



CITY OF KIRKLAND

Police Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3400

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric W. Olsen, Chief of Police
Bill Hamilton, Operations Captain
Oskar Rey, Assistant City Attorney

Date: May 24, 2012

Subject Proposed Watercraft Noise Ordinance

RECOMMENDATION:

That Council adopts the attached Ordinance amending the City's watercraft and public disturbance regulations.

BACKGROUND DISCUSSION:

[On March 6, 2012 the City Council considered a Kirkland Police Department proposal to amend Title 14](#) of the Kirkland Municipal Code ("KMC") in regard to public disturbance noises emanating from watercraft, the prohibition of rafting and tandem moorage, and fines and penalties. The changes were proposed because Title 14 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 two-phase public involvement process to seek input from stakeholders. The Council also requested that an ordinance specific to addressing boating noise be brought back for Council consideration in advance of the 2012 peak boating season.

[On May 15, 2012 the City Council received an update on the City's public involvement efforts](#), including the Public Involvement Plan and printed materials. The Council also received a draft version of a boat noise ordinance.

Short Term/Phase I Public Involvement

This phase has now been completed and Council was recently updated on the process and outcome details. The following public information tools and materials were developed and utilized to garner increased community input specific to addressing watercraft noise.

- An informational webpage was developed: www.kirklandwa.gov/watercraftsafety. From the page, visitors can subscribe to receive email updates. There are 53 subscribers as of

May 30, 2012. The draft version of the boat noise ordinance provided to the City Council on May 15 was posted to the website including a link to the Ask a Question feature that allows for individuals to submit comments on the draft ordinance. Four comments have been received.

- An informational phone line was established (425-587-3516) and monitored daily by Police Department staff. (Activated April 17, 2012) As of May 30, one call has been received.
- An informational mailer was sent to boat launch access card holders. This also included boating safety tips. (April 23, 2012)
- A review of the emails sent to City Council and City staff was conducted and summarized.
- Police Captain Hamilton and Marie Stake, Communications Program Manager met with the Ad Hoc Boating Committee (April 26, 2012)
- An informational flyer was posted at the Marina Park boat launch and distributed to business near the park. (April 23 through April 27, 2012)
- City Staff facilitated a workshop meeting with interested stakeholders (May 3, 2012)
- The Police Department updated the Market Neighborhood Association on May 16, 2012 as well as the Moss Bay Neighborhood on May 21, 2012.
- In the [May 25 episode of Currently Kirkland](#), there is a story about the City's docks, boat launch access cards, water safety tips, and an announcement about the Council considering the draft boat noise ordinance.

Based on the community input received, staff recommends that the Council adopt the attached Ordinance relating to watercraft noise. The Ordinance would do the following:

- Create a new KMC Section 14.24.140 that states that the City's general public disturbance noise regulation (KMC Section 11.84A.070) is applicable to watercraft (Ordinance, Section 1);
- Amend KMC Section 11.84A.070 to make subsections 1, 2, 4, 5 and 6 applicable to watercraft. Under the proposed amendment, noise from watercraft would be regulated in the same manner as noise emanating from sources on land (Ordinance Section 2). The amendment also adds that vessels or watercraft participating in City sponsored or permitted events in which boat participation is a planned element of the event (such as the Christmas Ships) shall not be in violation of this Section.
- Amend KMC Section 14.36.070 to provide a fine in the amount of \$150 for violations of Chapter 14.36 (relating to City moorage facilities) for which penalty amounts are not otherwise specified. It should be noted that Section 14.36.070 contains a penalty provision for tandem moorage or rafting at the Kirkland moorage facilities such as the Marina. This existing provision is limited to City moorage facilities, but staff has added language to that effect to eliminate any possible confusion (Ordinance Section 3);
- Amend KMC Section 14.04.080 to provide a fine in the amount of \$150 for violations of Title 14 for which penalty amounts are not otherwise specified (Ordinance Section 4).

Phase II Public Involvement and Next Steps

If the proposed ordinance is adopted, the City will initiate public information efforts to let residents, boaters, parks users, media, and the general public know of the regulation changes.

According to the Public Involvement Plan, in Phase 2 stakeholder involvement will be expanded and participants will be similarly engaged to help the City undertake a comprehensive review of [Kirkland Municipal Code \(KMC\) Title 14, Waters and Surface](#). This phase will include identifying stakeholder concerns about the existing code and a much more detailed review of the existing provisions to identify all necessary and reasonable edits, updates or additions, not limited to the current enforcement considerations. A second stakeholder meeting is anticipated to be held in fall. Results from Phase 2 will be presented to the Council Public Safety Committee and the full City Council following public involvement.

ORDINANCE O-4356

AN ORDINANCE OF THE CITY OF KIRKLAND MAKING CITY PUBLIC DISTURBANCE NOISE REGULATIONS APPLICABLE TO WATERCRAFT IN CITY OF KIRKLAND WATERS AND SPECIFYING PENALTY AMOUNTS FOR CERTAIN VIOLATIONS OF KIRKLAND MUNICIPAL CODE TITLE 14.

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

Section 1. A new Section 14.24.140 of the Kirkland Municipal Code ("KMC") is hereby adopted to read as follows:

14.24.140 Public disturbance noises in Kirkland waters. For noise regulations applicable to City of Kirkland waters, please see KMC Section 11.84A.070.

Section 2. Section 11.84A.070 is hereby amended to read as follows:

11.84A.070 Public disturbance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

- (1) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle or watercraft, except as a warning of danger or as specifically permitted or required by law;
- (2) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, watercraft or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- (3) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- (4) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, ~~or~~ condominium, or watercraft, which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;
- (5) Sound from any motor vehicle or watercraft audio sound systems, such as tape players, radios, docking stations and compact disc players, operated at a volume so as to be audible greater than fifty feet from the vehicle or watercraft itself;
- (6) Sound from portable audio equipment, such as tape players, radios, docking stations and compact disc players, operated at a

volume so as to be audible greater than fifty feet from the source, and if not operated upon the property of the operator;

(7) The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

Provided, that the foregoing enumeration of acts and noises not be construed as excluding other acts and noises which offend the public peace. And provided further that vessels or watercraft participating in City sponsored or permitted events in which boat participation is a planned element of the event shall not be in violation of this Section.

Section 3. Section 14.36.070 of the KMC is hereby amended to read as follows:

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 sixty-six dollars. 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 one hundred fifty 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 at a City moorage facility. The civil penalty shall be one hundred fifty dollars. Each of the watercraft involved shall be subject to issuance of a separate civil infraction.

(c) Unless otherwise specified, any other violation of this chapter is a civil infraction, punishable by a fine of one hundred fifty dollars (\$150.00) per violation.

(ed) The parks director shall designate an employee or contractor who shall be responsible for issuing civil infractions pursuant to this chapter. 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.

Section 4. A new KMC 14.04.080 is hereby adopted to read as follows:

14.04.080 Penalties for violations.

Unless otherwise specified, any violation of this Title 14 is a civil infraction, punishable by a fine of one hundred fifty dollars (\$150.00) per violation.

Section 5. 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 6. 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 _____ day of _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney