



City Council Agenda Bill

20308

Bill Number

Subject: Ordinance amending BMC 12.12.280 relating to the Aquatic Invasive Species Prevention Program

Summary Statement: The proposed amendment of BMC 12.12.280 clarifies authorizations and program elements of the Aquatic Invasive Species (AIS) Prevention Program.

Previous Council Action: Passed an Ordinance in 2012 prohibiting introduction of invasive species into Lake Whatcom and authorized an AIS Prevention Program. Passed an Amendment to BMC 12.12.280 in 2013.

Fiscal Impact: Total intergovernmental program cost for 2014 is estimated to be \$350,000, a \$35,000 increase over actual 2013 expenditures. Cost to the City of Bellingham Water Fund is estimated to be \$100,000 in 2014. Estimates are subject to pending budget authorizations.

Funding Source: \$105,000 fees, \$100,000 Whatcom County, \$50,000 LWWSD, \$100,000 COB Water Fund

Attachments: Ordinance

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Vote Requested	10-Feb-2014	Vote to Approve	Ted Carlson, PW Director Jon Hutchings, Asst. PW Director	5 min.

Council Committee:

Lake Whatcom Reservoir & Natural Resources
Pinky Vargas, Chair
Terry Bornemann; Roxanne Murphy

Agenda Bill Contact:

Clare Fogelsong, Environmental Policy Mgr
778-7965

Reviewed By	Initials	Date
Ted Carlson, PW Director	<i>TC</i>	2/4/14
Legal	<i>MCS</i>	2/4/14
Mayor	<i>KL/BA</i>	2/4/14

Committee Actions:

SEE ATTACHMENT

Council Action:

2/10/14 VARGAS / WEISS moved approval for first and second reading. MOTION CARRIED 7-0.

AB# 20308

TB MOVED TO RECOMMEND STAFF TIME BE CHARGED
FOR DOOR-TO-DOOR INSPECTION OF PRIVATE PROPERTY
MIXED RECOMMENDATION

TB/PV MOVED TO RECOMMEND APPROVAL
RM Concurred

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE 12.12.280 REGARDING AQUATIC INVASIVE SPECIES

WHEREAS, the City of Bellingham has the responsibility and authority to regulate and protect the lakes and waters within its jurisdiction and prevent the release and spread of aquatic invasive species; and

WHEREAS, the Lake Whatcom Reservoir is the primary source of drinking water for City residents; and

WHEREAS, the City of Bellingham adopted Ordinance 2012-07-034 in July 2012, codified at Bellingham Municipal Code ("BMC") 12.12.280, to prevent the release and spread of aquatic invasive species in the Lake Whatcom Reservoir and other public water bodies in the City of Bellingham; and

WHEREAS, the City of Bellingham has instituted an Aquatic Invasive Species Prevention Program ("AIS Program") pursuant to the authority granted in BMC 12.12.280; and

WHEREAS, the City desires to amend BMC 12.12.280 to further define and enhance the AIS Program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

BMC 12.12.280 - Aquatic Invasive Species is amended as follows:

- A. Definitions
 - 1. [UNCHANGED]
 - 2. [UNCHANGED]
 - 3. [UNCHANGED]
 - 4. [UNCHANGED]
 - 5. [UNCHANGED]
 - 6. [UNCHANGED]
 - 7. [UNCHANGED]

8. [UNCHANGED]

9. "Watercraft" means any ~~motorized vessel or trailered vessel~~ type of vessel, boat, or craft capable of being used as a means of transportation on water, including but not limited to motor boats, sail boats, row boats, kayaks, canoes, barges, and all associated equipment, including trailers and barges, that routinely or reasonably could be expected to contain or come into contact with water. The term "watercraft" does not include the following: vessels that are both nonmotorized and hand-carried, surf boards, paddle boards, and kite boards; and inflatables that are 10 feet or less in length.

10. "Class A Watercraft" means any watercraft that has a motorized propulsion system or requires registration by the State of Washington Department of Licensing under RCW 88.02 and WAC 308-93-030 and any vessel registered under the laws of a state other than Washington State or a country other than the United States.

~~11.~~ "Class B Watercraft" means any watercraft that does not have a motorized propulsion system and does not require registration by the State of Washington Department of Licensing under RCW 88.02 and WAC 308-93-030.

B. [UNCHANGED]

C. [UNCHANGED]

D. Inspection and Decontamination

1. [UNCHANGED]

2. [UNCHANGED]

3. Check Stations.

a. [UNCHANGED]

b. All AIS check stations operating under this section shall be marked by signs and staffed by one or more authorized inspectors. Every watercraft that stops at an AIS check station authorized by this section shall be subject to inspection, except watercraft bearing an intact inspection seal. ~~The city of Bellingham may designate days on which nonmotorized, hand-carried vessels shall also submit to inspection at any AIS check station authorized by this section as a condition of launching from such locations.~~ AIS check stations authorized by this section shall be subject to hours of operation and other program requirements established by the director of public works or his designee.

c. [UNCHANGED]

d. [UNCHANGED]

e. [UNCHANGED]

f. The city of Bellingham may, upon request by an owner or operator of a watercraft, conduct an inspection on private property owned by the watercraft owner or operator.

E. [UNCHANGED]

F. [UNCHANGED]

G. AIS Permits and Fees – Applicable to Lake Whatcom Reservoir.

1. Every watercraft shall visibly display a valid ~~be affixed with an~~ AIS permit issued by ~~the city of Bellingham~~ prior to launching ~~or~~ and while operating on Lake Whatcom reservoir.
2. AIS permits shall issue upon passage of inspection and payment of the applicable fee; ~~which shall be established by the director of public works or his designee.~~
3. AIS permits shall be available ~~as an annual sticker or day pass or multi-day pass~~ as follows:
 - a. Annual Sticker. Each annual sticker shall be effective during the calendar year in which it is issued and ~~A receipt evidencing payment of the annual sticker fee~~ shall entitle the holder to unlimited inspections and sealing services for the watercraft to which the annual sticker is affixed. ~~The annual sticker shall issue upon passing inspection.~~
 - b. ~~3-Day Pass or Multi-Day Pass.~~ Each 3-day pass or multi-day pass shall be effective only for the period specified on the pass. ~~A receipt evidencing payment of the day pass or multi-day pass fee~~ shall entitle the holder to unlimited inspections and sealing services for the applicable watercraft duration of the period specified on the pass. ~~one inspection of the watercraft to which the day pass or multi-day pass is affixed. The 3-day pass or multi-day pass shall issue upon passing inspection.~~
 - c. Special Event Passes. Special event passes may be issued for fishing tournaments, sailing and rowing regattas, and other group events approved by the director of public works or his designee upon the event sponsor's execution of a Special Event Agreement with the City in a form approved by the director of public works. Special event passes shall entitle each event participant to inspection and sealing services for the duration of the event, subject to the terms and conditions of the Special Event Agreement.

d. Annual Watercraft Business Permit. Watercraft business permits may be issued to person or entities who are in the business of providing watercraft services (including transport, maintenance, repair, storage or other similar activities) upon execution of a Cooperative Agreement with the City in a form approved by the director of public works. Watercraft business permits shall be effective during the calendar year in which they are issued and shall entitle the permit holder to expedited inspection services and issuance of AIS Annual Stickers for watercraft within the company's possession or control, all subject to the terms and conditions of the Cooperative Agreement.

4. AIS permits are nontransferable and shall apply to a single watercraft. ~~AIS permits shall be affixed to the watercraft as directed by the authorized inspector in a visible location located above the waterline.~~

5. [UNCHANGED]

6. ~~The fees for inspection~~ AIS permits and decontamination services shall be established by the director of public works or his designee for both motorized watercraft class A watercraft and non-motorized class B watercraft.

7. [UNCHANGED]

H. [UNCHANGED]

I. [UNCHANGED]

J. [UNCHANGED]

K. [UNCHANGED]

L. [UNCHANGED]

M. Exemptions. The watercraft inspections, permits, and associated fees required by this Section shall not be required of:

a. Law enforcement and emergency response watercraft.

b. Watercraft involved in search and rescue operations or training.

PASSED by the Council this _____ day of _____, 20132014.

Council President

APPROVED by me this ____ day of _____, 20132014.

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:
