, that nothing in this section shall be construed to mean that passengers or other persons aboard a motor boat cannot stand on the decking over the bow of the boat to moor the boat to a mooring buoy or to cast off from such a buoy, or for any other necessary purpose.

C.C.C. 15.04.070 Skin Diving. A red flag with a white diagonal running from the upper left hand corner (from mast head to lower outside corner) and known as the "diver's flag" shall be displayed on the water by any person engaged in skin diving to indicate the presence of a diver submerged in the immediate area. Operators of boats will exercise caution when such a flag is displayed and will not come within twenty-five (25) yards of such a flag.

C.C.C. 15.04.080 Safety - Other Equipment, When Required.

(1) It shall be unlawful to operate a boat between one-half hour after sunset and one-half hour before sunrise without a white light distinctly visible for 360 degrees horizontally and for a distance of at least three hundred feet (300') under clear weather conditions.

(2) Every boat must display Coast Guard or state registration numbers on the bow of the boat being operated, or the operator shall have a ~~recognizable~~ sign of personal identification on his/her ^{self} ~~person~~ ^{and} ~~or boat~~ which is recognizable from a distance of at least 200 feet.

(3) All boats must carry one Coast Guard approved personal flotation device for each person aboard recreational boats, including sailboats, rowboats, kayaks and canoes.

(4) All water skiers shall wear a Coast Guard approved flotation device while water skiing.

(5) The exhaust of every internal combustion engine used on any motor boat shall be effectively muffled at all times.

C.C.C. 15.04.090. Operating Age - Exception. No person under the age of fourteen (14) years shall operate a motor boat; Provided, that a person under the age of fourteen (14) years may operate a motor boat if accompanied by a parent, guardian or responsible adult, or if the boat shall be propelled by a motor with less than ten horsepower (10 hp).

C.C.C. 15.04.100. Accidents.

(1) The operator of any boat involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such boat at the scene of such accident and shall give his name, address, full identification of his boat and the name and address of the owner to the person struck or the operator or occupants of the boat collided with, and shall render to any person injured in such an accident reasonable assistance and shall report such accident to the nearest or most convenient law enforcement agency or office.

(2) The operator of any boat involved in an accident resulting in an injury or death to any person or damage to property shall within 48 hours forward a written report on Coast Guard Boating Accident Report Form, CG-3865 to the county sheriff.

C.C.C. 15.04.110. Operation While Intoxicated - Prohibited.

It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic drugs or barbitol to operate, propel or be in actual physical control of any boat. It shall be unlawful for the owner of any boat or any person having such in charge or in control to authorize or knowingly permit the same to be propelled or operated by any person who is under the influence of intoxicating liquor, narcotic drugs or barbitol.

C.C.C. 15.04.120. Swimmers. Boats shall not pass within one hundred feet (100') of shoreline areas where persons are swimming; Provided, that water skiers shall be allowed to start and stop from lake shore. All boats shall reduce speed to a minimum when docking or landing. All swimmers more than one hundred feet (100') from shore shall be accompanied by a boat.

C.C.C. 15.04.130. Water Skiing.

(1) Except on safe take-offs and landings, boats with skiers under tow must keep 200 feet or more from shore. A take-off or landing will not be considered safe unless it can be accomplished without risk to any swimmers or other boats. Skiers must be picked up by the boat before passing the 200-foot-from-shore line. When safe, the skier, but not the boat, may ski inside the 200-foot-from-shore line, but not nearer than 100 feet from shore, except when skier is in the process of landing.

(2) If a skier falls when more than fifty (50) feet from shore or from a float, the towing boat shall return at once to the downed skier giving due regard to the safety of any other skiers it may be towing.

(3) No boat shall follow behind a skier closer than 300 feet, nor cross the towing boat's bow by less than 200 feet, nor pass alongside a skier closer than 100 feet.

(4) Any boat towing a skier must be manned by a competent observer or ski-tender in addition to the operator, or be equipped with a wide-angle rear view mirror.

C.C.C. 15.04.140 Litter and Human Waste.

(1) Marine Toilets. No person shall maintain or operate any boat which is equipped with a toilet unless such toilet has a holding tank device to render waste harmless or unless such toilet is rendered inoperative by having the discharge outlet effectively sealed.

(2) No litter or debris, including human waste, shall be discarded from a boat on to the lake.

C.C.C. 15.04.150 Watercraft Noise Performance Standards.

(1) Chapter 173-70 WAC, Watercraft Noise Performance Standards, is hereby adopted by reference.

