



CITY OF KIRKLAND
Kirkland Police Department
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www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Bill Hamilton, Captain, Kirkland Police Department
Marie Stake, Communications Program Manager

Date: May 4, 2012

Subject: Update: Public Involvement Regarding Boating Concerns

RECOMMENDATION:

That the City Council receives the update and provides direction to staff regarding additional public involvement that will guide the City's efforts to best address boating noise and safety concerns.

BACKGROUND DISCUSSION:

The proposal to amend the City's existing watercraft regulations to better regulate public disturbance and other issues, stems from a law enforcement desire to be most responsive to community watercraft noise and safety concerns. The concerns and challenges are not new or unique to Kirkland as all waterfront communities have various boating related issues and regulations in place to meet changing community needs or concerns.

The ordinance changes that have been discussed are not an effort to create unprecedented or unique watercraft regulations. The City is recommending small changes in an effort to begin "catching up" to develop watercraft regulations which meet our community's current needs. As a city we have done an excellent job of amending or creating ordinances to adequately address similar growth related issues such as motor vehicle traffic, vehicular stereo volume, cruising or other issues that may accompany change or increased community expectations of service.

[Kirkland Municipal Code Title 14, Waters and Surfacecraft](#) was adopted in 1960 and has not been comprehensively updated as the community grew and boating related technology and boating accessories such as highly powered stereo equipment evolved. Kirkland has quickly transformed from a community with approximately six miles of shorefront to approximately 10 miles of shorefront. This growth is further complicated by the fact that our neighboring "Lake Washington" communities have various, well established, boating regulations in place to mitigate their specific watercraft concerns. This creates a situation in which Kirkland's shorefront and particularly Juanita Bay are very inviting to the small percentage of boaters who engage in irresponsible boating behavior.

[On March 6, 2012 the City Council](#) considered changes [Title 14](#) that proposed language regarding public disturbance noises emanating from watercraft, the prohibition of rafting and tandem moorage, and fines and penalties. The changes were proposed by the Kirkland Police Department because as Title 14 currently exists it does not provide sufficient enforcement provisions to address boating concerns that have been expressed by marine patrol, area residents, and others.

At the request of the City Council and the Council's Public Safety Subcommittee, the Police Department, City Manager's Office, and Parks & Community Services Department initiated a public involvement process that sought out input from stakeholders. The Council also requested that an ordinance addressing boating noise be brought back for its consideration before the summer boating season.

On April 3, the City Council received a copy of the Public Involvement Plan (Attachment A). The Plan describes short term (Phase I) and long-term (Phase II) public involvement strategies. The short term efforts will focus on addressing noise-related concerns associated with boating. The long term efforts will include a comprehensive review of Title 14 and to address other concerns such as rafting.

On April 19, an update was provided to the Public Safety Committee.

Stakeholders invited to participate include persons who have emailed, mailed, or called the City Council and city staff; members of the Parks Department Ad Hoc Boating Committee, Kirkland neighborhood associations, and City boat launch access card holders. Additionally, park users and members of boating associations and clubs will be involved as well as "internal stakeholders" including city staff, King County Marine Patrol Division, and other law enforcement agencies.

Update on Short Term/Phase I

The following public information tools and materials were developed:

- Informational webpage is live www.kirklandwa.gov/Community/Watercraft_Safety. From the page, visitors can subscribe to receive email updates. There are 25 subscribers as of May 4. (Activated April 17, 2012)
- Information line is live (425-587-3516); callers can leave a message. The voice mail will be checked by Police Department staff. (Activated April 17, 2012)
- Informational mailer to boat launch access card holders was mailed and included boating safety tips. (Attachment B) (April 23, 2012)
- A review of the emails sent to City Council prior to the March 6 meeting was conducted. A summary of the results is attached. (Attachment C)
- Captain Hamilton and Marie Stake, Communications Program Manager met with the Ad Hoc Boating Committee (April 26, 2012)
- Informational flyer was posted at the Marina Park boat launch and distributed to business near the park. (April 23 through April 27, 2012)
- Informational meeting with interested stakeholders was held on May 3, 6:30-8 p.m.
- Captain Hamilton will give an update to the Market Neighborhood Association on May 16 and to the Moss Bay Neighborhood on May 21.

May 3 Informational Meeting

The purpose of the May 3rd informational meeting was to listen to the concerns that residents, boaters and others have about watercraft noise so that the code amendment can address them to the extent possible. Approximately 60 people attended. A summary of the feedback is attached (Attachment D).

It was explained at the meeting that noise has been a common concern expressed by the majority of stakeholders and that the City intended to address it first with additional public involvement to discuss other boating concerns such as speed and rafting.

It should also be noted that this meeting was but one aspect of an ongoing public involvement plan. Additional neighborhood specific meetings are scheduled for May 16th (Market) and May 21st, (Moss Bay) 2012.

Attachments

- A: Public Involvement Plan: Watercraft Safety in Kirkland
- B: Informational Mailer to Boat Launch Access Card Holders
- C: Summary of Emails Sent to City Council Prior to March 6, 2012 Meeting
- D: Summary of stakeholder feedback from May 3 Informational Meeting

The noted attachments reflect a purposeful, meaningful and candid dialogue with our community as well as other stakeholders. This engagement process has been quite beneficial as the various stakeholders and city staff have gained a greater understanding and perhaps appreciation, of the diverse issues, needs and concerns.

While there remains varying and contrasting points of view on the possible scope of watercraft regulations, the input to date indicates a shared acknowledgement that boating noise, when unreasonable, is a valid community concern. The input also indicates that a desired outcome is an ordinance which has the ability to be impactful when needed, yet also allows for balanced and reasonable application.

Staff will present a proposed watercraft noise ordinance based on the public feedback to the Council at the June 5, 2012 Council meeting.

Public Involvement Plan: Watercraft Safety in Kirkland

The following public involvement (PI) plan will guide the City's efforts to engage the appropriate stakeholders in helping the city develop education materials and regulations that will allow the City to best address watercraft noise and safe boating practices in Kirkland. This PI Plan will be conducted in two phases: In the short-term phase interested stakeholders will be engaged to help the City identify what components should be included in watercraft noise regulations. In the long-term phase, interested stakeholders will be engaged to help the City take a comprehensive look at Kirkland Municipal Code (KMC) Title 14, Watercraft Regulations and help the City identify ways to address watercraft safety issues.

Problem to solve:

- How can the City improve its current regulations to better address watercraft noise and water safety concerns?

Outcomes of public involvement

- Better understanding of boat uses on Kirkland waters
- Collect ideas on how to improve boater safety and address safety concerns
- Identify ways to communicate new regulations

Stakeholders

“Short-term” stakeholders will be engaged in what the city should consider in updating the current code to address watercraft noise. (The current watercraft regulations do not address it.)

- Residents concerned and/or impacted by watercraft activities
 - Neighborhood Associations: Located along waterfront
 - Finn Hill
 - Juanita
 - Market
 - Moss Bay
 - Lakeview
 - Residents and non-residents who have expressed direct concern to the City about watercraft noise and safety
 - Emails to City Council
 - Public comment at City Council meeting (if contact information is available)
- Businesses concerned and/or impacted by watercraft activities
 - Carillon Point
 - Lakeshore Plaza (Marina Park)
 - Juanita Village + surrounding businesses
- Boaters
 - City of Kirkland's Boat Access Card Holders (700 registered card owners)

- Law Enforcement & parks maintenance staff
 - Kirkland Police Department
 - King County Sheriff's Office, Marine Division
 - Law Enforcement from other Washington Boating areas
 - Kirkland Parks maintenance and dock staff

“Long-term” stakeholders will include the above identified “short-term stakeholders” and the following. It is anticipated that more groups will be identified as we reach out to these stakeholders:

- Associations/Groups
 - Coast Guard Auxiliary (<http://www.cgaux.org/>)
 - Recreational Boating Association of Washington (<http://www.rbaw.org/index.html>)
- Yacht Clubs
 - Seattle Yacht Club (<http://www.seattleyachtclub.org/>)
 - Rainier Yacht Club (https://www.rainieryachtclub.com/Advertisers_3PAO.php)
- Commercial boating tours
 - Argosy Cruises (<http://www.argosycruises.com/>)
 - Waterway Cruises (<http://www.waterwayscruises.com/>)
- Beach & park users
 - O.O. Denny Park
 - Juanita Beach Park
 - Juanita Bay Park
 - Waverly Park
 - Marina Park
 - Marsh Park
 - Houghton Beach Park
 - David Brink

Involvement Strategies

Short-term stakeholder public involvement strategies will include the following “inform” and “consult”¹ methods to help the City identify what components should be included in watercraft noise regulations: (April-May, 2012)

- Direct mailing to City of Kirkland Boat Launch card access holders which includes background on the City efforts
- Informational webpage accompanied by a list serv and includes an online comment form (Ask A Question)
- Stakeholder meeting with neighborhood association representatives, concerned citizens who have directly contacted the City and members of the City's Ad Hoc Boating Advisory Group
- In-person interviews with boaters
 - City of Kirkland Docks
- Report to the Public Safety Committee (May 2012)

¹ International Association of Public Participation (IAP2) Spectrum

- Report to the City Council (June, 2012)

Long-term stakeholder public involvement strategies will include the following “inform,” “consult,” and “involve” methods to help the City develop alternatives to best update Title 14 Watercraft Regulations including addressing unsafe boating in Kirkland.

- Survey identifying common unsafe boating practices (e.g. speeding, disruptive behavior) and suggestions on how the City can best address them
 - Written for phone & in-person interviews
 - Informational booth at Wednesday and Friday Farmer’s Markets
 - Online survey
- Stakeholder Workshop to present possible code provisions that best address the suggestions from the survey.
- Report to the Public Safety Committee
- Report to the City Council

April 20, 2012

Dear City of Kirkland Boat Launch Access Card Holder,

As a registered boat launch card holder, we thought you would be interested in the City's current efforts to address watercraft noise and safety concerns. Please take a few minutes to read this handout so that you are informed and can become involved.

The City is committed to ensuring public safety in the areas of Lake Washington that are within our jurisdiction. For those who live along our shores, we care that the shorelines, water quality, and wildlife are protected. For those who recreate in our waters, we encourage safe boating, swimming, skiing and other water activities.

In recent months, the City has been considering ways to better ensure public peace and safety, especially in Juanita Bay. On March 6, 2012, the City Council was presented with a proposed ordinance, which would amend the City's current "Watercraft Regulations" as contained in Kirkland Municipal Code Title 14. Based upon public feedback on the proposed ordinance, the City Council seeks additional public involvement to first address watercraft noise concerns and then watercraft safety issues.

The Kirkland Police Department strives to be responsive to community boating complaints but Title 14 was originally adopted in 1960 and does not include a provision for excessive and unreasonable watercraft noise. Many waterfront communities along Lake Washington regulate various boating related concerns including watercraft noise (e.g. engine, loud voices, music). In keeping with Kirkland's public disturbance laws for noise originating from land sources (e.g. vehicles, construction, buildings), the City seeks to update its watercraft regulations to include similar noise provisions. The City Council has asked to have proposed watercraft noise regulations be adopted before the busy summer months begin this year. It is anticipated that a code amendment will be presented in June.

In addition to addressing watercraft noise, the City will be working with stakeholders to help the City take a comprehensive look at Title 14, Watercraft Regulations, including ways to address watercraft safety issues.

The City is hosting an informational meeting on Thursday, May 3, 6:30-8 p.m., Kirkland City Hall, Peter Kirk Room, 123 5th Avenue, Kirkland, WA to hear concerns from residents and boaters about watercraft noise.

If you would like to receive email updates about the City's efforts to address watercraft noise and safety, please visit www.kirklandwa.gov (Search: Watercraft Safety). If you have specific questions or suggestions, please contact the Kirkland Police Department information line at 425-587-3516.

We appreciate you for choosing Kirkland as your boating destination and your involvement. We wish you a safe boating season and have included some "friendly reminders" for you to share with your friends and family.

Boater Safety Reminders from the City of Kirkland

- **Complete the mandatory boater education.** Washington State law requires that operators of motorboats with 15 horsepower or greater take a boater education class and obtain a boater education card. For more information, visit www.parks.wa.gov/boating/boatered/ or call 360-902-8555.
- **Wear a life jacket.** Washington State law requires children ages 12 years and younger to wear a Coast Guard approved lifejacket or vest on vessels less than 19 feet long. Make sure life jackets are in good repair and fit properly.
- **Carry extra safety equipment.** Have extra anchors, flares, electronic equipment to find your way home, and a good bilge pump.
- **Designate a sober driver.** According to the U.S. Coast Guard, alcohol use is the primary contributing factor in fatal recreational boating accidents in the U.S. In Washington, boating under the influence (BUI) of drugs or alcohol or boating recklessly is against the law. Alcohol affects both judgment and reactions, and its effects are more pronounced on the water.
- **Don't overload your boat.** Small open boats under 20 feet have a capacity plate on the stern that tells how much weight and how many people it can hold safely.
- **Be weather wise.** Sudden wind shifts, lightning flashes and choppy water may indicate stormy weather.
- **Watch your moves.** Limit movement and keep weight low to avoid capsizing or falling overboard. Take two trips if necessary to keep the weight in the boat low.
- **Stay with your boat.** In case of capsizing or swamping, you should stay with your boat. Even when filled with water, the boat will provide some flotation and is easier to see by potential rescuers.
- **Dress appropriately.** Dress for the water temperature, not the air temperature. Assess the wind and wave conditions to decide if you are prepared for potential cold-water conditions. Check weather forecasts before leaving home and be aware of changing conditions. And take along extra clothing for children - they get cold faster than adults.
- **Stay in communication.** Bring your cell phone in a waterproof zip lock bag. If you have cell phone service, you can call for help without removing the phone from the bag.

For information on Kirkland's boat launch ramps at Marina Park and Second Avenue South, visit www.kirklandwa.gov and search "Boat Launch."

Summary of emails sent to City Council immediately prior to the March 6, 2012 meeting where Ordinance 4349 was considered but not adopted. The majority of the 60+ emails acknowledged noise can be an issue and a majority acknowledged that prohibiting/limited rafting is over-regulation.

Reasons for boating in Kirkland

- Dine and shop
- Short distance (use less gas)
- Calm waters
- Juanita Bay is prime lake destination
- Kirkland is a respectful place to boat

Overall feelings about the proposed regulations and boating

- Small percentage of boaters are the rule breakers
- If enacted, Kirkland would be "boater unfriendly"
- Proposed regulations are "overboard"
- If enacted, well-behaved boaters would be penalized
- Boating, including rafting, is a family activity
- There are not many sunny days to boat, let us have our fun
- If you choose to live near a boating waterway, you should expect noise

Reasons of opposition to regulate watercraft noise

- Violates first amendment rights
- Proposed language is vague

Reasons of support to regulate watercraft noise

- Boat noise impacts kayakers
- Boat noise impacts park visitors

If you do regulate noise

- Enforce it by decibel
- Have a "curfew" for boaters to be gone by a certain time at night or no noise after a certain time (9, 10, 11 pm)
- Evaluate the distance requirement
- Address noise that only impacts waterfront residents
- Noise regulations should not be more restrictive than other noise regulations

Reasons of opposition to regulate rafting

- "Spoils the fun"
- Hurt Kirkland's economy (boaters won't come to Kirkland to shop, dine, etc)
- Hurt the boating industry (less boat buyers)
- Over regulation
- Rafting does not increase noise
- Rafting is safe (keeps boats from drifting)
- Rafting is a tradition on Lake Washington
- Tarnish boaters' reputation

- Prohibiting rafting would create animosity in boating community
- Bad for Kirkland and Seattle's boating community
- Boaters will go elsewhere
- There's not enough city resources to enforce
- Boaters are already regulated by education requirements for gray water discharge, speed, and rafting
- Violates first amendment rights

If you do regulate rafting:

- limit the number of side ties to no more than three, four, six vessels

Reasons of support to regulate rafting

- Rafting tends to lead to parties that carry on until late in the evening

General suggestions

- Increase water patrol
- Establish a "no wake" zone; move it to farthest point
- Ordinance should include education language
- Kirkland Police Department should patrol on jet skis during summer months on sunny days
- First enforce existing drinking and speed laws
- Need to identify and delineate Kirkland's jurisdiction in Lake Washington

Summary of Stakeholder Feedback
Informational Meeting: How best to address watercraft noise
May 3, 2012

Staff Present:

Eric Olsen, Chief of Police

Bill Hamilton, Captain, Police Department*

Marilynne Beard, Assistant City Manager, City Manager's Office*

Michael Cogle, Deputy Director, Parks & Community Services*

Oskar Rey, Assistant City Attorney, City Attorney's Office

Marie Stake, Communications Program Manager, City Manager's Office*

Mike Metteer, Business Services Manager, Parks & Community Services

**Table facilitators*

King County Marine Patrol

Sgt. Jim Knauss

Deputy Chris Bedker

City Council Public Safety Committee

Council Member Toby Nixon

Number of public attendees: Approximately 60 people

Outline of Meeting

- Introductions: Staff introductions. Participants asked to identify themselves as Kirkland residents, Kirkland business or Kirkland Boater
 - Most were residents who were boaters
- Purpose of Meeting (M. Stake): Acknowledged that many concerns regarding safety boating have been expressed; public involvement efforts intended to address them all. Noise is a common concern expressed by many stakeholders. City to start the conversation about noise and continue to conversation to address other concerns.
- Background (B. Hamilton): Acknowledged that an earlier watercraft noise ordinance lacked critical community input, feedback and most importantly, suggestions. Described the need to update Title 14 (written in 1960) due to the lack of effective enforcement tools necessary for law enforcement to be more responsive to community watercraft noise concerns. Noted that Kirkland is not establishing unique or unprecedented regulations, and is simply "catching up," to what other waterfront communities already have in place to mitigate watercraft concerns. Informed community that the goal is to balance the enjoyment of boating with the ability for homeowners to enjoy their homes without unreasonable watercraft noise annoyance. Also informed the community that enforcement tools do not always equate to 100% enforcement, as discretion and education frequently lead to increased voluntary compliance.

- Group Facilitation (Facilitators): Small group discussions occurred to address types of boat noise, how to address boat noise, and who is responsible to address boat noise.
- Close: Participants encouraged to sign up to receive updates and City Council agendas via email. Timeline given: update to Council on May 15; draft ordinance change to address noise to be presented to Council on June 5

Summary of Group Discussions

The following are the primary sources of noise identified by participants. Other sources of noise identified were animals; wave jumping, waterskiing and boat horns.

<i>Type of Noise</i>	<i>How Best to Address</i>	<i>Who Should Address</i>
<ul style="list-style-type: none"> • Jet Ski Engines • Stereo/Music (bass) • People/Voices • Boat Engines • Seaplanes 	<ul style="list-style-type: none"> • Slower speed • Hour limits • Restrict where they can be • Establish no wake zone • Limit hours • Regulate by decibel level; regulate amplified sound • Regulate by distance • Restrict rafting • Limit alcohol • Limit hours • Be more considerate • Hour limits • Restrict where they can be • Establish no wake zone • Take no action • Greater patrol presence; including nighttime patrol • Boaters to practice general boating safety • Boating safety education • Regulate exhaust system • Signage on lake notifying boaters of noise rules • Regulate type of stereo speakers and rack design 	<ul style="list-style-type: none"> • City of Kirkland • Boat Captain; Operator; Owner • Personal responsibility • Law enforcement

Miscellaneous comments

- Noise is louder on sunny days; boaters stay longer
- Excessive noise was described as heavy bass from music, what time of day its being played, noise is so loud you have to go into your house, noise is loud and clear beyond 50 feet; must be able to quantify the noise level.
- There is a reluctance to call 9-1-1 to report noise; sense that 9-1-1 did not want to deal with call
- If you're on the water you may not realize how loud your noise level

Other suggestions offered by participants

Education

- Create educational materials to make available to boaters
- Use media to get out Kirkland's boating messages and rules

Volunteer Program

- Create a volunteer program where volunteer boaters keep an eye on unsafe boating and report it.

Noise Monitoring Device Installed on Lake

- Similar to the "Speed Watch" monitor device, install a noise meter on the lake that would show boaters that their noise level is too high.

Funding

- Additional funding needed for additional resources (increased patrol)
- Kirkland Police Department should patrol on wave runners