

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE COMMERCIAL TOUR BOAT FACILITY.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 14.38.010 of the Kirkland Municipal Code is hereby amended to read as follows:

14.38.010 Parks and ~~recreation~~ community services department responsibilities —Facility designated.

The parks and ~~recreation~~ community services department shall be responsible for the overall administration, maintenance and operation of the commercial tour boat pier, hereinafter 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.

Throughout this code, any reference to parks and recreation department shall mean the parks and community services department and any reference to the director of parks and recreation shall mean the director of parks and community services.

Section 2. Section 14.38.020 of the Kirkland Municipal Code is hereby amended to read as follows:

14.38.020 Use requirements.

(a) The facility shall only be used by boats which are transporting passengers for commercial, charitable or educational purposes. The facility shall not be used by boats which are being operated solely for personal pleasure purposes. Every boat using the facility shall, at a minimum:

(1) Be covered by one million dollars per occurrence, two million dollars aggregate marine and/or general liability insurance currently in force;

(2) Comply with applicable state and/or federal laws, such as regarding registration, licensing of crew and safety regulations;

(3) Have on file with the city a valid Kirkland Department of Parks and ~~Recreation~~ Community Services commercial pier user agreement;

(4) Comply with requirements for fee payment and prior reservation.

(b) In the event that these requirements are not timely fulfilled or information supplied to the city is not complete, the director of parks and ~~recreation~~ community services may suspend a boat and/or its owner, captain or operator from any use of the commercial pier for a period of up to one year. During the suspension, neither the suspended boat, nor any other boat carrying suspended persons shall tie up, moor or otherwise use the commercial pier.

Section 3. Section 14.38.030 is hereby amended to read as follows.

14.38.030 Signage.

(a) 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.

(b) 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.

Section 4. Sections 14.38.050, 14.38.070 and 14.38.090 of the Kirkland Municipal Code are hereby repealed.

Section 5. Section 14.38.110 of the Kirkland Municipal Code is hereby amended to read as follows.

14.38.110 Operating policies, rules and regulations to be reviewed by parks and ~~recreation~~ community services department and amended when necessary.

~~These Operating policies, rules, and regulations, as set out in this chapter, 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~~ may be revised by the department periodically. The department should consider the following:

- (1) The efficient operation of the facility;
- (2) The facility is not overregulated or regulated so restrictively that it inhibits or discourages tour boat operators from using the facility;
- (3) Facility is not under regulated or so loosely controlled and operated that problems associated with moorage, availability of dock space and complaints from area residents and businesses regarding noise, parking problems, and other matters of public health and safety are prevalent;
- (4) Operators ~~turn off their engines if buses or boats are expected to wait more than a couple of minutes~~ minimize engine idle time to the extent reasonable;
- (5) Operators ~~connect to shore power rather than~~ avoid use of use generators while the vessel is at dock;
- (6) Operators of Type I or II vessels ~~discharge treated sewage effluent outside of Moss Bay~~ do not discharge treated or untreated sewage into Lake Washington;
- (7) Unless impractical, Operators moor vessels so that the generator exhaust port faces away from the shoreline or sensitive receiving properties whenever possible;
- (8) The forbidding of loud music from boats using the dock.

Section 6. Section 14.38.120 of the Kirkland Municipal Code is hereby amended to read as follows.

14.38.120 Moorage fee.

(a) Boats using the facility for any portion of a day between seven a.m. and midnight shall prepay to the city a moorage fee, calculated at the rate of ~~sixty~~ eighty cents per foot per day.

(b) The overnight moorage fee shall be twenty-five dollars per night.

(c) The director of the department of parks and ~~recreation~~ community services shall have the authority to reduce the moorage fees for charitable or nonprofit activities, for activities cosponsored by the city or for usage on a frequent basis.

(d) The city manager, acting through the director of parks and ~~recreation~~ community services, may adjust the hereinabove rates without amendment of

this chapter. Any change in rates shall not become effective until a notice setting forth such change has been posted in a prominent place at the commercial pier for a period of not less than ten days.

Section 7. Section 14.38.130 of the Kirkland Municipal Code is hereby amended to read as follows.

14.38.130 Prior reservation and fee payment required.

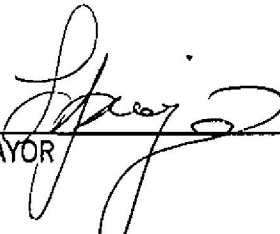
Any person desiring to use the facility shall make reservation therefor, and in addition to the moorage fee, pay a reservation charge of twenty-five dollars per day use. Fee payments and reservations must be received by the department of parks and ~~recreation~~ community services at least twenty-four hours prior to the scheduled time of arrival and tie-up at the facility or by five p.m. on the Friday preceding an arrival between seven a.m. Saturday and five p.m. Monday.

Section 8. Chapter 14.38 of the Kirkland Municipal Code is hereby amended by the deletion of Exhibit A ("Agreement and Undertaking by User of Pier") from the Chapter.

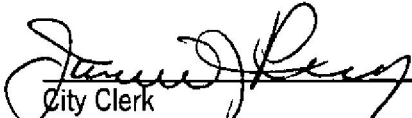
Section 9. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of June, 2002.


Signed in authentication thereof this 4th day of June, 2002.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney

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