(2) A violation of the noise levels established by Chapter 173-70 WAC shall be a nuisance. An action to abate the nuisance may be brought by the Prosecuting Attorney or any person harmed by the violation.

C.C.C. 15.04.160 Special Rules - Lake Sutherland and Lake Pleasant The following regulations shall apply only to Lake Sutherland and Lake Pleasant:

(1) Mooring of boats. No boat shall be moored more than twenty feet (20') off shore other than when fastened to a dock.

(2) Speed rules. Subject to the general rules of CCC 15.04.030, no boat shall exceed the following speeds on the lake:

(a) Within 200 feet of the shore: 6 mph, except for boats with skiers under tow on safe take-offs and landings.

(b) When within 100 feet of a sailboat, rowboat or canoe: 6 mph.

(c) From one-half hour after sunset to one-half hour before sunrise, anywhere on the lake: 10 mph.

(3) All power boats shall move in a counter-clockwise pattern, except when within 200 feet of shore. All boats taking off from shore shall take off as perpendicular to shore as practicable. On both take-offs and landings, boats and water skiers shall keep as far distant as possible from adjoining docks, floats and shoreline.

C.C.C. 15.04.170 Special Rules - Lake Aldwell. The following regulations shall apply to Lake Aldwell:

No motorboat shall be operated at a speed in excess of ten miles per hour (10 mph) on the lake.

C.C.C. 15.04.180 Penalties. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and may be punished by a fine of up to Five Hundred Dollars (\$500.00) and/or 90 days in the county jail.

C.C.C. 15.04.190. Repeal of Prior Ordinances. Clallam County Ordinance No. 22, 1967, and any former ordinances or amendments or provisions thereof conflicting or inconsistent with the provisions of this chapter, are hereby repealed, provided that prosecution for any violation of Ordinance 22-1967 occurring prior to the effective date of this chapter shall not be affected or abated.

C.C.C. 15.04.200. Severability. If any section, sub-section, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of this chapter; it being hereby expressly declared that this chapter and each section, sub-section, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more other sections, sub-section, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

C.C.C. 15.04.210. Effective Date. This chapter shall take effect 10 ^{ANN. L. 10} days after adoption.

ADOPTED this 31 day of July, 1979.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Walt Kessel
Dick Lotzgesell, Chairman

Ronald N. Richards
Ronald N. Richards

Harry Lydiard
Harry Lydiard

ATTEST:

Ben G. Stone
BEN G. STONE
Clerk of the Board

by Viki L. Witschger, Deputy

cc: Planning
Prosecutor
Sheriff

Chapter 173-70 WAC

WATERCRAFT NOISE PERFORMANCE STANDARDS

NEW SECTION

WAC 173-70-010 INTRODUCTION. (1) Authority and purpose. These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish noise performance standards for watercraft operating on all waters of Washington state.

(2) Local needs. The standards established in this chapter assume a general view toward providing as many methods of watercraft noise measurement as possible. Nothing in these regulations is meant to require a local government to adopt every standard in this chapter. Specific local needs shall dictate the specific standards which the local government shall adopt.

NEW SECTION

WAC 173-70-220 DEFINITIONS. As used in this chapter, unless the context clearly indicates otherwise:

(1) "dB(A)" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(5) "Local government" means county or city government or any combination of the two.

(6) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an engine, or for the purpose of introducing water to the flow of the exhaust gas, and which is effective in reducing noise from the engine exhaust.

(7) "Noise" means the intensity, duration, and character of sounds, from any and all sources.

(8) "Operator" means any person who is in actual physical or electronic control of a powered watercraft.

(9) "person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

(10) "Property boundary" means the surveyed line at ground surface which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(11) "Receiving property" means real property within which the maximum permissible noise levels specified in this chapter shall not be exceeded from sources outside such property.

(12) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1, Type 2, or Type 3 as specified in the American National Standards Institute Specification S1.4-1971.

(13) "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore connected facility.

(14) "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on

water, including model craft, powered by an internal or external combustion engine.

(15) "New watercraft" means a watercraft with an internal or external combustion engine which has been manufactured after December 31, 1979, and for which the equitable or legal title has never been transferred to a person who, in good faith, purchases the new watercraft and/or engine for purposes other than resale.

(16) "waters of Washington state" include all lakes, rivers, ponds, streams, inland waters, saltwaters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

NEW SECTION

WAC 173-70-030 IDENTIFICATION OF RECEIVING PROPERTY ENVIRONMENTS. (1) Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA - Properties where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

(i) Residential.
 (ii) Multiple family living accommodations.
 (iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts).

(iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health, and correctional facilities).

(b) Class B EDNA - Properties involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

(i) Commercial living accommodations.
 (ii) Commercial dining establishments.
 (iii) Motor vehicle services.
 (iv) Retail services.
 (v) Banks and office buildings.
 (vi) Miscellaneous commercial services, property not used for human habitation.
 (vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks).

(viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - Properties involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

(i) Storage, warehouse, and distribution facilities.
 (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods.
 (iii) Agricultural, aquacultural, and silvicultural property used for the production of crops, wood products, food products, or livestock.

(d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of subparagraphs (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution, designate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones - Class A EDNA;
- (b) Commercial zones - Class B EDNA;
- (c) Industrial zones - Class C EDNA.

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance, but within the coverage of an adopted comprehensive plan, the legislative authority of the local government may, by ordinance or resolution, designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas - Class A EDNA;
- (b) Commercial areas - Class B EDNA;
- (c) Industrial areas - Class C EDNA.

Upon approval by the department, EDNAs so designated shall be set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquility, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate watercraft noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

MAC 173-70-040 STANDARDS. (1) Any watercraft operated on the waters of Washington state shall be equipped with a muffler which shall be maintained in proper working condition. Any of the following defects in the muffling system shall constitute a violation of this regulation:

- (a) The absence of a muffler;
- (b) The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;
- (c) Defects in the exhaust system including, but not limited to, pinched outlets, holes, or rusted-through areas of the muffler or pipes;
- (d) The presence of equipment which will produce excessive or unusual noise from the exhaust system.

(2) No person shall operate any watercraft on the waters of Washington state in such a manner as to exceed the following maximum noise limits when measured at the shoreline or anywhere within a receiving property:

- (a) At any hour of the day or night, the limit for any receiving property shall be 74 dBA;
- (b) Between sunset and sunrise, the limit for a Class A EDNA receiving property shall be 64 dBA.

Enforcement of the above standards shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, except for persons in parks, recreational areas, and wildlife sanctuaries.

(3) Any watercraft operated on the waters of Washington state shall not exceed the following maximum noise limits when measured at a distance of not less than fifty feet from the closest point of the

watercraft's hull according to procedures established in WAC 173-58-090, "Watercraft Sound Level Measurement Procedure".

(a) For watercraft and engines manufactured before January 1, 1980, a noise level of 84 dBA.

(b) For watercraft and engines manufactured after January 1, 1980, a noise level of 82 dBA.

(c) For watercraft and engines manufactured after January 1, 1984, a noise level of 80 dBA.

(4) Any watercraft operated on the waters of Washington state shall not exceed the following maximum noise limits when measured at a distance of twenty inches (0.5 meter) from the exhaust outlet according to procedures established in WAC 173-58-080, "Close Proximity Exhaust System Sound Level Measurement Procedure". These standards shall not apply to exhaust systems which utilize the introduction of water to the exhaust gas flow, or systems which exhaust the gas directly into water.

(a) For watercraft and engines manufactured before January 1, 1980, a noise level of 98 dBA.

(b) For watercraft and engines manufactured after January 1, 1980, a noise level of 96 dBA.

(c) For watercraft and engines manufactured after January 1, 1984, a noise level of 94 dBA.

(5) No person shall sell or offer for sale a new watercraft or new watercraft engine for use in any existing watercraft which exceeds the following maximum noise limits when measured according to the procedures of the society of automotive engineer's recommended practice SAE-J34.

(a) For watercraft and engines manufactured after January 1, 1980, a noise level of 82 dBA.

(b) For watercraft and engines manufactured after January 1, 1984, a noise level of 80 dBA.

NEW SECTION

WAC 173-70-050 EXEMPTIONS. (1) Normal docking, undocking, and water skier pick-up and drop-off operations of all watercraft shall be exempt from the provisions of WAC 173-70-040(2).

(2) The following sounds shall be exempt from all provisions of WAC 173-70-040.

(a) Sounds created by the operation of commercial, nonrecreational watercraft. These commercial activities include, but are not limited to, tugboats, fishing boats, ferries, and vessels engaged in intrastate, interstate or international commerce.

(b) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device.

(c) Sounds created by a warning device not operating continuously for more than five minutes.

(d) Sounds created by emergency equipment for emergency work necessary in the interests of law enforcement or for the health, safety, and welfare of the community.

(e) Sounds created by auxiliary equipment operated on watercraft for the purposes of dredging, pile driving, operation of a marina, clam and oyster harvesting are exempt, however, such operations are not exempt from requirements of chapter 173-60 WAC "Maximum Environmental Noise Levels".

(3) The provisions of WAC 173-70-040 shall not apply to motorboats competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, motorboats preparing for an officially sanctioned race or regatta are exempt if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations will occur.

(4) Nothing in these exemptions is intended to preclude the enforcing or permitting authority from requiring installation of the best available noise abatement technology consistent with economic feasibility.

NEW SECTION

RAC 173-70-260 NUISANCE REGULATIONS NOT PROHIBITED. Nothing in this chapter or the exemptions provided herein shall be construed as preventing local government from regulating noise from watercraft as a nuisance. Local resolutions, ordinances, rules, or regulations regulating watercraft noise on such a basis shall not be deemed inconsistent with this chapter by the department.

NEW SECTION

RAC 173-70-070 FUTURE STANDARDS. It is the intention of the department to establish use standards and/or performance standards for the following sources of noise exempted or partially exempted from the requirements of this chapter. Adoption of these standards will depend on the extent of future local needs, and on the provision of adequate legislative funding to conduct studies providing necessary data.

(1) Sounds created by commercial, nonrecreational watercraft through the amendment of this chapter.

(2) Sounds created by watercraft racing events through the amendment of this chapter.

NEW SECTION

RAC 173-70-080 IMPLEMENTATION SCHEDULES. (1) Conditions of issuance.

The department or local entity with an ordinance which has been approved by the department may approve and issue to any person an implementation schedule for meeting any particular requirement of this chapter if it finds that immediate compliance with such requirement cannot be achieved because of conditions beyond the control of such person or because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors or because of the nonavailability of feasible technology or control methods.

(2) Request procedure.

Implementation schedules shall be issued only upon application in writing to the department or local entity with an approved ordinance. Such application shall state in a concise manner the facts to show cause why such schedule should be approved. Any aggrieved person may appeal the department's decision on an application to the pollution control hearings board pursuant to chapter 43.21B RCW.

NEW SECTION

RAC 173-70-090 ENFORCEMENT. (1) Measurements shall be made with a sound level meter meeting Type 1 or Type 2 standards as specified in

the American National Standards Institute Specifications S1.4-1971 to document violations for final enforcement actions under measurement procedures established in chapter 173-58 WAC.

(2) Any law enforcement officer or noise control enforcement personnel shall be competent in the use of sound measuring equipment. The personnel shall be trained by the department, or by a person certified by the department, in the use of the watercraft sound level measurement procedures established in chapter 173-58 WAC. Any enforcement personnel who by the use of the initial inspection procedure of WAC 173-58-080(2) suspects that a watercraft may be in violation of the standards of this chapter, shall require the operator to submit to a measurement of the sound level of the watercraft according to the procedures of chapter 173-58 WAC: PROVIDED, That the enforcement personnel shall have discretion in determining whether measurement would occur under unsafe conditions. Weather, water conditions, operator competence, and similar considerations shall be taken into account. If conditions are unsafe, measurement shall not be required. Shoreline measurements shall be made under any conditions, except as provided in WAC 173-58-040, Ambient Conditions.

(3) Any operator who fails to comply with the directive to submit to a sound level measurement shall be in violation of this chapter.

(4) Any person operating a watercraft found in violation of the established noise levels of this chapter shall be subject to a civil penalty not to exceed one hundred dollars per day of violation.

(5) Any seller, importer, or manufacturer who violates the standards in WAC 173-70-040(4) shall be subject to a civil penalty not to exceed one hundred dollars as established in RCW 70.107.050. Each watercraft or engine offered for sale or sold shall constitute a separate violation.

NEW SECTION

WAC 173-70-100 APPEALS. Any person aggrieved by any final decision of the department in relation to the enforcement of the watercraft noise levels provided for in this chapter, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter 43.21B RCW under the procedures of chapter 371-08 WAC.

NEW SECTION

WAC 173-70-110 COOPERATION WITH LOCAL GOVERNMENT. (1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes watercraft noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, within sixty days of receipt of such local ordinance or resolution by the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.

NEW SECTION

HAC 173-70-120 EFFECTIVE DATE. This chapter shall become effective on May 1, 1979. It is the intention of the department to periodically review the provisions in this chapter as new information becomes available for the purpose of making amendments as appropriate.