

ORDINANCE 3958

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PERMITS FOR PRIVATE USE OF WATERFRONT STREET ENDS.

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

Section 1. A new Section 19.04.100 is hereby added to Chapter 19.04 of the Kirkland Municipal Code, to read as follows:

19.04.100 Permit for private use of waterfront street end.

(1) Purpose. The City's overall policy with respect to waterfront street ends is that public use is the best use of such street ends. However, in cases where public use is not currently possible or feasible, the City may authorize private use of waterfront street ends by abutting owners through the issuance of permits under this Section.

(2) Definitions.

(a) "Abutting Property" means property abutting a Waterfront Street End.

(b) "Director" means the Director of the Department of Public Works, or his or her designee.

(c) "Waterfront Street End" means the land portion of a right of way that provides, or could provide, the public with visual or physical access to a body of water and its shoreline.

(3) Permit Required. A waterfront street end permit is required for any private use of a waterfront street end in the City of Kirkland. No person shall make private use of a waterfront street end without obtaining a waterfront street end use permit. An abutting property owner is not required to obtain a waterfront street end permit if the abutting property owner removes any improvements or visual or physical barriers to entry that hinder, discourage or prevent access to the waterfront by the public.

(4) Application Requirements. The owner of abutting property shall apply for a waterfront street end use permit on a form to be provided by the Department of Public Works. All applications shall contain all information reasonably requested by the City and a map or diagram depicting the existing conditions of the portion of the waterfront street end being used and any proposed changes to the waterfront street end.

(5) Permit Term. Permits issued under this Section shall have a term of one calendar year beginning with the year 2005.

(6) Permit Fee. The permit fee for the year 2005 shall be \$625.00. In subsequent years, the Director may increase the yearly permit fee in an amount equal to or less than three percent of the yearly permit fee for the previous year.

(7) Permit Conditions. The Director may attach reasonable conditions to a waterfront street end use permit.

(8) Termination of Permit. The City may terminate a waterfront street end permit on 120 days written notice to the abutting property owner. In the event of termination, the abutting owner shall remove any improvements he or she has in the right of way that are inconsistent with the public's ability to use the right of way. The abutting owner shall be responsible for all costs associated with removal of his or her improvements.

(9) Maintenance. The abutting owner shall be responsible for maintaining the portion of the waterfront street end abutting his or her property and any improvements located on the waterfront street end.

Section 2. 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.

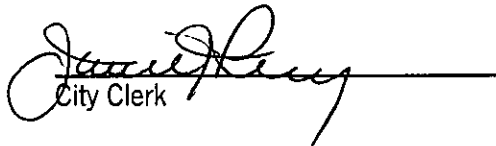
Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of September, 2004.

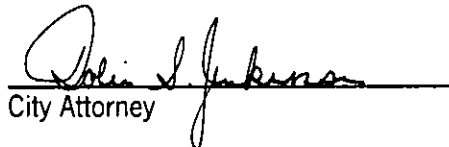
Signed in authentication thereof this 7th day of September, 2004.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney