

Chapter **88.24** RCW

WHARVES AND LANDINGS

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NOTES:

Powers of cities and towns relative to docks and other appurtenances to harbors and shipping: RCW **35.22.280**, **35.23.440**, and **35A.11.020**.

Powers of port districts as to wharves, landings, etc.: Chapter **53.08** RCW.

88.24.010

Right of riparian owner to construct—Rates.

Any person owning land adjoining any navigable waters or watercourse, within or bordering upon this state, may erect upon his or her own land any wharf or wharves, and may extend them so far into said waters or watercourses as the convenience of shipping may require; and he or she may charge for wharfage such rates as shall be reasonable: PROVIDED, That he or she shall at all times leave sufficient room in the channel for the ordinary purposes of navigation.

[**2013 c 23 § 534**; Code 1881 § 3271; **1863 p 531 § 1**; **1860 p 326 § 1**; **1854 p 357 § 1**; RRS § 9613.]

88.24.020

County may authorize wharves and prescribe rates.

(1) Whenever any person shall be desirous of erecting any wharf at the terminus of any public highway, or at any accustomed landing place, he or she may apply to the county commissioners of the proper county, who, if they shall be satisfied that the public convenience requires said wharf, may authorize the same to be erected and kept up for any length of time not exceeding twenty years. And they shall annually prescribe the rates of wharfage and charges thereon, but there shall be no charge for the landing of passengers or their baggage.

(2) No such authority shall be granted to any person other than the owner of the land where the wharf is proposed to be erected, unless such owner shall neglect to apply for such authority; and whenever application shall be made for such authority by any person other than such owner, the board of county commissioners shall not grant the same unless proof shall be made that the applicant caused notice in writing of his or her intention to make such application, to be given by posting up at least three

notices in public places in the neighborhood where the proposed wharf is to be erected and one notice at the county courthouse, twenty days prior to any regular session of the board of county commissioners at which application shall be made and by serving a copy of said notice in writing upon such owner of the land, if residing in the county, at least ten days before the session of the board of county commissioners at which the application is made.

(3) When such application is heard, if the owner of such land applies for such authority and files his or her undertaking with one or more sureties to be approved by the county commissioners in a sum not less than one hundred dollars nor more than five hundred dollars, to be fixed by the county commissioners, conditioned that such person will erect said wharf within the time therein limited, to be fixed by the county commissioners, and maintain the same and keep said wharf according to law; and if default shall at any time be made in the condition of such undertaking damages not exceeding the penalty may be recovered by any person aggrieved before any court having competent jurisdiction, then said county commissioners shall authorize such owner of the land to erect and keep such wharf.

(4) If such owner of the land does not apply as aforesaid the commissioners may authorize the same to be erected and kept by such applicant upon his or her entering into an undertaking as required of such owner of the land.

[2013 c 23 § 535; 1893 c 49 § 1; Code 1881 § 3272; 1863 p 531 § 2; 1854 p 537 § 2; RRS § 9614.]

88.24.030

City or town may authorize wharves—Rates—Liability.

Whenever any person or persons shall be desirous of erecting a wharf at the terminus of any street of any incorporated town or city in the state, he or she or they may apply to the municipal authorities of such town or city who, if they shall be satisfied that the public convenience requires said wharf, may authorize the same to be erected and kept in repair for any length of time not exceeding ten years; and every person building, owning or occupying a wharf in this state, upon which wharfage is charged and received, shall be held accountable to the owner or owners, consignees or agents, for any and all damage done to property stored upon, or passing over said wharf, in consequence of the unfinished, incomplete, or insufficient condition of said wharf; and every such person shall post or cause to be posted in a conspicuous place on said wharf the established rates of wharfage, noting passengers and their baggage free.

[2013 c 23 § 536; Code 1881 § 3273; 1863 p 531 § 3; RRS § 9615.]

88.24.040

Construction requirements of wharves—When deemed incomplete.

All wharves now standing, or hereafter to be built, in this state, shall be deemed insufficient, incomplete and unfinished unless they have good and substantial banisters or railing on the sides thereof, or a strip of hewn timber at least eight by ten inches square, well secured all around said wharves within ten inches of the outer edge thereof, except at the ends.

[Code 1881 § 3274; 1863 p 532 § 4; 1860 p 327 § 2; RRS § 9616.]

88.24.070

County acquisition by condemnation of right-of-way.

In cases where a person or persons, firm or corporation has acquired a right, title or interest in and to the tidelands or other lands over which it is proposed to build, construct or maintain such wharf or landing, whether such interest be a title in fee simple or as lessee or under contract of purchase or otherwise, and the board of county commissioners shall be unable to agree with the person, persons, firm or corporation claiming such interest or title as to the compensation to be paid for the taking of such strip of tidelands or other lands, then and in that case such board of county commissioners may by an order direct proceedings to procure a right-of-way over said tidelands or other lands to be brought in the superior court by the prosecuting attorney in the manner provided by law, for the taking of private property for public use, and to that end are hereby authorized to institute and maintain in the name of the county the proceedings provided by the laws of this state for the appropriation of lands and other property by counties for public use.

[**1903 c 20 § 3**; RRS § 9619.]