

ORDINANCE NO. 4098

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CITY FLOATS AND MOORAGES AND THE COMMERCIAL TOUR BOAT FACILITY

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

Section 1. Chapter 14.36 of the Kirkland Municipal Code ("KMC") is hereby repealed.

Section 2. Chapter 14.38 of the KMC is hereby repealed.

Section 3. A new Chapter 14.36 of the KMC, entitled "City Floats, Moorages and Tour Boat Facility" is hereby adopted to read as follows:

14.36.010 Definitions

The following definitions shall apply when used in this Chapter:

(a) "Commercial tour boat facility" means the extension to the Marina Park moorage pier, constructed in 1988, and signed for commercial tour boat usage only.

(b) "Marina Park moorage pier" means the City pier located in Marina Park, not including the commercial tour boat facility.

(c) "Parks director" means the City's Director of Parks and Community Services or his or her designee.

(c) "Second Avenue South pier" means the City-owned pier located in the Second Avenue South right of way in Lake Washington.

14.36.020 Parks and community services department responsibilities.

The parks director, or his or her designee, shall be responsible for the overall administration, maintenance and operation of all City floats, piers and moorages, including the commercial tour boat facility (the 1988 extension of the Marina Park moorage pier).

14.36.030 City floats and moorage.

(a) Unless posted to restrict or prohibit moorage, all city floats, piers, or moorages may be used by watercraft for moorage purposes as provided in this chapter. Moorage for the following purposes is prohibited:

(1) Handling freight;

(2) Mooring of boats or watercraft for sale or commercial display;

(3) Receiving or discharging fee-paying or commercial passengers without having obtained prior written permission from the city;

(4) Any other commercial use except for authorized use of the commercial tour boat facility.

(b) No moorage or other tie-up by ropes, cables or other fastenings shall be made except by use of tie-up cleats provided for such purposes.

14.36.040 Moorage rates and duration.

(a) The moorage rates to be assessed against watercraft moored at the Marina Park moorage pier and the Second Avenue South pier shall be established on an annual basis by the parks director by department regulation;

provided that if the parks does not establish a moorage rate in a particular year, the most recently established moorage rate shall continue to be in effect until new moorage rates are established.

(b) The parks director may charge different rates at different facilities. Moorage rates may be charged no more frequently than on daily increments. Daily moorage rates shall be posted at the moorage facilities. The moorage rate for the first day is due at the time the watercraft is tied up to the pier. The moorage rate for additional days is due at noon on each day.

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

14.36.050 Moorage prohibitions.

(a) No person shall moor a watercraft at a City moorage facility without registering and paying the established fee in advance. No person shall continue to moor a watercraft at a City moorage facility without paying the established moorage fee as it becomes due.

(b) No person shall moor a watercraft in an area that has been posted to prohibit moorage. No person shall, without City authorization, moor a watercraft in an area that has been posted as a restricted area.

(c) The tying together or rafting of watercraft moored at a City moorage facility is prohibited.

14.36.060 Additional rules and regulations.

Pursuant to Chapter 3.68 of the Kirkland Municipal Code, the parks director is empowered to develop and implement rules and regulations regarding the operation and maintenance of the Marina Park moorage pier, the Second Avenue South pier, the Commercial tour boat facility, and any other City moorage facilities, in accordance with applicable laws and regulations. The rules and regulations may include registration of watercraft, payment of moorage and related fees, ingress and egress of watercraft and persons from the moorage facilities and any other aspect of the operation and maintenance of the moorage facilities. The rules and regulations shall be posted at the moorage facilities in order to inform users of the moorage facilities and the public.

14.36.070 Compliance required.

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

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

(1) Moorage without registering or without paying the established fee; continuing to moor without paying the established fee as it becomes due. The civil penalty shall be the same as the overtime parking penalty schedule set forth in Section 12.45.320 of the Kirkland Municipal Code (as it now exists or

may subsequently be amended). Each calendar day on which a failure to pay the moorage fees occurs shall constitute a separate civil infraction.

(2) Moorage in a restricted or prohibited area. The civil penalty shall be sixty-six dollars. Each calendar day on which a watercraft is moored in a restricted or prohibited area shall constitute a separate civil infraction.

(3) Tying together or rafting of watercraft. The Civil penalty shall be sixty-six dollars. Each of the watercraft involved shall be subject to issuance of a separate civil infraction.

(c) The parks director shall designate an employee or contractor who shall be responsible for issuing civil infractions with respect to watercraft for which moorage fees have not been paid or for which registration has not need made. The employee or contractor designated by the parks director shall receive any necessary authorization and training from the Kirkland Police Department with respect to issuance of civil infractions. Alternatively, the parks director may make arrangements with the Kirkland Police Department for police personnel to issue civil infractions under this chapter.

14.36.080 Authority to Impound.

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

14.36.090 Redemption of impounded watercraft.

An owner of an impounded watercraft may obtain release of the watercraft by paying the City all moorage fees, fines and expenses incurred by the City in the course of impounding (including storage) within sixty days of impoundment.

14.36.100 Sale of impounded watercraft.

The city shall sell at public auction after written notice to the owner, if known, any impounded property including impounded watercraft not redeemed within sixty days after the date of impounding. Notice of such sale shall be published in a newspaper of local circulation describing the items to be sold, the time, place and date of said auction and other specifics as may be required by law. Moneys received from the sale shall first be applied toward payment of city moorage fees, fines and expenses incurred by the City in the course of impounding (including storage). Any remainder shall be forwarded to the owner, if known. If the owner is not known, the remainder shall be retained by the city for a period of six months for release to the owner upon sufficient proof

of ownership. After the six-month period has elapsed without release to owner, the remainder shall be deposited into the general fund of the city.

14.36.110 Boat launch ramp.

Use of the public boat launch ramp installed within the Market Street street end shall be subject to the provisions of Sections 14.36.110 through 14.36.160 of this chapter.

14.36.120 Boat launch ramp—hours of operation.

The launch ramp shall be open for use between five a.m. and ten p.m. each day between April 1st and October 31st, inclusive.

14.36.130 Boat launch ramp—limitation on length of boats.

Between April 1st and October 31st, use of the launch ramp shall be limited to boats twenty-four feet or less in length.

14.36.140 Boat launch ramp—fee for use.

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

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

14.36.150 Boat launch ramp—unlimited hydroplane races.

On any day when unlimited hydroplane races are being held on Lake Washington, the launch ramp may be used after three p.m. only for the removal of boats from the water and loading onto boat trailers.

14.36.160 Boat launch ramp—parking of boat trailers.

Persons using the launch ramp shall park their empty boat trailers only in parking places designated and signed for boat trailer parking. It is unlawful for any person to park a boat trailer in any other parking space." Boat trailers shall not be parked on the "Waverly Site" except in spaces designated and signed for boat trailer parking.

14.36.170 Commercial tour boat facility—use requirements.

(a) The commercial tour boat 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 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 parks director 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.

14.36.180 Commercial tour boat facility—Hours of use.

(a) The normal hours of the commercial tour boat facility operation are from seven a.m. to midnight. The regular moorage fee shall be paid by a boat which uses the facility for any portion of a day between seven a.m. and midnight.

(b) A boat which complies with all other provisions of this chapter may be at the facility overnight, that is, between the hours of midnight and seven a.m., but only on one night in any fourteen-day period. Such a boat shall pay the overnight moorage fee for docking during any portion of the night hours. In addition, the parks director, when specially requested, may authorize more frequent overnight moorage.

14.36.190 Commercial tour boat facility—information kiosk.

An information kiosk is to be located near the commercial tour boat facility for the purpose of public information. The kiosk should be stocked with brochures, maps and other promotional materials, regarding "what to do" and "where to go" in Kirkland and the surrounding area. The kiosk shall not, however, be utilized or used as a general purpose community bulletin board, nor shall it be used for posting or supplying notices. Advertisement of specific local commercial establishments, activities, goods, products or services may be done in accordance with the parks and community services department policies and regulations.

14.36.200 Commercial tour boat facility operating policies, rules and regulations.

Operating policies, rules, and regulations for the commercial tour boat facility may be revised by the department periodically. The department should consider the following factors:

(1) The efficient operation of the facility;

(2) Ensuring that the facility is not overregulated or regulated so restrictively that it inhibits or discourages tour boat operators from using the facility;

(3) Ensuring that the facility is not under regulated or so loosely regulated that problems arise with respect to moorage, availability of dock space, complaints

from area residents and businesses regarding noise, parking problems, and other matters of public health and safety;

- (4) Ensuring that operators minimize engine idle time to the extent reasonable;
- (5) Ensuring that operators avoid use of generators while the vessel is at dock;
- (6) Ensuring that operators of vessels do not discharge treated or untreated sewage into Lake Washington;
- (7) Ensuring that operators moor vessels so that the generator exhaust port faces away from the shoreline or sensitive receiving properties whenever possible;
- (8) The need to prohibit loud music or other disturbances caused by boats using the dock.

14.36.210 Commercial tour boat facility moorage fee.

- (a) Boats using the commercial tour boat 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 established by the parks director.
- (b) An overnight moorage fee shall be, in addition to the day use fee, established by the parks director.
- (c) The parks director 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) 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.

14.36.220 Commercial tour boat facility—prior reservation and fee payment required.

Any person desiring to use the commercial tour boat facility shall make reservation, and in addition to the moorage fee, pay a reservation charge in an amount to be established by the parks director. Fee payments and reservations must be received by the department of parks and 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.

14.36.230 Commercial tour boat facility—Transportation of passengers.

When departing from the commercial tour boat facility, all passengers scheduled to embark shall be brought by the tour operator or sponsor to the facility by bus or van. Arrival of embarking passengers in private passenger vehicles, taxis or commercial limousines shall be prohibited. The conveying bus or van shall unload and load passengers, and park during the interim, only at a places specifically designated by the parks director.

14.36.240 Commercial tour boat facility—bus connections.

When bus connections are necessary as a part of tour packages, the METRO transit center, located on 3rd Street, between Central Way and Kirkland Avenue, shall be used as the main staging area for passenger loading and unloading. The tour operator shall be responsible for making the necessary staging arrangements with METRO.

14.36.250 Commercial tour boat facility—violations of this Chapter and penalties.

(a) It shall be unlawful for any person to violate or fail to comply with any provision of sections 14.36.170 through 240 of this chapter.

(b) Any boat or vessel moored at or tied to the commercial tour boat facility that does not meet the requirements of Section 14.36.170 constitutes a civil infraction and is subject to the civil infraction and impoundment procedures set forth in sections 14.36.040 through 14.36.100 of this chapter.

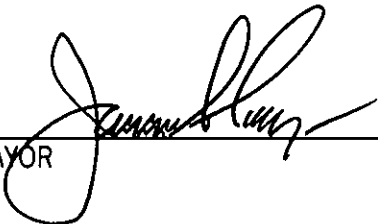
(c) Any boat or vessel moored at or tied to the commercial tour boat facility that has not paid the applicable moorage or reservation fees pursuant to sections 14.36.210 and 14.36.220 of this chapter constitutes a civil infraction and is subject to the civil infraction and impoundment procedures set forth in sections 14.36.040 through 14.36.100 of this chapter.

Section 4. 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.

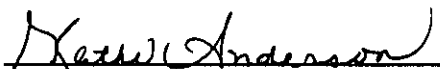
Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 5th day of June, 2007.


Signed in authentication thereof this 5th day of June, 2007.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4098

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CITY FLOATS AND MOORAGES AND THE COMMERCIAL TOUR BOAT FACILITY

SECTION 1. Repeals Chapter 14.36 of the Kirkland Municipal Code ("KMC") relating to City floats and moorages.

SECTION 2. Repeals Chapter 14.38 of the KMC relating to the City commercial tour boat facility.

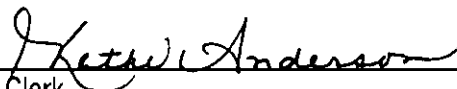
SECTION 3. Adopts a new Chapter 14.36 of the KMC relating to City floats and moorages and the commercial tour boat facility.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. 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 5th day of June, 2007.

I certify that the foregoing is a summary of Ordinance 4098 approved by the Kirkland City Council for summary publication.


City Clerk