

*Repealed by 3946*

ORDINANCE NO. 2108

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, RELATING TO SWIMMING POOLS.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Fences and Gates Required. Every person whether as owner, purchaser under contract, lessee, tenant or licensee in possession of land within the City upon which is situated a swimming pool in excess of 18 inches in depth, including portable pools, shall at all times maintain on the lot or premises upon which such pool is located and completely surrounding such pool, lot or premises, a fence or other solid structure designed to prevent small children from inadvertently wandering into the pool. Such fence or other solid structure shall be not less than five feet in height with no opening (other than doors or gates) except as follows:

- (a) For a fence or other solid structure whose chief covering members are constructed in a vertical direction, there shall be no openings in a horizontal direction of more than four inches. For a fence of this type there shall be no more than three horizontal members.
- (b) For a fence or other solid structure whose chief covering members are constructed in a horizontal direction there shall be no openings in a vertical direction.
- (c) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designated to keep and capable of keeping such door or gate securely closed at all times when not in actual use and to prevent a small child from opening such door or gate; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped.

All latches or locking devices on doors or gates as required by this Section shall be installed not less than 4 feet 6 inches above the adjoining walks, steps or ground level. No self-closing gate required by this Section shall have a width in excess of 4 feet unless the design is specifically approved by the City Building Official. In no event shall a gate which serves a driveway qualify as a self-closing gate for the protection of swimming pools under the requirements of this Section.

Section 2. Fences, Exception - Inaccessibility. The requirements of this Ordinance relating to a fence or other solid structure surrounding a swimming pool on all sides may be waived to the extent that the topographical features of the land upon which the pool is constructed or is proposed to be constructed are such as to make the land inaccessible and unapproachable from any portion thereof which is unfenced and unenclosed.

Section 3. Fences, Exceptions - Covered Pools. All permanent swimming pool covers shall be considered as adequate enclosure protection required in this Ordinance provided that: (1) All exterior openings are constructed as herein required for gates. (2) Exterior walls are solid and impenetrable. Pool cover structures shall be classified as "G" occupancy and conform to all requirements of the Kirkland Building Code in effect at the time of construction.

Section 4. Excavation Walls: Distance From Slope: Walkway. Swimming pool excavations and swimming pools partially completed shall be protected and guarded against danger to life and property. Such excavations shall have walls of masonry or concrete of sufficient strength to retain the embankment together with any surcharged loads. No swimming pool or swimming pool excavation shall extend within one foot of the angle of repose or natural slope of the soil under any footing or foundation unless;

1. Such footings or foundations are first properly pinned or protected against settlement; or
2. The swimming pool wall is designed, through rational engineering analysis, to support the surcharge created by the building or structure resting on such footing or foundation.

Notwithstanding the proximity of a swimming pool to a foundation or footing allowed by the angle of repose, there shall be permanently maintained walkway between buildings and a swimming pool not less than three feet in width. Diving boards and other permanently attached swimming pool accessories constructed along the perimeter of the pool shall in the aggregate not exceed five percent of the perimeter distance of the pool.

Section 5. Compliance Required. All plans hereafter submitted to the City for swimmingpools to be constructed shall show compliance with the requirements of this Ordinance, and final inspection and approval of all pools hereafter constructed shall be withheld until all requirements of this Ordinance have been complied with.

Section 6. Satisfactory Alternate. Notwithstanding any precise requirements of this Ordinance, the Building Official may approve alternate methods of protection and construction and maintenance of swimming pools, provided such alternate methods meet the same essential safety requirements of this Ordinance, and it can be demonstrated that such alternate methods are better suited because of peculiar or unusual circumstances and that it is not practical to meet the precise requirements of this Ordinance. Any person who seeks to obtain approval of any such alternate and who is denied approval by the Building Official may appeal his decision to the Building Code Board of Appeals by filing a notice of Appeal with the City Clerk stating the grounds for the Appeal and requesting a hearing to review the decision by the Building Official.

Section 7. Retroactive Effect. Swimming pools of a type subject to the provisions of this Ordinance which were in existence prior to the effective date of this Ordinance and where not provided with the safety requirement then in effect shall; within 6 (six) months from the effective date of this Ordinance be brought into conformity with the provisions and requirements of this Ordinance. Swimming pools not brought into conformity within the period of time herein specified are hereby declared to be a public nuisance and public hazard, and the owner of the premise upon which such pool exists shall be subject to the penalties prescribed herein.

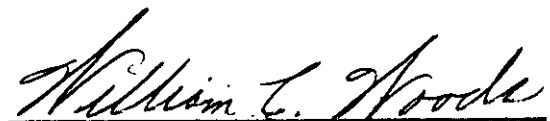
Section 8. Violations and Penalties. Any person, firm, association, or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00, or by imprisonment for not more than 90 days, or by both such fine or imprisonment.

Section 9. Building Official - Enforcement of Ordinance. The Building Official is herewith charged with the duty of enforcing this Ordinance and determining whether or not the provisions and requirements of this Ordinance have been complied with.

Section 10. This Ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.

PASSED by the City Council of the City of Kirkland this  
1st day of June, 1970.

SIGNED in authentication thereof on the 1st day of  
June, 1970.


  
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Mayor

ATTEST:



Director of Administration & Finance  
(ex officio City Clerk)

Approved as to form:

  
City Attorney

*Repealed by 3082*

ORDINANCE NO. 2109

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON SUPPLEMENTING ORDINANCE NO. 2096 ADOPTING THE SIXTH YEAR URBAN ARTERIAL PROGRAM AND AMENDING SECTION 4 OF ORDINANCE 2096.

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

Section 1. Ordinance No. 2096 adopted February 16, 1970 and title "An Ordinance of the City of Kirkland, Washington relating to Arterial Streets designating Arterial Streets for the City of Kirkland adopting the revised Sixth Year Project Program for street improvement and the Sixth Year Urban Arterial Program and supplementing Ordinance No. 2008 is hereby supplemented and Section 4 of said ordinance as heretofore adopted is hereby amended to read as follows:

"Section 4. Pursuant to RCW Chapter 35.77 the Sixth Year Arterial Street improvement program of the City of Kirkland is revised and adopted as set forth in Exhibit A to this Ordinance which exhibit by this reference is incorporated herein. Said Arterial street improvement program of the City of Kirkland also includes the revised and adopted Urban Arterial Program as set forth in Exhibit B to the Ordinance which exhibit by this reference is incorporated herein. A copy of said program, including Exhibits A and B, together with this Ordinance shall be filed with the Director of State Highways for the State of Washington as required by law."

Section 2. This Ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.

PASSED by the City Council at regular meeting on the 1st day of June, 1970.

SIGNED in authentication thereof on the 1st day of June, 1970.

*William C. Woods*  
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Mayor

Attest:  
*Tom J. Johnson*  
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Director of Administration and Finance  
(ex officio/City Clerk)

Approved as to form:  
*Joseph J. ...*  
\_\_\_\_\_  
City Attorney

EXHIBIT A TO ORDINANCE NO. 2096

Revised Six-Year Arterial Street Program for the  
City of Kirkland, Washington

Public hearing on the following revised six-year arterial street improvement program for the City of Kirkland was held before the City Council of the City of Kirkland on the 16th day of February, 1970.

	<u>Project Location</u>	<u>Type of Improvement</u>	<u>Estimated Cost</u> [1973]
1.	6th St. W. from Market St. to Waverly Way  and/or  Waverly Way from 6th St. W. to Market St.	Grading, Paving, Drainage, Curb, Sidewalk, Lighting  ditto	169,500.  251,750.
2.	7th Ave. from Market St. to RR Tracks,  and/or  N.E. 87th St. from RR Tracks to 11ths Ave. N.E.	Pave, Curbs, Sidewalks, Drainage, Grading, Lighting R.R. X-ing  ditto	159,430.  175,600.
3.	7th Ave. S. from Lake St. S. to 5th St. S.  and/or  5th St. S. from 7th Ave. S. to Kirkland Ave.	R/W Acquis., Clearing, Grading, Drainage, Paving, Sidewalk, street lighting, Curb  ditto	124,375.  336,875.
4.	18th Ave. from Market St. to 6th St.  and/or  N.E. 100th St. from 6th St. to I-405	Grading, Paving, Curb, Sidewalk, Street lighting, Drainage, RR x-ing, R/W Acquis.  ditto	270,940.  418,880.
5.	18th Ave. W. from 10th St. W. to Market St.	Grading, Paving, Drainage, Curb, Sidewalk, Lighting	177,750.
6.	N.E. 53rd St. from 108th Ave. N.E. to I-405	Grading, Paving, Curb, Sidewalk, Drainage, Street Lighting, Adjust utilities	179,620.

