

AN ORDINANCE RELATING TO THE WATERS WITHIN THE CITY OF KIRKLAND; PROVIDING FOR THE CONTROL THEREOF; PRESCRIBING THE POWERS AND DUTIES OF THE PORT WARDEN AND OTHER PERSONS IN CONNECTION THEREWITH; DECLARING CERTAIN THINGS TO BE NUISANCES AND AUTHORIZING ABATEMENT THEREOF; DEFINING OFFENSES; PROVIDING PENALTIES AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN as follows:

SECTION 1. AUTHORIZATION:

The City of Kirkland in the exercise of its police power hereby assumes control and jurisdiction over all waters within its limits, and such waters shall, for the purpose of this ordinance, be known as "The Harbor." This ordinance shall be known and may be cited as the Kirkland Boat Control Ordinance.

SECTION 2. DEFINITIONS:

For the purpose of this ordinance:

"Anchorage" shall mean a designated position where vessels or watercraft may anchor or moor.

"Aquatic event" means any organized water event of limited duration which is duly sanctioned at least seven days in advance by duly constituted authority and which is conducted according to a prearranged schedule and in which general public interest is manifested.

"Authorized emergency vessel" shall mean any authorized vessel or watercraft of the City Harbor Department, City Police Department, City Fire Department, King County Sheriff's Department, the United States Government, and State of Washington authorized patrol vessels or watercraft.

"City dock" shall mean the dock and moorage facilities of the City of Kirkland located at the Lake Washington end of Kirkland Avenue.

"City" shall mean the City of Kirkland.

"Diver's Flag" shall mean a red flag five units of measurement on the hoist by six units of measurement on the fly with a white stripe of one unit crossing the red diagonally with the flag having a stiffener. This flag shall only pertain to skin and SCUB (Self Contained Underwater Breathing Apparatus) diving and shall supplement any nationally recognized diver's flag or marking.

"Master" shall mean the captain, skipper, pilot or any person having charge of any vessel or watercraft.

"Obstruction" shall mean any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation, or which cannot comply with the "Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico." (C.F. 236479)

"Oil" shall mean any oil or liquid, whether of animal, vegetable or mineral origin, or a mixture, compound or distillation thereof.

"Owner" means the person who has lawful possession of a vessel or watercraft or obstruction by virtue of legal title or equitable interest therein which entitles him to such possession.

"Person" shall, when necessary, be held and construed to mean and include natural persons, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall, when necessary, be held to mean and include the plural, and the masculine pronoun to include the feminine.

"Pier" shall mean any pier, wharf, dock, float, gridiron or other structure to promote the convenient loading or unloading or other discharge of vessels or watercraft, or the repair thereof.

"Port Warden" shall mean any individual or individuals so designated by the Mayor with approval of the City Council.

"Restricted area" shall mean an area that has been marked in accordance with and as authorized by the laws or regulations of the City to be used for, or closed to, certain designated purposes such as swimming, skin-diving, ferry landings, and aquatic events, the method of marking and designation of which shall have been made by the Port Warden in accordance with the provisions of this ordinance.

"Towboat" shall mean any vessel or watercraft engaged in towing or pushing another vessel or watercraft or anything other than a vessel or watercraft.

"Vessel" means any contrivance 110 feet or more in length overall, used or capable of being used as a means of transportation on water.

"Watercraft" means any contrivance less than 110 feet in length overall, used or capable of being used as a means of transportation on water. Cribs or piles, shinglebolts, booms or logs, rafts of logs, and rafts of lumber shall not be included within the terms "Watercraft" or "Vessel," but shall be included within the term "Obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

SECTION 3. DUTIES OF PORT WARDEN:

The duties of the Port Warden as head of the Harbor Department shall be:

1. To enforce the ordinances and regulations of the City upon the waters of the harbor and adjacent thereto when the harbor is affected.
2. To maintain regular patrols in the harbor for the protection of life and property including, but not limited to, the removal and disposition of oil pollution, drifting debris and nuisances from the waters of the harbor.
3. To investigate and report upon marine and maritime accidents in the harbor.
4. To perform all necessary functions in connection with search and rescue in the harbor.
5. To cooperate with the authorities of the United States, the State of Washington and its political subdivisions in the enforcement of the laws and regulations of the United States, the State of Washington and its political subdivisions.
6. To designate, indicate the location of, and to patrol anchorage locations for watercraft or vessels within areas set forth by the ordinances of the City.
7. To establish, maintain and regulate the use of moorage buoys in the harbor for the convenience of watercraft and vessels.
8. To designate restricted areas.

SECTION 4. APPLICATION AND JUSTIFICATION:

The provisions of this ordinance shall be applicable to all vessels and watercraft operating in the harbor of this City. The provisions of this ordinance shall be construed to supplement United States Laws and State Laws and regulations when not expressly

inconsistent therewith in the harbor where such United States and State Laws and regulations are applicable.

SECTION 5. NEGLIGENT OPERATION:

Any person who shall operate any watercraft in a manner so as to endanger or be likely to endanger any person or property or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead, shall be guilty of negligent operation and a violation of this ordinance.

SECTION 6. RECKLESS OPERATION:

No person shall operate a boat in a reckless manner, or at an excessive rate of speed so as to endanger, or be likely to endanger, the life or property of any person, having due regard for the presence of other boats, or persons, or other objects in or on a waterway. Nor shall any such person operate any boat at a rate of speed which causes waves to damage docks, wharves, seawalls, or boats moored to docks or wharves along a waterway.

SECTION 7. SPEED REGULATIONS:

It shall be unlawful for any person to operate any watercraft or vessel at a speed in excess of seven (7) nautical miles per hour within 200 feet of any shoreline, pier, restricted area, or shore installation.

SECTION 8. INTERFERENCE WITH NAVIGATION
OR DISTURBING OTHER BOATS:

No person shall operate any watercraft or vessel in a manner which shall unreasonably or unnecessarily interfere with other watercraft or vessels or with the free and proper navigation of the waterways of the City. Anchoring or mooring under bridges or in heavily travelled channels shall constitute such interference if unreasonable under the prevailing circumstances.

No person shall operate a boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat, or throw up a dangerous wake when approaching another boat.

SECTION 9. OBSTRUCTIONS AND THE MOVING OF SAME:

(a) No master or person having charge of any vessel, watercraft or obstruction shall anchor the same in any anchorage or fairway nor make the same fast to any buoy, pier or other structure owned by or under the authority and control of the City without obtaining permission therefor from the Port Warden and/or Police Department, of the City.

(b) No master, owner or other person in charge of any towboat shall while towing any vessel, watercraft or obstruction, obstruct any channel or fairway.

(c) The Port Warden shall have the power to order:

- (1) Any vessel, watercraft or obstruction anchored in anchorage or fairway or made fast to any buoy, pier or other structure owned by or under the authority and control of the City;
- (2) Any towboat and/or its tow obstructing navigation in any channel or fairway; and
- (3) Any vessel, watercraft or obstruction lying at any pier in the harbor which is obstructing any slip, fairway or other vessel or watercraft,

to be removed and it shall be unlawful to fail, neglect or refuse to do so.

SECTION 10. SUNKEN VESSELS:

When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, the Port Warden may order the same immediately removed and if the owner, or other person in charge thereof, after being so ordered, does not proceed immediately with

such removal, the Port Warden may take immediate possession thereof and remove the same, using such methods as in his judgment will prevent unnecessary damage to such vessel or watercraft or obstruction, and the expense incurred by the Port Warden in such removal shall be paid by such vessel or watercraft or obstruction or the owner or other person in charge thereof; and in case of failure to pay the same, the City may maintain an action for the recovery thereof.

SECTION 11. FLOATING OBJECTS:

All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift in Kirkland Harbor, may be taken in charge by the Port Warden and shall be subject to reclamation by the owner thereof, on payment by him to the City of any expenses incurred by the City, and in case of failure to reclaim, may be sold or disposed of according to law.

SECTION 12. INTOXICATION:

(a) It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in actual physical control of any vessel or watercraft.

(b) It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.

SECTION 13. INCAPACITY OF OPERATOR:

It shall be unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such vessel or watercraft under the prevailing circumstances.

SECTION 14. ACCIDENTS:

The operator of any watercraft involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such watercraft at the scene of such accident and shall give his name, address, the name and/or number of his watercraft, and the name and address of the owner, to the person struck or the operator or occupants of the vessel or watercraft collided with or property damaged, and shall render to any person injured in such an accident reasonable assistance.

SECTION 15. ACCIDENT REPORTS:

The master, owner or operator of any watercraft shall file a report within 48 hours with the Port Warden or Police Department of any accident involving death or personal injury requiring medical treatment or property damage in excess of \$25.00 in which such watercraft shall have been involved in Kirkland Harbor.

SECTION 16. LICENSE COMPLIANCE:

No person shall operate a boat unless properly licensed as required by applicable State and Federal laws and regulations. No person shall operate a boat which does not meet all applicable equipment requirements of the United States Coast Guard.

SECTION 17. EXCESSIVE POWER:

No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity nor carry passengers in an unsafe manner, taking into consideration weather and other existing operation conditions.

SECTION 18. OVERLOADING:

No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity nor carry passengers in an unsafe manner, taking into consideration weather and other existing operating conditions.

SECTION 19. RESTRICTED AREAS:

In the interests of safe navigation, life safety, and protection of property, the Port Warden shall designate restricted areas and

the purpose for which same shall be used. No person shall operate a vessel or watercraft within a restricted area: PROVIDED, that this section shall not apply to vessels or watercraft engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in the case of an emergency.

SECTION 20. SWIMMING:

Swimming in the harbor shall be confined to (a) restricted swimming areas or (b) to within a distance of 50 feet from the shore or a pier unless the swimmer is accompanied by a watercraft.

SECTION 21. SKIN-DIVING:

Skin-diving shall be prohibited in the harbor within 300 feet of any dock or ferry slip, except pursuant to permit therefor issued by the Port Warden and except for commercial diving. Whenever any diver is in the water, he shall be accompanied by a watercraft or the area in which he is diving shall be marked by an adequately displayed diver's flag.

SECTION 22. WATER SKIING:

(a) No watercraft which shall have in tow or shall be otherwise assisting a person on water skis, aqua-plane, surfboard, or similar contrivances shall be operated or propelled in the harbor unless such watercraft shall be occupied by at least two competent persons.

(b) No watercraft shall have in tow or shall otherwise be assisting a person on water skis, aqua-plane, surfboard, or similar contrivance from sunset to sunrise.

(c) All watercraft having in tow or otherwise assisting a person on water skis, aqua-plane, surfboard, or similar contrivance shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

SECTION 23. MUFFLERS:

It shall be unlawful to use or operate any engine in or on Kirkland Harbor unless said engine is operated with and connected to a muffler or silencer of sufficient size and capacity effectually to muffle and prevent excessive or unusual noise from the exhaust of said engine.

SECTION 24. WHISTLES AND LIGHTS:

It shall be unlawful for the master, owner or any other person in charge of the watercraft or vessel, while lying at any pier, or while navigating in Kirkland Harbor, unnecessarily to cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel or watercraft under way for any purpose other than those authorized by law.

SECTION 25. EQUIPMENT AND NUMBERING:

All watercraft or vessels shall carry the equipment required by any applicable United States laws as now or hereafter amended and shall be numbered or designated in accordance with any applicable United States laws or laws of the State of Washington.

SECTION 26. EXHIBITION BOATS EXEMPTED:

The provisions of this ordinance shall not be construed to prohibit the running of racing or exhibition boats, muffled or unmuffled, during a publicly announced, properly authorized and supervised and adequately patrolled regatta or speed trial or exhibition.

SECTION 27. FAIRWAYS:

All waters herein specified, subject to reservations for anchorage and restricted areas, shall be known as "Fairway," and shall not be obstructed in any manner whereby navigation may be endangered or impeded, and shall include, subject to such reservations all of Lake

Washington lying or being within the corporate limits of the City of Kirkland or within the jurisdiction and control of the City.

All navigable waters in the projection of public streets, lying on the landward side of the outer harbor line shall be fairway. It shall be unlawful for the master, or other person in charge of any vessel, watercraft or obstruction to anchor, tie or make fast the same in any such fairway for a longer period of time than reasonably sufficient to load or unload the same, except that the Port Warden may, in his discretion, grant any permit for the use of any such fairway for a longer period of time whenever in his judgment such use will not interfere with the use of the fairway by any other vessel.

SECTION 28. ANCHORAGES:

In aid of commerce and navigation anchorage for vessels, watercraft or obstructions is authorized in the following described waters:

Lake Washington Anchorage: Whenever deemed advisable by the Port Warden, he may grant a written permit to the master or owner of any vessel or watercraft for the anchorage or mooring of said vessel or watercraft outside of the outer harbor line, or in any unused slip, or in any street end, on Lake Washington, at such locations as he shall determine will not interfere with or impede navigation.

SECTION 29. AIRCRAFT ON THE WATER:

All vessels or watercraft shall keep clear of aircraft landing within any area now or hereafter set aside by law for such purpose. Aircraft on the water shall keep clear of all vessels and watercraft and avoid impeding their navigation.

SECTION 30. RULES OF THE ROAD:

Except as herein otherwise specified, vessels or watercraft shall be subject to the "Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico" (C.F. 236479), promulgated by the United States Coast Guard, pursuant to the act of Congress,

as such rules are now or may hereafter from time to time be adopted.

SECTION 31. CITY BUOYS:

The Port Warden shall be the sole judge of any and all use made of any City buoy and his decision as to the same shall be final and conclusive.

SECTION 32. PROPELLERS:

No master, owner, or other person in charge of any vessel or watercraft shall, while the same is lying in any slip or at any pier, either cause or allow the propeller or wheel of such vessel or watercraft to be worked in such a manner as to endanger any vessel, watercraft or structure.

SECTION 33. EXPLOSIVES:

Every vessel or watercraft approaching or passing any vessel or watercraft engaged in the transfer of explosives and from which is displayed the red powder flag shall slow down to a speed of not exceeding six (6) nautical miles an hour before coming abreast of such vessel or watercraft and in time to prevent accident by reason of swells.

SECTION 34. UNSAFE PIERS:

Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the Port Warden to become unsafe so as to render the same or any portion thereof unsafe for life or property, the Port Warden shall report the matter to the City Building Superintendent who shall inspect the same and shall order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs thereto shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders of the City Building Inspector immediately, the City Building Inspector shall prohibit the use of the unsafe portion of such pier and may erect the necessary

fencing or barricade and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier.

SECTION 35. PIER LIGHTS:

In the interests of safe navigation and the protection of property, the Port Warden shall establish standards for the lighting of piers in the harbor. Between the hours of sunset and sunrise all piers shall be kept lighted in accordance with the requirements of the Port Warden. All walks, passageways, openings or gangways upon any pier upon or through which passengers may pass shall be kept adequately lighted between sunset and sunrise.

SECTION 36. SAFETY DEVICES:

Every owner, agent or lessee having charge of any commercial pier shall furnish and keep for use on such pier at least one serviceable 30-inch ring life buoy for every 300 lineal feet of berthing space to each of which shall be attached at least 200 feet of suitable line, one end of which shall be fastened to the ring buoy. Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for the use of the public in case of accident, which box shall be properly labeled and be at all times kept clear of obstructions, and it shall be unlawful to take away, molest, injure or destroy the same or either of them or to disturb the same, or either of them, except for use in saving life and property.

SECTION 37. ROADWAY BARRIERS:

Any person owning or operating or having control of any trestle, road or roadway or spur track over or upon the harbor which is open to the public as a way for travel, shall guard the same by adequate fences or barriers along the side or sides thereof, and at any or all other exposed or dangerous places, and where not open as way for travel, substantial and adequate fences or barriers shall be provided

to prevent the use of the same by the public, and upon failure to do so, the Port Warden shall order such facility closed, or may close the same until the same shall be made to conform to the requirements hereof, and any expense incurred in so doing shall be paid to, and recoverable by, the City of Kirkland from the person owing or operating the same.

SECTION 38. DANGEROUS GANGWAYS:

Wherever any gangway devoted to public use shall appear to be dangerous to the Port Warden for such use, he shall report the matter to the City Building Superintendent, who shall inspect the same and shall forbid the use of such gangway for such purpose until the same shall have been repaired or reconstructed so as to render the same safe for such use and until the same as so reconstructed or repaired has been inspected by the City Building Superintendent and its use for such purpose approved by him.

SECTION 39. BOILERS:

It shall be unlawful for the master of any vessel or watercraft or the engineer or person in charge of any engine or fire room thereof, to blow down boilers and/or tubes or emit soot therefrom or cause or allow the same to be done while lying at any pier except through an underwater exhaust or outlet.

SECTION 40. DRIFTING DEBRIS:

It shall be unlawful for the owner, agent or lessee in charge of any pier to allow the whole, or any part thereof, to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and upon failure so to do, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.

SECTION 41. OIL:

No owner, master, or other person in charge of any vessel or watercraft, and no engineer, or other person in charge of any engine room or machinery of any vessel or watercraft, and no owner, lessee, agent, employee, or other person in charge of or employed in or about any pier or other structure, and no person along or upon the shore of the harbor, shall spill, throw, pump or otherwise cause oil of any description to be or float upon the waters of the harbor. Any person causing oil to be upon the waters of the harbor as aforesaid shall remove the same and upon his failure to do so, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the person causing said oil to be upon the water. The payment of such sum, or the maintenance of an action therefor, shall not be deemed to exempt such person from prosecution for causing such oil spillage.

SECTION 42. NUISANCES:

Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be public nuisances and it shall be unlawful for any person to throw or place in, or cause or permit to be thrown or placed in any of the above named articles or substances in Kirkland Harbor, or upon the shores thereof, or in such position that the same may or can be washed into said harbor, either by hightides, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Port Warden and the expense thereof shall be paid by and recoverable from the person creating

said nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder.

SECTION 43(1). CITY FLOATS AND MOORAGE:

All City floats, piers, or moorages now or hereafter established, except as hereinafter specified, may be used by watercraft for dockage purposes, other than the handling of freight, free of charge for lying time not to exceed 48 consecutive hours at any one time. Any moorage shall be subject to approval of the Police Department. No moorage by ropes, cables or other fastenings shall be made to anything except moorage cleats provided for such purposes.

SECTION 43(2). MOORING AT PRIVATE DOCKS
WITHOUT PERMISSION:

No person shall moor a boat to a private seawall or dock or beach it upon private property within the City without the permission of the owner thereof.

SECTION 43(3). BOATS TO OBSERVE CITY HEALTH AND
CONDUCT RULES:

Persons in charge of or occupying boats docked at or moored to land, docks, piers or wharves abutting waterways shall observe all the health and sanitary regulations of the City, and all ordinances of the City relating to the conduct of persons and prohibiting acts contrary to public health, morals, safety or public peace.

SECTION 43(4). CLEANLINESS OF DOCKS:

Persons in charge of or occupying boats shall at all times keep the docks, seawalls, and premises adjacent to such watercraft in a neat and orderly manner and free from trash, rubbish, repair parts, machinery, equipment and debris of all kinds.

SECTION 43(5). GARBAGE DISPOSAL:

No person in charge of or occupying a boat shall dump or throw

garbage, paper, bottles, cans, refuse or debris into waterways. Persons in charge of boats moored or docked in the waterways shall provide garbage cans of sufficient size to hold garbage or refuse to be collected by the City of Kirkland garbage collection department.

SECTION 44. OBSTRUCTING TRAFFIC:

The determination of the Port Warden shall be final and conclusive as to all questions relating to the handling of freight or merchandise or as to the position of any vessel or watercraft and all persons handling or in charge of freight or merchandise or vessels or watercraft, shall handle the same expeditiously and without interference with or blocking general traffic and without interfering with commerce and navigation.

SECTION 45. FIRE PIERS:

No passengers, freight or merchandise shall be handled over any location designated for the use of the fire boats of the fire department, nor shall such location be used for any purpose whatever other than municipal purposes.

SECTION 46. PATROL FLOATS:

The Port Warden shall designate locations for such floats as may be necessary for patrol boats and shall prescribe rules and regulations for the use of such floats.

SECTION 47. ACCOUNTING:

The Port Warden shall keep accurate and detailed account of all moneys received or disbursed by him in the performance of his duties, which books of account shall be furnished by and be the property of the City of Kirkland, to be maintained in the Police Department, which shall at all times within office hours be open to inspection by the public and at all times to inspection and audit by the proper department or departments of the City.

SECTION 48. PUBLIC HEALTH:

All watercraft and vessels entering or in the harbor shall com-

ply with the applicable public health laws and regulations of the United States, the State of Washington and its political subdivisions.

SECTION 49. BOAT LIVERY RECORDS:

The owner or proprietor of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any watercraft, the identification number of such watercraft, the departure date and time and the date and time of the return of such watercraft. Such record shall be preserved for not less than six months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat livery any such watercraft shall carry the equipment required by this ordinance.

SECTION 50. LIABILITY FOR DAMAGES:

Nothing in this ordinance shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure, from any liability for damages, and the safeguards to life and property required in this ordinance shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required by law.

SECTION 51. ENFORCEMENT:

The Port Warden and any of his authorized deputies or employees and authorized personnel of the governments of the United States, the State of Washington or its political subdivisions by virtue of their election or appointment, shall have authority to enter upon and inspect any vessel or watercraft in the harbor and are hereby charged with the enforcement of the provisions of this ordinance except as the enforcement thereof is otherwise specified. It shall be the duty of the Port Warden to make complaints for the violation of the same, or any part hereof, in the name of the City. PROVIDED,

that this provision shall not operate to preclude the making of such complaint by any other person legally authorized so to do.

SECTION 52. RELEASE FROM ARREST ON
NOTICE TO APPEAR

Whenever any person is arrested for any violation of the ordinance, the arresting officer may serve upon him a citation and notice to appear in court. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court, as required by the citation and notice, by signing in the appropriate place the written citation and notice served by the arresting officer.

SECTION 53. PUBLIC EMPLOYEES TO OBEY
HARBOR ORDINANCE:

The provisions of this ordinance shall apply to the operator of any vessel or watercraft owned by or used in the service of the United States Government, or of this state, or of any political subdivision thereof.

SECTION 54. EXEMPTION TO AUTHORIZED EMERGENCY
VESSELS AND WATERCRAFT:

The provisions of this ordinance shall be applicable to the operation of any and all vessels or watercraft in the harbor of the City, except that they shall not apply in the following cases:

(1) To any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of any actual or suspected violator of the law, within the purpose for which such emergency vessel or watercraft has been authorized; PROVIDED, that the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons using the City Harbor, nor shall it protect the operator of such emergency vessel or watercraft from the consequence of a reckless disregard for the safety of others; PROVIDED, further, the provisions of this section shall in no event extend any special privilege or immunity in operation of any authorized emergency vessel or watercraft for any purpose other than for which the same has been authorized.

SECTION 55. AIDING AND ABETTING VIOLATIONS:

It is unlawful to counsel, aid or abet the violation of, or failure to comply with any of the provisions of this ordinance.

SECTION 56. YIELDING RIGHT OF WAY TO AUTHORIZED
EMERGENCY VESSELS AND WATERCRAFT:

It shall be the duty of the master, owner or operator of a vessel or watercraft to reduce speed and if necessary stop his vessel or watercraft and at the same time yielding right of way as herein otherwise specified upon the approach of an authorized emergency vessel or watercraft displaying a red light and sounding a siren and while actually responding to an emergency or in immediate pursuit of any actual or suspected violator of the law, within the purpose for which such emergency vessel or watercraft has been authorized.

SECTION 57. FILING OF FALSE INFORMATION AND
CONCEALMENT OF PERTINENT FACTS:

It shall be a violation of this ordinance for any master, owner, operator or other occupants of any vessel or watercraft involved in a reportable accident under the provisions of this ordinance or involved in any violation of this ordinance to wilfully and knowingly file false information and/or conceal pertinent facts to the accident or violation with the persons duly authorized to investigate the said accident or violation. This section shall constitute a separate violation and shall not preclude prosecution for the original violation or accident.

SECTION 58. EMERGENCY POWERS:

The Port Warden and the officers of the Police Department are hereby authorized to direct all waterborne traffic, either in person or by means of visible or audible signal in conformance with the provisions of this ordinance; PROVIDED, that where necessary to expedite waterborne traffic, or to prevent or eliminate congestion, or to

safeguard persons or property, such officers, or in the event of a fire or other emergency, such officers and other authorized officers of appropriate governmental agencies or authorities, may direct waterborne traffic as conditions may require, notwithstanding the provisions of this ordinance.

SECTION 59. PENALTY:

Any person who shall violate or fail to comply with any provision of this ordinance, or any lawful order or direction of the Port Warden or any person or officer charged with the enforcement hereof, shall, on conviction thereof, be punished by a fine in any sum not exceeding One Hundred Dollars (\$100.00) or by imprisonment in the City jail for a term not to exceed thirty days (30), or both such fine and imprisonment.

SECTION 60. PRESERVATION OF ACTIONS:

This ordinance shall not affect pending actions or proceedings, civil or criminal, or defenses thereto, but the same may be prosecuted or defended with the same effect as though this ordinance had not been passed. No cause of action or defense thereto, heretofore arising under any of the ordinances hereby repealed shall abate by reason of the passage of this ordinance, whether such action has been commenced or such defense interposed or not, but all such actions may be brought and such defenses interposed with the same effect as though said ordinance had not been repealed.

SECTION 61. REPEAL:

This ordinance repeals all other ordinances, or parts of ordinances, in conflict herewith.

SECTION 62. SAVING CLAUSE:

In the event any section or provision of this ordinance shall be held invalid or of no effect, such decision shall not effect the

validity of any other section or provision thereof.

SECTION 63.

This ordinance shall take effect and be in force five (5) days after its passage, approval, and legal publication or posting.

INTRODUCED this 15th day of February, 1960.

PASSED and APPROVED this 21st day of March, 1960.

Don Duggan
Mayor

Attest:

Geo. A. Cawston
City Clerk

Approved as to form:

Charles W. Johnson Jr.
City Attorney

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the City of Kirkland and that the same was published or posted according to law, said Ordinance being No. 800 and entitled "An Ordinance as above."
Geo. A. Cawston, City Clerk.