

ORDINANCE O-4815

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CITY FLOATS, MOORAGES, AND TOUR BOAT FACILITIES AND AMENDING CHAPTER 14.36 OF THE KIRKLAND MUNICIPAL CODE.

1 WHEREAS, Kirkland Municipal Code ("KMC") Chapter 14.36
2 relates to City floats, moorages, and tour boat facilities; and
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4 WHEREAS, Parks and Community Services have conducted a full
5 review of KMC Chapter 14.36 and have identified sections in need of
6 updates; and
7

8 WHEREAS, Parks and Community Services recommends that
9 KMC Chapter 14.36 be amended to bring the code up to date with
10 current operational practices.
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12 NOW, THEREFORE, the City Council of the City of Kirkland do
13 ordain as follows:
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15 Section 1. Kirkland Municipal Code Section 14.36.010 is
16 amended to read as follows:
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18 **14.36.010 Definitions.**

19 The following definitions shall apply when used in this chapter:

20 (1) "Commercial tour boat facility" means the extension to the Marina
21 Park moorage pier, or any other city-owned pier, that is signed for
22 commercial tour boat usage only.

23 (2) "Marina Park moorage pier" means the city pier located in Marina
24 Park, not including the commercial tour boat facility.

25 (3) "~~Parks director~~ Director" means the city's director of parks and
26 community services or his or her designee.

27 (4) "Second Avenue South pier" means the city-owned pier located in
28 the Second Avenue South right-of-way in Lake Washington.
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30 Section 2. Kirkland Municipal Code Section 14.36.020 is
31 amended to read as follows:
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33 **14.36.020 Parks and community services department**
34 **responsibilities.**

35 The ~~parks director~~, or his or her designee, shall be responsible for the
36 overall administration, maintenance and operation of all city floats, piers
37 and moorages, including commercial tour boat facilities.
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39 Section 3. Kirkland Municipal Code Section 14.36.040 is
40 amended to read as follows:

41 **14.36.040 Moorage rates and duration.**

42 (a) The moorage rates to be assessed against watercraft moored at the
43 Marina Park moorage pier and the Second Avenue South pier shall be
44 established on an annual basis by the ~~parks~~ director by department
45 regulation; provided, that if the ~~parks~~ director does not establish a
46 moorage rate in a particular year, the most recently established
47 moorage rate shall continue to be in effect until new moorage rates are
48 established.

49 (b) The ~~parks~~ director may charge different rates at different facilities.
50 ~~Moorage rates may be charged no more frequently than on daily~~
51 ~~increments. Daily moorage~~ Moorage rates shall be posted at the
52 moorage facilities. ~~The moorage rate for the first day~~ Moorage payment
53 is due at the time the watercraft is tied up to the pier and must remain
54 paid and visibly posted on the vessel for the duration of time moored
55 on the dock. The moorage rate for additional days is due upon at noon
56 ~~on each day.~~

57 (c) Moorage or lying time at the Marina Park moorage facility and
58 Second Avenue South pier shall not exceed five days in any consecutive
59 seven-day period ~~during the months of June, July and August~~ without
60 the prior written permission of the ~~parks~~ director.

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62 Section 4. Kirkland Municipal Code Section 14.36.060 is
63 amended to read as follows:

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65 **14.36.060 Additional rules and regulations.**

66 Pursuant to Chapter 3.68 of the Kirkland Municipal Code, the ~~parks~~
67 director is empowered to develop and implement rules and regulations
68 regarding the operation and maintenance of the Marina Park moorage
69 pier, the Second Avenue South pier, the commercial tour boat facility,
70 and any other city moorage facilities, in accordance with applicable laws
71 and regulations. The rules and regulations may include registration of
72 watercraft, payment of moorage and related fees, ingress and egress of
73 watercraft and persons from the moorage facilities and any other aspect
74 of the operation and maintenance of the moorage facilities. The rules
75 and regulations shall be posted at the moorage facilities in order to
76 inform users of the moorage facilities and the public.

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78 Section 5. Kirkland Municipal Code Section 14.36.070 is
79 amended to read as follows:

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81 **14.36.070 Compliance required.**

82 (a) All persons using city moorage facilities shall abide by all applicable
83 ordinances of the city and any rules and regulations adopted by the
84 ~~parks~~ director.

85 (b) The following violations of this chapter shall be civil infractions:

86 (1) Moorage without registering or without paying the established fee;
87 continuing to moor without paying the established fee as it becomes
88 due. The civil penalty shall be one hundred fifty dollars except as

89 otherwise provided for herein. Each calendar day on which a failure to
90 pay the moorage fees occurs shall constitute a separate civil infraction.

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

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

99 (c) Unless otherwise specified, any other violation of this chapter is a
100 civil infraction, punishable by a fine of one hundred fifty dollars per
101 violation; provided, however, that the following escalating penalties
102 shall apply to violations of this section:

103 (1) A penalty of two hundred dollars for a second violation within the
104 same calendar year as an initial violation; and

105 (2) A penalty of two hundred fifty dollars for a third or subsequent
106 violation within the same calendar year as an initial violation.

107 (d) The ~~parks~~-director shall designate an employee or contractor who
108 shall be responsible for issuing civil infractions pursuant to this chapter.
109 The employee or contractor designated by the ~~parks~~-director shall
110 receive any necessary authorization and training from the Kirkland
111 police department with respect to issuance of civil infractions.
112 Alternatively, the ~~parks~~-director may make arrangements with the
113 Kirkland police department for police personnel to issue civil infractions
114 under this chapter.

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116 Section 6. Kirkland Municipal Code Section 14.36.080 is
117 amended to read as follows:

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119 **14.36.080 Authority to impound.**

120 Whenever a watercraft remains moored at a city facility for more than
121 two days without paying the applicable moorage fee, or is in violation
122 of any other provision of this chapter or the rules and regulations
123 promulgated by the ~~parks~~-director, the ~~parks~~ director may impound the
124 watercraft and any property associated with the watercraft. Watercraft
125 moored in prohibited areas and unauthorized watercraft moored in
126 restricted areas are subject to immediate impoundment. In addition, the
127 ~~parks~~-director may impound any watercraft moored at a city facility if
128 the watercraft poses a risk to public health or safety. The ~~parks~~-director,
129 in his or her discretion, shall decide whether the watercraft shall be
130 impounded in place through use of a locking device or removed to an
131 appropriate holding area.

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133 Section 7. Kirkland Municipal Code Section 14.36.140 is
134 amended to read as follows:

135 **14.36.140 Boat launch ramp—Fee for use.**

136 Between April 1st and October 31st, inclusive, of each year, the launch
 137 ramp may be used only by persons who have paid to the city an annual
 138 or single use fee with distinct pricing for residents, nonresidents and
 139 commercial use. The fee amounts shall be established by the director of
 140 ~~parks and community services~~ by department regulation.

141
 142 Upon payment of the annual fee, the city shall issue an access card
 143 enabling the holder thereof to open the access device installed within
 144 the launch ramp. The director of ~~parks and community services~~ is
 145 directed to establish, by department regulation, a one-time-use fee.
 146 ~~along with a deposit charge with strict limits being placed upon how~~
 147 ~~many times an individual may use a single use pass.~~ At all other times
 148 during the year, the launch ramp shall be available for use at no charge.

149
 150 Section 8. Kirkland Municipal Code Section 14.36.190 is
 151 repealed.

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 153 Section 9. Kirkland Municipal Code Section 14.36.210 is
 154 amended to read as follows:

155 **14.36.210 Commercial tour boat facility— Moorage fee.**

156 (a) Boats using the commercial tour boat facility for any portion of a day
 157 between seven a.m. and midnight shall prepay to the city a moorage
 158 fee, calculated at the rate established by the ~~parks~~-director.

159 (b) An overnight moorage fee shall be, in addition to the day use fee,
 160 established by the ~~parks~~-director.

161 (c) The ~~parks~~-director shall have the authority to reduce the moorage
 162 fees for charitable or nonprofit activities, for activities cosponsored by
 163 the city or for usage on a frequent basis.

164 (d) Any change in rates shall not become effective until a notice setting
 165 forth such change has been posted in a prominent place at the
 166 commercial pier for a period of not less than ten days.

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 168
 169 Section 10. Kirkland Municipal Code Section 14.36.220 is
 170 amended to read as follows:

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 172 **14.36.220 Commercial tour boat facility—Prior reservation and**
 173 **fee payment required.**

174 Any person desiring to use the commercial tour boat facility shall make
 175 reservation and, in addition to the moorage fee, pay a reservation
 176 charge in an amount to be established by the ~~parks~~-director. Fee
 177 payments and reservations must be received by the department of parks
 178 and community services at least twenty-four hours prior to the
 179 scheduled time of arrival and tie-up at the facility or by five p.m. on the
 180 Friday preceding an arrival between seven a.m. Saturday and five p.m.
 181 Monday.

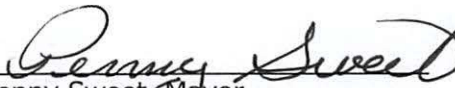
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Section 11. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 12. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 04 day of October, 2022.

Signed in authentication thereof this 04 day of October, 2022.


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk

Approved as to Form:


Kevin Raymond, City Attorney

Publication Date: 10/10/2022

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4815

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CITY FLOATS, MOORAGES, AND TOUR BOAT FACILITIES AND AMENDING CHAPTER 14.36 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 14.36.010 clarifying the definition of "Director" to mean the City's director of parks and community services.

SECTION 2. Amends KMC Section 14.36.020 related parks and community services department responsibilities.

SECTION 3. Amends KMC Section 14.36.040 related to moorage rates and duration of time moored at a City dock.

SECTION 4. Amends KMC Section 14.36.060 related to additional rules and regulations regarding operation and maintenance of City moorage facilities.

SECTION 5. Amends KMC Section 14.36.070 related compliance with City ordinances, rules, and regulations when using City moorage facilities.

SECTION 6. Amends KMC Section 14.36.080 related to City's authority to impound watercraft moored at a City facility.

SECTION 7. Amends KMC Section 14.36.140 related to fees for use of the City boat launch ramp.

SECTION 8. Repeals KMC Section 14.36.190.

SECTION 9. Amends KMC Section 14.36.210 related to moorage fees for the City commercial tour boat facility.

SECTION 10. Amends KMC Section 14.36.220 related to reservations and payments for the City commercial tour boat facility.

SECTION 11. Provides a severability clause for the ordinance.

SECTION 12. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland.

The Ordinance was passed by the Kirkland City Council at its meeting on the 04 day of October, 2022.

I certify that the foregoing is a summary of Ordinance O-4815 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk