

ORDINANCE O-4356

AN ORDINANCE OF THE CITY OF KIRKLAND MAKING CITY PUBLIC DISTURBANCE NOISE REGULATIONS APPLICABLE TO WATERCRAFT IN CITY OF KIRKLAND WATERS AND SPECIFYING PENALTY AMOUNTS FOR CERTAIN VIOLATIONS OF KIRKLAND MUNICIPAL CODE TITLE 14.

The City Council of the City of Kirkland does ordain as follows:

Section 1. A new Section 14.24.140 of the Kirkland Municipal Code ("KMC") is hereby adopted to read as follows:

14.24.140 Public disturbance noises in Kirkland waters. For noise regulations applicable to City of Kirkland waters, please see KMC Section 11.84A.070.

Section 2. KMC Section 11.84A.070 is hereby amended to read as follows:

11.84A.070 Public disturbance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

- (1) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle or watercraft, except as a warning of danger or as specifically permitted or required by law;
- (2) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, watercraft or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- (3) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- (4) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, ~~or~~ condominium, or watercraft, which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;
- (5) Sound from any motor vehicle or watercraft audio sound systems, such as tape players, radios, docking stations and compact disc players, operated at a volume so as to be audible greater than fifty feet from the vehicle or three hundred feet from the watercraft itself;
- (6) Sound from portable audio equipment, such as tape players, radios, docking stations and compact disc players, operated at a

volume so as to be audible greater than fifty feet from the source, and if not operated upon the property of the operator;

(7) The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

Provided, that the foregoing enumeration of acts and noises not be construed as excluding other acts and noises which offend the public peace. And provided further that vessels or watercraft participating in City sponsored or permitted events in which boat participation is a planned element of the event shall not be in violation of this Section.

Section 3. Section 14.36.070 of the KMC is hereby amended to read as follows:

14.36.070 Compliance required.

(a) All persons using city moorage facilities shall abide by all applicable ordinances of the city and any rules and regulations adopted by the parks director.

(b) The following violations of this chapter shall be civil infractions:

(1) Moorage without registering or without paying the established fee; continuing to moor without paying the established fee as it becomes due. The civil penalty shall be sixty-six dollars. Each calendar day on which a failure to pay the moorage fees occurs shall constitute a separate civil infraction.

(2) Moorage in a restricted or prohibited area. The civil penalty shall be one hundred fifty dollars. Each calendar day on which a watercraft is moored in a restricted or prohibited area shall constitute a separate civil infraction.

(3) Tying together or rafting of watercraft at a City moorage facility. The civil penalty shall be one hundred fifty dollars. Each of the watercraft involved shall be subject to issuance of a separate civil infraction.

(c) Unless otherwise specified, any other violation of this chapter is a civil infraction, punishable by a fine of one hundred fifty dollars (\$150.00) per violation.

(ed) The parks director shall designate an employee or contractor who shall be responsible for issuing civil infractions pursuant to this chapter. The employee or contractor designated by the parks director shall receive any necessary authorization and training from the Kirkland police department with respect to issuance of civil infractions. Alternatively, the parks director may make arrangements with the Kirkland police department for police personnel to issue civil infractions under this chapter.

Section 4. A new KMC 14.04.080 is hereby adopted to read as follows:

14.04.080 Penalties for violations.

Unless otherwise specified, any violation of this Title 14 is a civil infraction, punishable by a fine of one hundred fifty dollars (\$150.00) per violation.

Section 5. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the

ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 6. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 5th day of June, 2012.

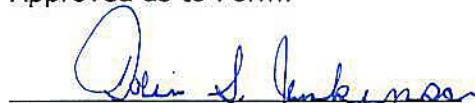
Signed in authentication thereof this 5th day of June, 2012.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney