

ORDINANCE O-4575

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE OPERATION OF WATERCRAFT WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, MARIJUANA OR ANY DRUG.

1 WHEREAS, as part of a legal review of the Kirkland Municipal
2 Code ("KMC") by Code Publishing Company it was recommended that
3 KMC Section 14.24.050 be amended to add marijuana as one of the
4 substances that it is unlawful to be under the influence of when
5 operating or in actual physical control of any vessel in the city of
6 Kirkland; and
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8 WHEREAS, KMC Section 14.24.050 already prohibits being under
9 the influence of unlawful intoxicants or drugs when operating or in
10 actual physical control of any vessel in the city; and
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12 WHEREAS, KMC Section 14.24.050 is based on RCW 79A.60.040,
13 which was amended in 2013 to add marijuana to intoxicating liquor and
14 any other drugs as substances that it is unlawful to be under the
15 influence of when operating a vessel in Washington;
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17 WHEREAS, such amendment to RCW 79A.60.040 was enacted
18 as part of the passage of Initiative Measure No. 502 in 2012, which
19 measure decriminalized adult marijuana use while adding a new
20 threshold for driving under the influence of marijuana; and
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22 WHEREAS, that new threshold for driving under the influence of
23 marijuana is codified in Chapter 69.50 RCW, the Washington Uniform
24 Controlled Substances Act, which threshold would govern enforcement
25 actions initiated by the City of Kirkland ("City") under KMC Section
26 14.24.050, as is also true with respect to vessel operators under the
27 influence of intoxicating liquor or any other drug.
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29 NOW, THEREFORE, the City Council of the City of Kirkland do
30 ordain as follows:
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32 Section 1. Kirkland Municipal Code Section 14.24.050 is
33 amended to read as follows:
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35 **14.24.050 Intoxication.**

36 (a) It is unlawful for any person who is under the influence of
37 intoxicating liquor, marijuana or any drug ~~alcohol or drugs~~ to operate or
38 be in actual physical control of any vessel or watercraft.

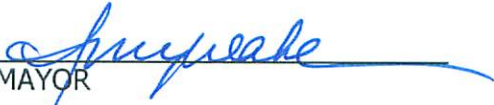
39 (b) It is unlawful for the owner of any vessel or watercraft or any
40 person having such in charge or in control to authorize or knowingly
41 permit the same to be operated by any person who is under the
42 influence of intoxicating liquor, marijuana or any drug ~~alcohol or drugs~~.

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Section 2. 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 18th day of April, 2017.

Signed in authentication thereof this 18th day of April, 2017.


MAYOR

Attest:


City Clerk

Publication Date: April 24, 2017

Approved as to Form:


City Attorney