

ORDINANCE NO. 2451

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PUBLIC WATERCRAFT MOORAGE, ESTABLISHING FEES TO BE CHARGED FOR THE USE OF THE MOORAGE FACILITIES LOCATED AT MARINA PARK, PROVIDING FOR REGULATIONS FOR THE USE THEREOF BY THE PUBLIC, AND AMENDING CHAPTER 14.36 OF THE KIRKLAND MUNICIPAL CODE.

WHEREAS, the City of Kirkland has constructed and operated free moorage facilities at Marina Park, and

WHEREAS, the City Council has found it necessary to set fees and provide regulations for the use of said moorage facilities by the public in order to insure equal opportunity and use for all members of the boating public, and to provide for necessary repairs and maintenance to said facility,

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

Section 1. Section 14.36.010 Kirkland Municipal Code, is hereby amended to read as follows:

"14.36.010 City floats and moorage. A. Unless posted to limit use to nondockage purposes, all city floats, piers, or moorages now or hereafter established may be used by watercraft for dockage purposes, except as hereinafter specified, [~~free-of-charge~~] for lying time not to exceed forty-eight hours in any consecutive seven-day period; provided, that the police department or port warden shall have authority to shorten or lengthen said period of time when circumstances require such alteration in order to promote safety or protect property; provided, further, that moorage for the following purposes is prohibited:

1. Handling freight;
2. Mooring of boats or watercraft for sale or commercial display;
3. Receiving or discharging fee-paying or commercial passengers without having obtained prior written permit from the city;
4. Any other commercial use.

B. No dockage or other tieup by ropes, cables or other fastenings shall be made except by use of tieup cleats provided for such purposes."

Section 2. Chapter 14.36 of the Kirkland Municipal Code, is hereby amended by the addition of the following sections to read as follows:

NEW SECTION

14.36.011 There are hereby established the following rates to be assessed against boats and other watercraft moored overnight at the Kirkland Marina Park moorage facility:

<u>BOAT OR WATERCRAFT LENGTH</u>	<u>RATE PER WATERCRAFT PER DAY</u>
Under 31 feet	\$ 3.00
31 feet to 40 feet	4.00
41 feet to 50 feet	5.00
51 feet and over	6.00

For the purpose of this chapter, each day constitutes a period of 24 hours commencing at the time the watercraft is registered and payment made or from the time the watercraft is tied up, whichever first occurs.

Moorage or lying time at the Marina Park facility shall not exceed 2 days or 48 consecutive hours in any consecutive 7-day period.

NEW SECTION

Section 14.36.012 No person shall moor a boat overnight at the Kirkland Marina moorage facility unless that person immediately registers and pays the fee established above. Mooring during daylight hours only may be allowed without registration or payment of fee but only in accordance with any rules or regulations established by the City Manager or the Director of Parks and Recreation as his delegate.

NEW SECTION

Section 14.36.013 The City Manager or the Director of Parks and Recreation as his delegate, is hereby empowered to develop and implement rules and regulations regarding the operation and maintenance of the Kirkland Marina Park moorage facility in accordance with this and other ordinances of the City of Kirkland, and any applicable state and federal laws. Said regulations may include rules regarding registration of boats, the payment of fees, ingress and egress of boats, and persons from the Marina Park moorage facility and any other aspects of operation or maintenance of said facility. Such rules and regulations shall be promulgated and posted in accordance with the rule-making authority granted by Section 11.80.220 of the Kirkland Municipal Code. Such rules and regulations shall be prominently posted at said moorage facility so as to reasonably inform the public.

NEW SECTION

Section 14.36.014 All persons using the City of Kirkland public moorage facilities shall abide by all ordinances of the City of Kirkland which may be relevant thereto, including provisions of the Kirkland Municipal Code. Any boat moored at the Kirkland Marina Park moorage facility for which a fee, as provided herein, has not been paid, or for which proper registration has not been made, or which has been so moored for more than 2 consecutive days may be impounded in accordance with the provisions of section 14.36.015. In addition, any violation of sections 14.36.011 through .014, inclusive, shall constitute a misdemeanor and punishable by a fine not to exceed \$500, provided, however, that the fine to be imposed

for a violation of moorage time limitation or overtime moorage, shall be considered a separate offense as to each 24 hour period beyond the maximum moorage time permitted, and the fine for each such violation shall be \$25, that is to say, \$25 for each day or portion thereof, that a watercraft is moored in violation of the moorage time limitations imposed by this ordinance.

Section 3. Section 14.36.015 of the Kirkland Municipal Code is hereby amended to read as follows:

"14.36.015 Authority to impound watercraft. Whenever there exists a probable cause to believe that a watercraft has remained moored in such a manner and for such a time as to constitute a violation of Section 14.36.010 through 14.36.014, inclusive, the port warden shall have the authority to either impound-in-place said watercraft, or, in the exercise of his discretion to promote safety and protect property, impound said watercraft by effecting its removal to an appropriate holding area; provided, that said impound or impound-in-place shall occur only after reasonable investigation has indicated that the arrest of the proper person or issuance of citation thereto for such violation, pursuant to the purposes and provisions of Section 14.48.040, are either impossible or impracticable; provided further, that in the event an impound or impound-in-place occurs, said watercraft shall be released to its owner or his agent upon compliance with the purposes and provisions of Section 14.48.040."

Section 4. Chapter 14.36 of the Kirkland Municipal Code is hereby amended by the addition of the following section to read as follows:

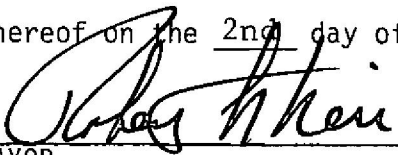
"14.36.016 Sale of impounded property including watercraft. The City of Kirkland shall sell at public auction after written notice to the owner, if known, any impounded property including impounded watercraft not redeemed within sixty (60) days after the date of impounding. Notice of such sale shall be published in a newspaper of local circulation describing the items to be sold, the time, place and date of said action and other specifics as may be required by law. Monies received from the sale shall first be applied toward payment of city moorage fees, taxes, utility charges and other cost to the city. Any remainder shall be forwarded to the owner, if known. If the owner is not known, the remainder shall be retained by the city for a period of six (6) months for release to the owner upon sufficient proof of ownership. After the sixth month period has elapsed without release to owner, the remainder shall be deposited into the general fund of the city.

Notwithstanding any provisions to the contrary contained in section 14.48.040 no impounded property including watercraft, shall be released to its owner or his agent until there has been paid to the city in full, all moorage fees, fines, expenses incurred by the city in the course of impounding, including storage, and such other sums as may be due and owing to the city as a result of the mooring of said watercraft to the Kirkland moorage facilities."

Section 5. This ordinance shall be in force and effect five days from and after its passage and publication as required by law.

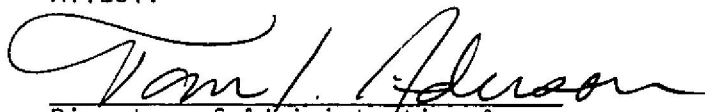
ADOPTED BY MAJORITY VOTE of the Kirkland City Council at regular meeting on the 2nd day of April, 1979.

SIGNED IN AUTHENTICATION thereof on the 2nd day of April, 1979.



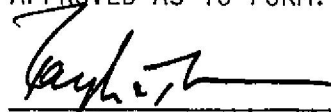
MAYOR

ATTEST:



Director of Administration &
Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney