

ORDINANCE NO. 3840

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VESSELS AND WATERCRAFT; RESTRICTING THE SIZE OF VESSELS AND WATERCRAFT ANCHORED OR MOORED IN THE KIRKLAND HARBOR; AND AMENDING SECTIONS 14.08.170, 14.08.180, 14.16.020(b), 14.16.030, 19.04.050 AND 19.04.061 OF AND ADDING SECTIONS 14.16.025 AND 19.04.020 TO THE KIRKLAND MUNICIPAL CODE.

WHEREAS, the City Council desires to restrict the size of anchored and moored boats;

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

Section 1. Kirkland Municipal Code Section 14.08.170 is amended to read as follows:

14.08.170 Vessel.

"Vessel" means any contrivance one hundred ~~ten~~fifty feet or more in length overall, used or capable of being used as a means of transportation on water.

Section 2. Kirkland Municipal Code Section 14.08.180 is amended to read as follows:

14.08.180 Watercraft.

"Watercraft" means any contrivance less than one hundred ~~ten~~fifty feet in length overall, used or capable of being used as a means of transportation on water. Cribbs or piles, shinglebolts, booms or logs, rafts of logs, and rafts of lumber are not included within the terms "watercraft" or "vessel," but are included within the term "obstruction" when they are floating loose and not under control or when under control and obstructing any navigable channel.

Section 3. Kirkland Municipal Code Section 14.16.020(b) is amended to read as follows:

14.16.020 Fairways.

(b) All navigable waters in the projection of public streets, lying on the landward side of the outer harbor line shall be fairway. It is unlawful for the master, or other person in charge of any vessel, watercraft or obstruction to anchor, tie or make fast the same in

any such fairway for a longer period of time than reasonably sufficient to load or unload the same, except that the port warden may, in his discretion, grant any permit for the use of any such fairway for a longer period of time ~~whenever in his judgment such use will not interfere with the use of the fairway by any other vessel.~~

Section 4. Kirkland Municipal Code Chapter 14.16 is amended by the addition of a new Section 14.16.025 to read as follows:

14.16.025 Vessel mooring restriction.

Watercraft, as defined in Section 14.08.180, may be moored at a moorage facility for 1 or 2 boats and a general moorage facility in accordance with the Kirkland Zoning Code. An inoperable vessel is deemed to be an obstruction and shall be removed within 10 days. Subject to Section 14.16.030 and Chapter 14.38, the mooring of any vessel is prohibited in a general moorage facility in zones RM, WDI, WDIII, CBD-2, JBD-5, PLA3B, and PLA-15A of the Kirkland Zoning Code.

Section 5. Kirkland Municipal Code Section 14.16.030 is amended to read as follows:

14.16.030 Anchorages.

~~In aid of commerce and navigation anchorage for vessels, watercraft or obstructions is authorized in the following described waters: Lake Washington Anchorage: Subject to Sections 14.60.020(b) and 14.16.025, anchoring of vessels and watercraft, as defined in Sections 14.18.170 and 14.08.180, for over ten days is prohibited in Lake Washington both within the corporate limits of the city (outer harbor line) and within the jurisdictional limits of the city (middle of Lake Washington). Whenever deemed advisable by the port warden, he may grant a written permit to the master or owner of any vessel or watercraft for the anchorage~~anchoring or mooring~~of the vessel or watercraft outside of the outer harbor line, or in any unused slip, or in any street end, fairway as provided in Section 14.16.020(b) on Lake Washington, at such locations as he shall determine will not interfere with or impede navigation.~~

Section 6. Kirkland Municipal Code Chapter 19.04 is amended by the addition of a new Section 19.04.020 to read as follows:

19.04.020 Obstruction of fairway.

Subject to Sections 14.16.020(b) and 14.16.030, it shall be

unlawful to anchor, affix or moor any vessel, as defined in Section 14.08.170, to any pier, as defined in Section 14.08.130, within a fairway, as defined in Section 14.16.020(b), or to any pier that is connected to such pier.

Section 7. Kirkland Municipal Code Section 19.04.050 is amended to read as follows:

19.04.050 Private use of street right-of-way or fairway without permit prohibited.

It is unlawful for any person to either temporarily or permanently use or utilize any portion of a street right-of-way (whether or not improved and including sidewalk or walkway) or fairway, as defined in Section 14.16.020(b), for personal use, place of business or other use, without first obtaining from the city a street use permit; provided, however, that this section shall not be construed to prohibit the incorporation of the unused right-of-way portion of an improved street into the landscaping design of the abutting property.

Section 8. Kirkland Municipal Code Section 19.04.061 is amended to read as follows:

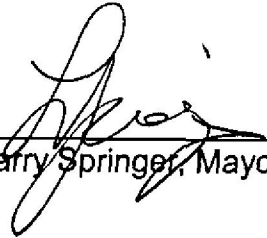
19.04.061 Street use permit—Required.

A street use permit, allowing a portion of a public right-of-way to be used as a sidewalk café or produce market, or allowing a fairway, as defined in Section 14.16.020(b) to be used as a pier, as defined in Section 14.08.130, is required for any such private use of a public right-of-way or fairway. Such street use permit shall be valid from January 1st through December 31st of the year in which the permit may be issued. The director of public works has authority to issue the permit for the use of a public right-of-way as a sidewalk café or produce market, provided the criteria set forth in Sections 19.04.060 through 19.04.068, inclusive, are met, and to otherwise deny the permit. The city council has authority to issue the permit for the use of a fairway as a pier.

Section 9. This ordinance shall be in full 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, as required by law.


PASSED by majority vote of the Kirkland City Council in regular, open meeting this 7th day of May, 2002.

SIGNED IN AUTHENTICATION thereof this 7th day of May, 2002.



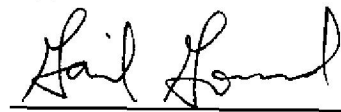
Larry Springer, Mayor

Attest:



Janice Perry, City Clerk

Approved as to Form:



City Attorney