

ORDINANCE O-4762

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MOORAGE COMPLIANCE AND AMENDING SECTION 14.36.070 OF THE KIRKLAND MUNICIPAL CODE.

1 WHEREAS, Kirkland Municipal Code ("KMC") Section 14.36.070
2 relates to moorage compliance at City moorage facilities; and
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4 WHEREAS, Parks and Community Services recommend that KMC
5 Section 14.36.070 be amended to increase moorage fees as the current
6 moorage fees have been increasingly ineffective at preventing visitors
7 to the Kirkland Marina from violating the City's moorage rules and
8 regulations; and
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10 WHEREAS, the current sixty-six dollar fine for non-payment is
11 ineffective at preventing visitors to the Kirkland Marina from violating
12 the City's moorage rules and regulations and not consistent with similar
13 fines for moorage violations that are set at one hundred fifty dollars;
14 and
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16 WHEREAS, moorage fines are a non-traffic civil violation that
17 does not go on an individual's record, decreasing the incentive for
18 proper and timely payment of moorage.
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20 NOW, THEREFORE, the City Council of the City of Kirkland do
21 ordain as follows:
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23 Section 1. Kirkland Municipal Code Section 14.36.070 is
24 amended to read as follows:
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26 **14.36.070 Compliance required.**

27 (a) All persons using city moorage facilities shall abide by all
28 applicable ordinances of the city and any rules and regulations adopted
29 by the parks director.
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31 (b) The following violations of this chapter shall be civil infractions:
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33 (1) Moorage without registering or without paying the established fee;
34 continuing to moor without paying the established fee as it becomes
35 due. The civil penalty shall be one hundred fifty dollars except as
36 otherwise provided for herein. ~~The civil penalty shall be sixty-six dollars.~~
37 Each calendar day on which a failure to pay the moorage fees occurs
38 shall constitute a separate civil infraction.

39 (2) Moorage in a restricted or prohibited area. The civil penalty shall
40 be one hundred fifty dollars except as otherwise provided for herein.
41 Each calendar day on which a watercraft is moored in a restricted or
42 prohibited area shall constitute a separate civil infraction.

43 (3) Tying together or rafting of watercraft at a city moorage facility.
44 The civil penalty shall be one hundred fifty dollars except as otherwise
45 provided for herein. Each of the watercraft involved shall be subject to
46 issuance of a separate civil infraction.

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48 (c) Unless otherwise specified, any other violation of this chapter is a
49 civil infraction, punishable by a fine of one hundred fifty dollars per
50 violation; provided, however, that the following escalating penalties
51 shall apply to violations of this section: (i) a penalty of two hundred
52 dollars for a second violation within the same calendar year as an initial
53 violation; and (ii) a penalty of two hundred fifty dollars for a third or
54 subsequent violation within the same calendar year as an initial
55 violation.

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57 (d) The parks director shall designate an employee or contractor who
58 shall be responsible for issuing civil infractions pursuant to this chapter.
59 The employee or contractor designated by the parks director shall
60 receive any necessary authorization and training from the Kirkland
61 police department with respect to issuance of civil infractions.
62 Alternatively, the parks director may make arrangements with the
63 Kirkland police department for police personnel to issue civil infractions
64 under this chapter.

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66 Section 2. If any provision of this ordinance or its application to
67 any person or circumstance is held invalid, the remainder of the
68 ordinance or the application of the provision to other persons or
69 circumstances is not affected.


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71 Section 3. This ordinance shall be in force and effect five days
72 from and after its passage by the Kirkland City Council and publication,
73 as required by law.

74
75 Passed by majority vote of the Kirkland City Council in open
76 meeting this 6 day of July, 2021.

77
78 Signed in authentication thereof this 6 day of July, 2021.


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk

Approved as to Form:


Kevin Raymond, City Attorney

Publication Date: 07/12/2021