

ORDINANCE O-4651

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO NONSUBSTANTIVE CORRECTIONS TO THE KIRKLAND MUNICIPAL CODE TO CORRECT TYPOGRAPHICAL ERRORS AND MISTAKES, AND ADD CLARITY.

1 WHEREAS, this Ordinance has been recommended for
2 consideration by the Planning Director as part of a review of the Kirkland
3 Municipal Code ("KMC") for the purpose of correcting typographical
4 errors and outdated citations; and
5

6 WHEREAS, KMC Chapter 1.12 currently does not reference the
7 City's litter code as an enforceable City "regulation" and this mistaken
8 omission should be corrected; and
9

10 WHEREAS, KMC Chapter 21.06 includes outdated references as
11 to where to file an appeal, and needs to be changed from "fire
12 department" to "planning and building department"; and
13

14 WHEREAS, KMC Chapters 21.41 and 22.26 and 29.12 contain
15 several typographical errors and outdated terminology that should be
16 corrected; and
17

18 WHEREAS, this Ordinance has been reviewed and approved by
19 the Planning Director for the purpose of providing clarity to the City's
20 Municipal Code.
21

22 NOW, THEREFORE, the City Council of the City of Kirkland do
23 ordain as follows:
24

25 Section 1. Kirkland Municipal Code Section 1.12.020(k) is
26 amended to read as follows:
27

28 1.12.020 Definitions.
29

30 ...

31 (k) "Regulation" means and includes the following, as they now
32 exist or are hereafter amended:
33

34 (1) Title 23 (Kirkland Zoning Code);
35

36 (2) Title 21, Buildings and Construction (including codes adopted
37 by reference);
38

39 (3) Chapter 15.52 (Surface Water Management);
40

41 (4) Title 29 (Land Surface Modification);
42

43 (5) Chapter 19.04 (Obstructing Streets or Sidewalks);

44 (6) Chapter 11.76 (Junk Vehicles);

45
46 (7) Chapter 11.24 (Nuisances);

47
48 (8) Chapter 11.64 (Litter);

49
50 (~~89~~) The terms and conditions of any permit or approval issued
51 by the city, or any concomitant agreement with the city;

52
53 (910) Chapter 7.74 (Fair Housing Regulations);

54
55 (~~1011~~) Chapter 16.05 (Retail Carryout Bags, including definitions
56 set forth in Chapter 16.04);

57
58 (~~1112~~) Chapter 16.08 (Garbage Disposal); and

59
60 (~~1213~~) Chapter 7.02 (Business Licenses and Regulations).

61
62 ...

63
64 Section 2. Kirkland Municipal Code Section 21.06.574 is
65 amended to read as follows:

66
67 21.06.574 When to appeal and appeal fee.
68 An appellant shall file a written appeal of the order, decision or
69 determination of the building official with the Kirkland ~~fire~~ planning and
70 building department within thirty days of the date of the decision of the
71 building official. There shall not be an appeal fee for appeals of stop
72 work orders or code enforcement orders. For all other matters, the
73 appeal fee shall be one hundred twenty-five dollars and shall accompany
74 the written appeal. Failure to timely file the appeal or pay the appeal
75 fee shall result in dismissal of the appeal.

76
77 Section 3. Kirkland Municipal Code Section 21.41.108(a) is
78 amended to read as follows:

79
80 21.41.108 Unsafe structures and equipment.
81 (a) General. When a structure or equipment is found by the code
82 official to be unsafe, or when a structure is found unfit for human
83 occupancy, or is found unlawful, the code official is authorized to
84 condemn such structure pursuant to the provisions of this code.

85
86 ...

87
88 (3) Structure Unfit for Human Occupancy. A structure is unfit
89 for human occupancy whenever the code official finds that such
90 structure is unsafe, unlawful or, because of the degree to which
91 the structure is in disrepair or lacks maintenance, is ~~insanitary~~
92 unsanitary, vermin- or rat-infested, contains filth and
93 contamination, or lacks ventilation, illumination, sanitary or
94 heating facilities or other essential equipment required by this
95 code, or because the location of the structure constitutes a
96 hazard to the occupants of the structure or to the public.

97 ...

98

99 Section 4. Kirkland Municipal Code Section 21.41.302(h) is
100 amended to read as follows:

101

102 21.41.302 Exterior property areas.

103 ...

104

105 (h) Motor Vehicles. Except as provided for in other regulations, no
106 inoperative or ~~unlicenseable-unlicensed~~ motor vehicle shall be parked,
107 kept or stored on any premises unless parked or stored in a building
108 complying with the Kirkland Building Code. No vehicle shall at any time
109 be in a state of major disassembly, disrepair, or in the process of being
110 stripped or dismantled. Painting of vehicles is prohibited unless
111 conducted inside an approved spray booth.

112

113 Exception: A vehicle of any type is permitted to undergo major overhaul,
114 including body work; provided, that such work is performed inside a
115 structure or similarly enclosed area designed and approved for such
116 purposes.

117

118 Section 5. Kirkland Municipal Code Section 22.26.010 is
119 amended to read as follows:

120

121 22.26.010 Applicability.

122 The provisions of this chapter describe the procedure that the city will
123 use to review and decide upon a proposed alteration of or vacation of
124 of a plat.

125

126 Section 6. Kirkland Municipal Code Section 29.12.010 is
127 amended to read as follows:

128

129 29.12.010 Permit exemptions.

130 Except in (1) critical areas and their buffers, (2) areas waterward of the
131 ordinary high waterline-water mark (OHWM), (3) ~~high waterline-required~~
132 ~~yards-shoreline setback~~, or (4) areas with an historic overlay
133 designation, a land surface modification permit shall not be required for
134 the following:

135 (a) The removal of overhanging vegetation and fire hazards as
136 specified in Chapter 9.12 of the Kirkland Municipal Code.

137 (b) The removal of prohibited vegetation.

138 (c) Land surface modification performed in the normal course of
139 maintaining existing landscaping on a lot associated with an existing
140 building or buildings, provided such work:

141 (1) Does not substantially change the points where the stormwater or
142 groundwater enters or exits the subject property; and will not change
143 the quality, quantity, or velocity of stormwater or groundwater;

144 (2) Does not result in an increase or decrease in topography at any
145 point of more than four feet; and

146 (3) Does not involve more than fifty cubic yards of material in any
147 twelve-month period.

148 (d) Any excavation authorized by a valid building permit. This shall
149 not exempt any fill made with the material from such excavation when

150 the material is removed from the lot or any fill material which is placed
151 on the lot.

152 (e) Utilities or other work in a right-of-way supervised by the city of
153 Kirkland, authorized in writing by the director of the department of
154 public works, or as allowed by a right-of-way permit approved under
155 Chapter 19.12 of the Kirkland Municipal Code.

156 (f) Excavations for franchise utility service connections (power,
157 telephone, cable, gas, etc.) to serve existing and/or new structures.

158 (g) Correction of storm drainage problems when supervised by the
159 department of public works.

160 (h) Exploratory excavations under the direction of a professional
161 engineer licensed in the state of Washington, as long as the extent of
162 the land surface modification does not exceed the minimum necessary
163 to obtain the desired information.

164 (i) Normal maintenance and repair of the facilities of a common carrier
165 by rail in interstate commerce within its existing right-of-way.

166 (j) Cemetery graves.

167
168 Section 7. If any provision of this ordinance or its application to
169 any person or circumstance is held invalid, the remainder of the
170 ordinance or the application of the provision to other persons or
171 circumstances is not affected.

172
173 Section 8. This ordinance shall be in force and effect five days
174 from and after its passage by the Kirkland City Council and publication
175 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
176 form attached to the original of this ordinance and by this reference
177 approved by the City Council.

178
179 Passed by majority vote of the Kirkland City Council in open
180 meeting this 3rd day of July, 2018.

181
182 Signed in authentication thereof this 3rd day of July, 2018.


Amy Walen, Mayor

Attest:


Anja Mullin, Deputy City Clerk

Publication Date: 07/09/2018

Approved as to Form:


Kevin Raymond, City Attorney