

ORDINANCE NO. 2005-06-045

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 8.12, LAKE WHATCOM RESERVOIR REGULATIONS TO ADD SECTION 8.12.135.

WHEREAS, the Bellingham City Council is elected to represent the concerns of the citizens of City of Bellingham and is charged with the broad responsibility of protecting the health, safety, and general welfare of the public; and

WHEREAS, Lake Whatcom is the drinking water source for approximately half of the residents of Whatcom County and the vast majority of City of Bellingham residents; and

WHEREAS, the City of Bellingham has adopted goals and policies to protect Lake Whatcom as a primary water resource through Bellingham Municipal Code chapter 16.80; and

WHEREAS, City of Bellingham water monitoring has detected benzene, an element of petroleum hydrocarbon pollution, at the City's Lake Whatcom intake pipe in warmer months, when there is an increase in boat activity; and

WHEREAS, the City of Bellingham water monitoring detects benzene in its treated water at the same levels as that observed in the untreated Lake Whatcom water; and

WHEREAS, the United States Environmental Protection Agency concludes benzene at any level poses a risk to health and has therefore set its "Maximum Containment Level Goal" for benzene at zero; and

WHEREAS, scientific studies (such as "The Effects of Motorized Watercraft on Aquatic Ecosystems" by T.R. Asplund, PUBL-SS-948-00, Wisconsin Department of Natural Resources, Madison, 2000) have demonstrated negative impacts to aquatic organisms from petroleum hydrocarbon pollution from boat engines in lakes; and

WHEREAS, field and laboratory experiments (as documented in "Environmental Assessment for the Prohibition of Certain Two-Stroke Powered Watercraft, Tahoe Regional Planning Agency, 1999) have demonstrated that carbureted two-cycle outboard engines have the largest percentage of unburned fuel passing through the engine and into water and are responsible for a disproportionate loss of fuel discharged into water bodies compared with other engine types; and

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WHEREAS, the City, Whatcom County, and the Lake Whatcom Water and Sewer District have agreed to work cooperatively to manage and protect the Lake Whatcom water supply under the auspices of the Lake Whatcom Management Committee; and

WHEREAS, scientific studies have demonstrated the negative impacts of carbureted two-stroke engines on water quality and purity; and

WHEREAS, the Lake Whatcom Motorized Watercraft Citizens Advisory Committee found that motorized watercraft with carbureted two-stroke engines have highly negative impacts, depositing 25-30% of unburned fuel directly into the water; and

WHEREAS, the Environmental Protection Agency has adopted a schedule that would result in the eventual phase out of carbureted two-stroke engines that emit a large percentage of unburned fuel; and

WHEREAS, the Lake Whatcom Motorized Watercraft Citizens Advisory Committee recommended the phasing out of carbureted two-stroke engines; and

WHEREAS, the Lake Whatcom Management Committee has similarly adopted this reasoning and recommended the phase out of the carbureted two-stroke engines; and

WHEREAS, the Whatcom County Council has adopted ordinance number 2004-042, which phases out the use of carbureted two-stroke engines on Lake Whatcom beginning in 2009, which ordinance was modeled after the Tahoe Regional Planning Agency boat engine ordinance.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

A section of the Bellingham Municipal Code, 8.12.135. is hereby enacted as follows:

8.12.135 – Carbureted Two-Stroke Engine Restrictions on Lake Whatcom

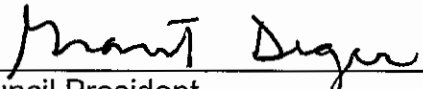
The operation of all carbureted two-stroke engine powered watercraft on the portion of Lake Whatcom in the City limits is hereafter prohibited, effective January 1, 2006, except as follows:

- A. Watercraft powered by a two-stroke powered engine whose engine is certified and labeled as meeting the 2006 or later model year United States Environmental Protection Agency (EPA) emissions standards, as specified in title 40, Code of Federal Regulations, Part 91; or

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B. All carbureted two-stroke engines of 10 horse power or less are permitted until January 1, 2007.

PASSED by Council this 6th day of June, 2005.



Council President

APPROVED by me this 10th day of June, 2005.

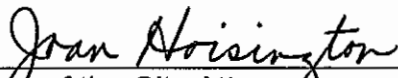


Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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