

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; clarifying the definition of vessel and consistently using the term vessel in the Shoreline Master Program; and amending Sections 23.60A.204, 23.60A.916, and 23.60A.942 of the Seattle Municipal Code.

..body

WHEREAS, the goals of the Shoreline Management Act are to promote water dependent uses, protect the shoreline environment, and promote public access to the shorelines; and

WHEREAS, the State's Shoreline Management Act and Shoreline Master Program Guidelines direct the City to implement the Shoreline Master Program regulations in a manner that provides the most protection for the shoreline environment and provides the area needed for water-dependent uses and public access to the shorelines; and

WHEREAS, when implementing the Shoreline Master Program Guidelines uses that occur over the water are to be limited to water-dependent uses to minimize environmental damage; and

WHEREAS, redefining a vessel, which is water-dependent and exists over water, as a floating on-water residence, which is not water-dependent and exists over water, conflicts with the goals and policies of the State Shoreline Management Act and the City's Shoreline Master Program regulations; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.60A.204 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

**23.60A.204 Floating structures and standards for house barges**

\* \* \*

1           B. For purposes of this Chapter 23.60A, house barges are only allowed under the  
2 following conditions:

3                   1. The house barge was moored at a recreational marina in the City before July  
4 1990.

5                   2. A permit for the house barge was secured from the Seattle Department of  
6 Construction and Inspections verifying that the house barge existed and was used for residential  
7 purposes within the City before July 1990 and has been continuously used since that time.

8                   3. Verification

9                           a. Each house barge must be verified by the Director, and owners shall pay  
10 a one-time fee to receive a verification number. The fee shall be established by the Director to  
11 recover the reasonable costs of the program for issuing a verification number. Owners of house  
12 barges authorized by this Section 23.60A.204 may apply to the Director for verification or may  
13 wait until the Director asks for verification information. If a house barge is not verified pursuant  
14 to this subsection 23.60A.204.B, the Director may require the owner to submit verification  
15 information and pay the required fee.

16                           b. If an owner disputes the Director's denial of verification as a house barge  
17 under this Section 23.60A.204, the owner may appeal the Director's determination to the hearing  
18 examiner, in conformance with the hearing examiner rules, within 30 days of date the Director's  
19 determination was mailed. The appeal shall be conducted de novo, and the City shall have the  
20 burden of showing by a preponderance of the evidence that the decision of the Director was correct.  
21 Nothing in this Section 23.60A.204 precludes the City from enforcing this code under Chapter  
22 23.90 if there is no timely appeal to the hearing examiner or following a decision of the hearing  
23 examiner upholding the City's denial of house barge verification.

1 c. The owner of a house barge that complies with the requirements of  
2 subsections 23.60A.204.B.1 and 23.60A.204.B.2 may choose to have the house barge verified  
3 and regulated as a floating on-water residence under Section 23.60A.203 instead of under this  
4 Section 23.60A.204.

5 d. The owner shall display the verification number issued by the Seattle  
6 Department of Construction and Inspections on the pier and landward side of the ~~((vessel))~~ house  
7 barge, in numerals at least 3 inches high in a location legible from the pier, or on the side most  
8 commonly used for access from the pier, or if public access to the pier is not available then on a  
9 side visible from the water.

10 e. Failure to verify an authorized house barge or correctly display a  
11 verification number is a violation of this Chapter 23.60A that is subject to the enforcement  
12 process in Chapter 23.90 and does not forfeit the owner's right to maintain an authorized house  
13 barge.

14 4. A house barge verification number is transferable between owners but is not  
15 transferable to another house barge, except to a house barge that has been replaced as provided in  
16 subsection 23.60A.204.C.

17 5. House barges must be moored at a recreational marina, as defined by Section  
18 23.60A.926.

19 \* \* \*

20 Section 2. Section 23.60A.916 of the Seattle Municipal Code, last amended by Ordinance  
21 124750, is amended as follows:

22 **23.60A.916 - Definitions — "H"**

23 \* \* \*

1 "House barge" means a ~~((vessel))~~ structure that floats on water and is designed or used as  
2 a place of residence without a means of self-propulsion and steering equipment or capability.

3 \* \* \*

4 Section 3. Section 23.60.942, last amended by Ordinance 124750, is amended as follows:

5 **23.60.942 Definitions — "V"**

6 \* \* \*

7 "Vessel" means ships, boats, barges, or any other floating craft that are designed for  
8 navigation in order to transport people or goods over water, ~~((and))~~ are used for or capable of  
9 being used for navigation, and do not interfere with the normal public use of the water~~((;~~  
10 ~~including))~~ . A vessel is considered capable of being used for navigation even if it is not used for  
11 navigation due to actions or inactions of the vessel owner(s) or due to conditions affecting the  
12 use of the vessel for navigation, which include, but are not limited to, broken engines, lack of an  
13 engine, hull damage, physical modifications, or missing sails. Vessel also means historic ships  
14 that do not have means of self-propulsion and steering equipment ~~((and house barges))~~ .

15 \* \* \*

1 Section 4. This ordinance shall take effect and be in force on whichever is the later of: (a)  
2 the effective date of approval of the amendments in this ordinance by the Washington State  
3 Department of Ecology; or (b) 30 days from and after its approval by the Mayor, but if not  
4 approved and returned by the Mayor within ten days after presentation, it shall take effect as  
5 provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
7 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
8 \_\_\_\_\_, 2019.

9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

11 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

12 \_\_\_\_\_  
13 Jenny A. Durkan, Mayor

14 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

15 \_\_\_\_\_  
16 Monica Martinez Simmons, City Clerk

17 (Seal)