	<u>Project Location</u>	<u>Type of Improvement</u>	<u>Estimated Cost</u>
15.	N.E. 116th St from 98th Ave. N.E. to I-405	Grading, Paving, Curb Sidewalk, Drainage, Lighting, Adjust utilities	633,200.
16.	116th Ave. N.E. from N.E. 60th St. to N.E. 70th	Grading, Paving, Curb Sidewalk, Drainage, Lighting	171,000.
17.	116th Ave. N.E. from N.E. 87th St. to N.E. 100th St.	Paving, Grading, Curb Sidewalks, Drainage, Lighting	292,100.
18.	120th Ave. N.E. from N.E. 108th St. to N.E. 116th St.	R/W Acquis., Grading Paving, Curb, Sidewalk, Drainage, Lighting	264,500.
19.	Lakeview Dr. from Lake Wash. Blvd. to State Street	Pave, Grading, Curb Sidewalks, Drainage, Lighting	190,000.
20.	Market St. from Central Way to N.E. 124th St.	Paving, Curb, Side- walks, Drainage, Improve Lighting	2,072,500.
	and/or		
	Central Way from Market to 3rd St.	ditto	325,000.
21.	State Street from 2nd Ave. South to Central Way	Demo. R/W Acquis., Paving, Curb, Side- walks, Grading, Drainage, Lighting	112,000.
	and/or		
	State Street from 2nd Ave South to N.E. 68th St.	Surface overlay, Lighting, Adjust utilities	53,340.

	<u>Project Location</u>	<u>Type of Improvement</u>	<u>Estimated Cost</u>
7.	N.E. 60th St. from 108th Ave. N.E. to I-405	Grading, Paving, Curb Sidewalk, Drainage, St. Lighting, Adjust Utilities	177,000.
8.	N.E. 60th St. from I-405 to 124 Ave. N.E.	Grading, Paving, Curb, Sidewalk, Drainage, Lighting	121,250.
9.	N.E. 70th St. from I-405 to 124th Ave. N.E.	Grading, Paving, Drainage, Curb, Sidewalks, St. Lighting	154,000.
10.	N.E. 106th St. from Market St. to 108th Ave. N.E.	Grading, Paving, Drainage, Lighting, Sidewalk, Curb	263,620.
	and/or		
	108th Ave. N.E. from N.E. 106th St. to N. E. 108th St.	ditto	135,000.
	and/or		
	N. E. 108th St. from 108th Ave. N.E. to N. E. 112th St.	ditto	311,250.
11.	108th Ave. from Kirkland Way to Central Way	Grading, Clearing, R/W Acquis. Drainage, Paving, Curb, Sidewalk, St. Lighting	97,500.
	and/or		
	6th St. from Central Way to 18th Ave.	ditto	341,440.
	and/or		
	108th Ave. N.E. from 18th Ave. to N.E. 108th St.	ditto	395,100.
12.	108th Ave. N.E. from N.E. 112th St. to N.E. 116th St.	Paving, Drainage, Curb, Sidewalk, Lighting, Adjust Utilities, Grading	109,500.
13.	108th Ave. N.E. from S. City Limits to N.E. 68th St.	Grading, Paving, Curb, Sidewalk, Drainage, Lighting, Adjust Utilities, Demolition	244,700.
14.	N.E. 112th St. from 100th Ave. N. E. to 120th Ave. N.E.	Grading, Paving, Curb, Sidewalk, Lighting, Adjust Utilities, R.R. x-ing	395,500.