Bellinghman, Washington

12.12.280 Aquatic invasive species.

A. *Definitions.*

1. “Aquatic invasive species” and “AIS” mean an aquatic species that is: (a) nonnative to public water bodies located within Whatcom County; and (b) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. “Aquatic invasive species” and “AIS” shall include but not be limited to those species classified in WAC [220-12-090](https://bellingham.municipal.codes/WA/WAC/220-12-090) as “prohibited aquatic animal species” and those plant species listed in WAC [16-752-505](https://bellingham.municipal.codes/WA/WAC/16-752-505). For purposes of this section, WAC [220-12-090](https://bellingham.municipal.codes/WA/WAC/220-12-090) and [16-752-505](https://bellingham.municipal.codes/WA/WAC/16-752-505), as presently constituted or as hereinafter amended, are adopted and incorporated herein by reference.

2. “Authorized inspector” means a person who has received the necessary training approved by the city of Bellingham to inspect watercraft to detect the presence of aquatic invasive species.

3. “Enforcement officer” means any authorized inspector and any peace officer with jurisdiction in the city of Bellingham or Whatcom County.

4. “Inspection” means an inspection of a watercraft or other vessel conducted by an authorized inspector for the purpose of detecting aquatic invasive species and preventing their transport and release into any public water body. Inspections may consist of questioning as well as a visual and tactile search of the exterior and interior of the watercraft or other vessel, including but not limited to the hull, trailer, motor, propeller, bilge pump, compartments, bait well, ballast tank, bladder, and all areas of standing water.

5. “Inspection seal” means a cord or tether installed by an authorized inspector in a manner that connects a watercraft to its trailer for the purpose of indicating that the watercraft has passed inspection and, therefore, may launch without further inspection when returning to the same water body so long as the inspection seal is intact at the time of launch.

6. “Lake Whatcom reservoir” means the portion of Lake Whatcom reservoir located within the city limits of the city of Bellingham.

7. “Launch” means any act that places or attempts to place a watercraft into a public water body.

8. “Public water body” means any freshwater lake, river, creek, pond, stream, wetland, or portion thereof located within the city limits of the city of Bellingham, including but not limited to Lake Whatcom reservoir as defined herein and Lake Padden.

9. “Motorized propulsion system” means a mechanism or system, other than human power, used to generate thrust to move a watercraft across water, including but not limited to outboard motors, inboard motors, jet motors, and inboard/outboard motors.

10. “Watercraft” means any 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, that routinely or reasonably could be expected to contain or come into contact with water. The term “watercraft” does not include the following: surf boards, paddle boards, and kite boards; and nonmotorized inflatables that are 10 feet or less in length.

11. “Class A watercraft” means any watercraft that requires registration by the State of Washington Department of Licensing under Chapter [88.02](https://bellingham.municipal.codes/WA/RCW/88.02) RCW and WAC [308-93-030](https://bellingham.municipal.codes/WA/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.

12. “Class B watercraft” means any watercraft that has a motorized propulsion system that does not require registration by the State of Washington Department of Licensing under Chapter [88.02](https://bellingham.municipal.codes/WA/RCW/88.02) RCW and WAC [308-93-030](https://bellingham.municipal.codes/WA/WAC/308-93-030) or under the laws of a state other than Washington State or a country other than the United States.

13. “Class C 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 Chapter [88.02](https://bellingham.municipal.codes/WA/RCW/88.02) RCW and WAC [308-93-030](https://bellingham.municipal.codes/WA/WAC/308-93-030).

B. *Prohibitions.* The following acts are prohibited:

1. Transporting or releasing aquatic invasive species into a public water body.

2. Launching, operating or keeping on Lake Whatcom reservoir a watercraft that has not submitted to inspection and decontamination as required by this section.

3. Launching, operating or keeping on Lake Whatcom reservoir a watercraft without a current AIS permit.

4. Aiding or abetting any violation of this section, including, but not limited to, owning, leasing or otherwise controlling real property within city limits from which a watercraft is launched in violation of this section.

C. *Education.* The city of Bellingham is authorized to institute an aquatic invasive species education program to promote cooperation and compliance with this section.

D. *Inspection and Decontamination.*

1. *Mandatory Inspections.* Inspection shall be required of:

a. All watercraft prior to its first launch onto Lake Whatcom reservoir in each calendar year;

b. All watercraft prior to its first launch onto Lake Whatcom reservoir after it has entered any fresh water body located outside Whatcom County, Washington; and

c. All watercraft prior to each and every launch onto a public water body from a public access point for which an AIS check station is operating under this section, except watercraft bearing an intact inspection seal.

2. *Inspection and Decontamination Services.* The city of Bellingham shall designate one or more locations where it will provide inspection and decontamination services, subject to hours of operation and program requirements established by the director of public works or his designee.

3. *Check Stations.*

a. The city of Bellingham may establish and operate AIS check stations at public access points to public water bodies, including but not limited to Bloedel Donovan Park and Lake Padden Park, and require owners and operators to submit their watercraft to inspection as a condition of launching from a public launch.

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. 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. If upon inspection an authorized inspector determines that a watercraft is not contaminated with aquatic invasive species, then said watercraft shall be permitted to launch.

d. If upon inspection an authorized inspector reasonably suspects that a watercraft or any other vessel is contaminated with aquatic invasive species, the authorized inspector may decontaminate the watercraft on site or direct the watercraft owner or operator to a decontamination station where the watercraft will undergo a decontamination process. Following decontamination, the watercraft owner or operator shall not launch his or her watercraft onto a public water body until the watercraft has been reinspected and approved for launch by an authorized inspector.

e. A watercraft owner or operator may refuse to stop and consent to inspection at any AIS check station authorized by this section; provided, if any watercraft owner or operator refuses to stop and consent to inspection at an AIS check station authorized by this section, then said owner or operator shall not launch his or her watercraft from said location and shall be in violation of this section if he or she nevertheless attempts to do so.

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. *Safe Harbor.* Any person who voluntarily stops and consents to inspection at an AIS check station or other inspection station and cooperates in the decontamination process shall not be subject to penalties under this section for possessing or transporting aquatic invasive species.

F. *Administrative Search Warrants.* Enforcement officers may enter upon any property to inspect for aquatic invasive species without the consent of the owner upon application for and receipt of an administrative search warrant issued by the Bellingham municipal court. The application for an administrative search warrant shall be supported by an affidavit establishing probable cause to believe the property to be searched is in violation of this section. The Bellingham municipal court may upon such application issue the administrative search warrant for the purpose requested.

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

1. Every watercraft shall visibly display a valid AIS permit prior to launching and while operating on Lake Whatcom reservoir.

2. AIS permits shall issue upon passage of inspection and payment of the applicable fee.

3. AIS permits shall be available as follows:

a. *Annual Sticker.* Each annual sticker shall be effective during the calendar year in which it is issued and shall entitle the holder to unlimited inspections and sealing services for the watercraft to which the annual sticker is affixed.

b. *Day Pass.* Each day pass shall entitle the holder to unlimited inspections and sealing services for the applicable watercraft for the duration of the one-day period specified on the pass. Day passes are available for Class A and Class B watercraft only.

c. *Three-Day Pass.* Each three-day pass shall entitle the holder to unlimited inspections and sealing services for the applicable watercraft for the duration of the three-day period specified on the pass. Three-day passes are available for Class A and Class B watercraft only.

d. *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 persons 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 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.

5. A watercraft owner or operator shall be deemed to be in compliance with the inspection and permitting requirements of this section if his or her watercraft is currently in compliance with an aquatic invasive species inspection and permitting program adopted by Whatcom County, Washington, but only if said program is at least as restrictive as this section.

6. The fees for AIS permits and decontamination services shall be established by the director of public works or his designee for all classes of watercraft.

7. The fees authorized by this section are intended to offset the cost to the city of implementing this section for the purpose of detecting and preventing the spread of aquatic invasive species. The fees authorized by this section are not intended to be, nor shall they be construed to be, charges imposed upon access to public water bodies for the purpose of outdoor recreation.

H. *Cooperative Agreements.* The city of Bellingham may enter into cooperative agreements with persons and entities, including but not limited to homeowner’s associations, condominium associations, civic groups and governmental entities, to adopt and execute plans, which may be implemented inside or outside the jurisdiction of the city of Bellingham, to detect and prevent the transport and release of aquatic invasive species in public water bodies, including but not limited to Lake Whatcom reservoir.

I. *Penalties.*

1. Any person violating this section shall have committed a civil infraction and shall be punished by a fine not to exceed $1,000. The minimum civil penalty shall be $250.00. Each violation of this section shall be a separate infraction, and in the case of a continuing violation, each day’s continuance shall be deemed to be a separate and distinct infraction. Civil infractions under this section shall be issued and processed in accordance with Chapter [7.80](https://bellingham.municipal.codes/WA/RCW/7.80) RCW, except as otherwise provided in this section. Each party to a civil infraction case shall bear its own attorney’s fees, witness fees and costs.

2. Any individual who violates this section may be held responsible for the costs expended by the city of Bellingham or its designee for response and mitigation of impacts.

3. Payment of any civil penalty herein shall not relieve any individual from the responsibility of correcting the violations as found by the enforcement officer.

4. Any person found not in compliance with this section is subject to citation, shall be escorted off the public water body, and shall be subject to any other legal action as deemed necessary by the enforcement officer including but not limited to detaining said person and watercraft until inspected and decontaminated as required under this section.

5. Fines collected as a result of violating this section that are not otherwise encumbered shall be used to fund the Lake Whatcom management program’s aquatic invasive species management and prevention program.

J. *Enforcement.*

1. Enforcement officers are authorized to administer and enforce this section, including issuance of notices of civil infraction; provided this provision shall not operate to preclude the enforcement of this section by any other persons legally authorized to do so.

2. Notwithstanding RCW [7.80.050](https://bellingham.municipal.codes/WA/RCW/7.80.050), a peace officer authorized to enforce this section may issue a notice of civil infraction when the conduct alleged to constitute a violation has not taken place in the presence of the peace officer, if the peace officer has reasonable grounds to believe that the conduct constitutes a violation on the basis of information received from an authorized inspector who observed the violation.

K. *Applicability.* The provisions of this section shall apply in addition to the provisions of any other code provision or ordinance. Where there is a conflict, the more restrictive provision shall apply. The provisions of this section are in addition to those provisions regulating aquatic invasive species as contained in Washington State law.

L. *Severability.* In the event that any part or provision of this section is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this section.

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

1. Law enforcement and emergency response watercraft.

2. Watercraft involved in search and rescue operations or training. [Ord. 2019-02-004; Ord. 2013-04-022 § 1; Ord. 2012-07-034 § 1].

**The Bellingham Municipal Code is current through Ordinance 2020-08-021, passed August 31, 2020.**

Disclaimer: The City Clerk Representative has the official version of the Bellingham Municipal Code. Users should contact the City Clerk Representative for ordinances passed subsequent to the ordinance cited above.

**Note:** This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.cob.org](https://www.cob.org/)

City Telephone: (360) 778-8000

[Code Publishing Company](https://www.codebook.com/)