

ORDINANCE 3097

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CITY OF KIRKLAND COMMERCIAL TOUR BOAT FACILITY, ADOPTING GENERAL OPERATION POLICIES, RULES, AND REGULATIONS, ESTABLISHING MOORAGE FEES, AND ADDING A NEW CHAPTER TO THE KIRKLAND MUNICIPAL CODE.

Be it ordained by the City Council of the City of Kirkland as follow:

Section 1. There is hereby added to the Kirkland Municipal Code a new chapter to be known as Chapter 14.38 to read as follows:

I. General Operating Policies

1. The Kirkland Parks and Recreation Department shall be responsible for the overall administration, maintenance, and operation of the commercial tour boat pier, herein after referred to as "the facility". Said facility being the extension to the Marina Park moorage pier, constructed in 1988 and signed for commercial tour boat usage only.

2. The facility shall only be used by U.S. Coast Guard licensed commercial tour or charter boats. Every boat using the facility shall, at a minimum:

a. Have a valid identification permanently affixed to the exterior of the hull and be visible when moored to the facility.

b. Coast Guard numbers and decal shall be prominently displayed.

c. Have on board proof of State license as a registered charter boat.

d. Carry marine and/or general liability insurance in form and amounts acceptable to the City.

e. Have signed and filed with the City in a form approved by the City Attorney, a City of Kirkland Commercial Tour Boat Facility User Agreement, and Undertaking.

The Parks and Recreation Department shall ensure that these requirements have been fulfilled, prior to allowing a vessel to moore at the facility. Failure to meet any of the foregoing requirements shall be cause to refuse moorage.

3. Use of the facility for recreational, or unlicensed charter boat tie-up, or moorage shall be prohibited. The facility shall be appropriately signed to reflect all regulations and restrictions, as well as joint Port of Seattle/City of Kirkland partnership in the facility.

4. The facility shall be kept open on a year round basis, and used primarily for transit moorage (i.e., loading and unloading of passengers).

5. The normal hours of facility operation are from 7:00 a.m. to midnight. The specific hours of operation enable the City to most efficiently exercise its regulatory control over use of the facility. A survey of potential users of the facility indicate it is unlikely that commercial tour operators coming into Kirkland would schedule arrival in Kirkland prior to 7:00 a.m., or schedule departure from Kirkland later than midnight.

Notwithstanding the foregoing, the Parks and Recreation Department, when specially requested, may authorize limited overnight moorage, with a maximum one night stay, provided that any tour boat granted overnight moorage permission shall arrive and depart the moorage facility during the facilities normal hours of operation.

6. The Parks and Recreation Department shall assign an existing part-time seasonal employee to assist with facility operations and other park related waterfront activities in a wide variety of ways. For example, it is recommended that the employee:

- a. Assist incoming tour boats with moorage.
- b. Insure that dock space is available for tour boats, that have made

reservations.

c. Collect moorage and reservation fees from incoming tour boats.

d. Insure that recreational boaters do not use the tour dock facility.

e. Assist arriving passengers in locating the METRO transit center, with boarding charter buses, in providing other directions as required and similar acitities.

f. Assist charter buses meeting tour boats with parking, and with picking up and dropping off passengers in a manner that does not adversely affect the normal flow of vehicular and pedestrian traffic, in and through the Central Business District.

g. Collect recreational moorage fees from recreational boaters using the Marina Park recreational dock facility on an overnight basis.

h. Assist recreational boaters with parking, traffic, a launching problems encountered at the boat launch facility.

i. Perform other park related duties in the area, such a litter pick-up and restroom cleaning.

7. Vending of any kind is prohibited, on or within the tour dock facility. Commercial vending is also prohibited, on and within the Marina Park recreational boat facility, the boat launch ramp, and Marina Park itself.

8. Public access to and upon the facility shall be maintained during normal hours of operation, and the Parks and Recreation Department should monitor such public activities, including fishing so that they do not interfere with the primary tour boat use of the facility.

9. Information Signage - Kiosk.

a. A sign shall be located on the Kirkland Marina Pier at the division

point between recreational moorage and commercial tour boat moorage. The sign shall prominently display the rules and regulations for operation of the commercial tour boat facility, and shall also display the name of the Port of Seattle in partnership with the City of Kirkland for so long as the Port of Seattle continues to hold a financial interest in the facility.

b. An information kiosk is to be located near the facility for the purpose of public information. The kiosk should be stocked with brochures, maps, and other promotional materials, regarding "what to do" and "where to go" in Kirkland, and the surrounding area. The kiosk shall not, however, be utilized or used as a general purpose community "bulletin board", nor shall it be used for posting or supplying notices, or promotional material in connection with the commercial sale, or promotion of specific retail establishments, goods, products, or services. The purpose of the kiosk is to provide general information for tourists, as distinguished from advertisement of specific commercial establishments, activities, goods, products, or services.

10. The Parks and Recreation Department, in consultation with the City Council, shall develop, prepare, and publish a pamphlet for distribution to potential users of the facility, which will outline the facilities operating policies and procedures in detail.

11. Any boat or vessel, including recreational boats and commercial boats, not meeting the requirements set forth in Policy I - 2 above, moored or tied to the commercial tour boat facility is a violation of this Ordinance, and may subject such boat or vessel to the provision of Sections 14.36.015 and 14.36.017 of the Kirkland Municipal Code.

12. The City of Kirkland, acting through its Parks and Recreation Department shall

provide to the Port of Seattle, an annual report summarizing the operational and financial activities of the facility.

13. These operating policies, rules, and regulations shall be reviewed periodically by the Parks and Recreation Department, based upon the actual operation experience of the facility and shall be amended when necessary to ensure:

a. The efficient operation of the facility.

b. The facility is not "over regulated" or regulated so restrictively that it inhibits or discourages tour boat operators from using the facility.

c. Facility is not "under regulated" or so loosely controlled and operated that problems associated with moorage, availability of dock space, complaints from area residents and businesses, regarding noise, parking problems, and other matters of public health and safety.

d. Operators turn off their engines if buses or boats are expected to wait more than a couple of minutes.

e. Operators connect to shore power rather than use generators while the vessel is at dock.

f. Operators of Type I or II vessels discharge treated sewage effluent outside of Moss Bay.

g. Operators moor vessels so that the generator exhaust port faces away from the shoreline or sensitive receiving properties whenever possible.

h. The forbidding of loud music from boats using the dock.

14. It shall be unlawful for any person to violate or fail to comply with any provision of Chapter 14.38, Kirkland Municipal Code.

## II. Moorage Fees and Scheduling

1. Boats using the commercial tour dock facility shall pre-pay to the City of Kirkland a moorage fee, calculated at the rate of \$.60 per foot, per day of moorage, regardless of the time of the day during which for loading and unloading occur.

2. Prior reservation mandatory. Any boat desiring to use the tour boat facility shall make reservation therefore, and in addition to the moorage fee, pay a reservation charge of \$25 per day. Fee payments and reservations must be received by the Department of Parks and Recreation at least 24 hours prior to the scheduled time of arrival and tie-up at the facility.

3. Any boat or vessel moored, at or tied to the facility, which is not in compliance with Policy II above, or is in violation of Moorage Fees and Scheduling regulations, II-1, or II-2 above, shall be subject to the impound and sale upon impound provisions of Sections 14.36.015 and 14.36.017 of the Kirkland Municipal Code.

## III. Regulations Relating to Pick-up and Embarkation of Tour Boat Passengers and Motor Vehicle Parking

1. The commercial tour boat facility is designed primarily for use as a tour boat destination point, rather than as a point of embarkation or departure. However, to derive full benefit from the facility, occasional tour boat departures will be permitted under specific and controlled conditions established by the Department of Parks and Recreation, and then only where there will not be a resulting negative impact on downtown parking and vehicular and pedestrian traffic movement.

When a departure is permitted, all passengers scheduled to embark, shall be brought by the tour operator or sponsor by bus or van. Arrival of embarking passengers in private passenger vehicles, taxis, or commercial limousines shall be prohibited. The conveying bus or van shall unload and/or load passengers, and park during the interim, only at a place specifically designated by the Department of Parks and Recreation.

Loading and unloading of passengers shall not take place within Marina Park or the Lake Plaza parking lot, except during unusual incimate wheather or other special circumstances and then only when specifically authorized by the Department of Parks and Recreation.

2. Staging - unloading and loading of buses. The facility is to be used primarily as a tourist destination. Nevertheless, in some instances bus connections may be necessary as a part of tour packages. In all such instances, the METRO transit center, located on 3rd Street, between Central Way and Kirkland Avenue, shall be used as the main staging area for passenger loading and unloading. Although the Department of Parks and Recreation may assist the tour operator in scheduling the staging with METRO, the responsibility therefore lies with the tour operator.

3. Private passenger automobiles and limousines. As a general rule, departures are not permitted from the tour boat facility where embarking passengers arrive in private passenger automobiles, taxis or commercial limousines, which would then need to be parked within the Central Business District.

Such departures may be permitted by the Department of Parks and Recreation when, and only when the tour operator has made arrangements for parking of the passenger automobiles, taxis or commercial limousines in private parking facilities, or in public parking facilities outside of the Central Business District (CBD), and so long as the utilization of such parking facilities does not adversely impact the public parking supply within the CBD.

#### IV. Adoption of Additional Rules and Regulations by Director of Parks and Recreation

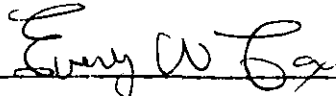
1. The Director of the Department of Parks and Recreation shall have authority, pursuant to Chapter 3.68 Kirkland Municipal Code, to promalgate and adopt additonal reasonable rules and regulations consistent with the policies, rules, and regulations herein, pertaining to the operation, administration, management, and use of the commercial tour dock facility. It shall be

unlawful for any person to violate or fail to comply with any such rules or regulations once adopted by the director and posted in accordance with Chapter 3.68.

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 regular, open meeting this 17th day of May, 1988.

Signed in authentication thereof this 17th day of May, 1988.

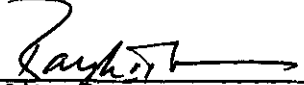
  
\_\_\_\_\_

MAYOR Pro tem

ATTEST:

  
\_\_\_\_\_

City Clerk  
APPROVED AS TO FORM:

  
\_\_\_\_\_

City Attorney



CITY OF KIRKLAND COMMERCIAL TOUR BOAT PIER  
AGREEMENT AND UNDERTAKING BY USER OF PIER

Permission is granted by the City of Kirkland for licensed commercial vessel named \_\_\_\_\_, to tie-up, moore, or lay by the City of Kirkland commercial tour boat pier, located within Moss Bay of Lake Washington, at Kirkland Marina Park, subject to the adopted City of Kirkland Rules and Regulations, relating to the usage of said pier and the following undertaking:

By the act of tying-up or mooring a vessel or boat to the City of Kirkland commercial tour boat pier, located in Moss Bay of Lake Washington, within the City of Kirkland Marina Park, the boat owner, charterer, master, captain, or other person in charge of the operation of said boat or vessel at the time of such moorage, and the tour or group operator, and/or sponser all jointly and severally agree:

1. The captain or person responsible for operation of the vessel is designated as the agent for all persons jointly and severally bound by this undertaking, as set forth in the immediately preceding paragraph. Any notice, order, citation, fine, civil penalty, or communication issued or levied by the City of Kirkland to said agent, shall be deemed served upon and become an obligation of all said jointly and severally bound persons.

2. To faithfully abide by the rules and regulations adopted by the City of Kirkland, applicable to the City of Kirkland commercial tour boat pier, its utilization and boats or vessels mooring thereto. Said rules and regulations are codified in Chapter 14.38 of the Kirkland Municipal Code, together with all park and harbor master regulations issued, pursuant to said Chapter 14.38 and posted on the commercial boat pier signage.

3. Agree to pay to the City of Kirkland the designated or scheduled moorage fee at least 48 hours prior to the time of actual tie-up or moorage to said dock, and to further pay upon service of notice thereof, any civil penalty levied by the City of Kirkland for violation of any provision of this undertaking, rule or regulation codified or authorized by Chapter 14.38, Kirkland Municipal Code.

4. Vessel or Boat Name: \_\_\_\_\_;  
Home Port Address: \_\_\_\_\_;

Commercial License or Registration Number: \_\_\_\_\_;  
Vessel Owner: \_\_\_\_\_;  
Name, Address, and Telephone Number  
Charterer: \_\_\_\_\_;  
Name, Address, and Telephone Number  
Master, Captain, or Other Person in Charge of Vessel  
Operation: \_\_\_\_\_;  
Name, Address, and Telephone Number  
Tour or Group Operator or Sponser: \_\_\_\_\_;  
Name, Address, Telephone Number and Contact Person

5. Date of Moorage Reservation: \_\_\_\_\_  
Arrival and Tie-up Time: \_\_\_\_\_  
Departure Time: \_\_\_\_\_  
Moorage Fee: \$ \_\_\_\_\_  
Proof of Required Liability Insurance on File:  
Yes \_\_\_\_\_ No \_\_\_\_\_ Attached \_\_\_\_\_  
CAUTION

This Agreement must be signed by both parties and filed with the Kirkland Department of Parks and Recreation, before that Department will accept an application for tour dock reservation.

AGENT FOR ABOVE-NAMED  
MOORING VESSEL:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

CITY OF KIRKLAND

By: \_\_\_\_\_  
City of Kirkland, Department  
of Parks and Recreation