



**CITY OF KIRKLAND**  
**Parks and Community Services Department**  
505 Market Street, Kirkland, WA 98033 425.587.3330  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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### MEMORANDUM

**To:** David Ramsay

**From:** Mike Metteer, Business Services Manager  
Carrie Hite, Deputy Director  
Jennifer Schroder, Director

**Date:** February 19, 2009

**Subject:** KMC amendment: Moorage Violation Fines

### RECOMMENDATION:

Park Board recommends that Council adopt revised Kirkland Municipal Code #14.36.070. The attached revised Ordinance includes the following:

1. Increase the fine for failure to pay moorage fees to \$66.00 to serve as a stronger deterrent to failure to pay moorage fees.
2. Increase the fine for mooring in a restricted or prohibited area from \$66.00 to \$150.00
3. Increase the fine for rafting from \$66.00 to \$150.00.

### BACKGROUND DISCUSSION:

Civil fines for moorage infractions are governed by Kirkland Municipal Code Section 14.36.070. Currently, the moorage fine for failing to pay the established moorage fee is the same as the fine for overtime parking under KMC 12.45.320. Overtime parking fines are \$20.00 for a first violation, \$25.00 for a second violation in any sixty day period, \$50.00 for a third violation in any sixty day period and \$100.00 for four or more violations in any sixty day period. The current penalty for other types of moorage violations, such as rafting or mooring in a restricted or prohibited area is \$66.00.

The current fine for failure to register or pay moorage fees is not high enough to deter boaters from failing to pay moorage fees. In some cases the fine is less than the applicable moorage fee. Failing to pay moorage fees is different than overtime parking or failing to pay at a parking meter because moorage fees are considerably higher than parking fees.

Restricted or prohibited areas are generally those areas used as the City's commercial tour boat facility (the extension to the Marina Park Pier that was constructed in 1988). The current fine for mooring in a restricted or prohibited area is \$66.00. It can be disruptive to tour boat operations if unauthorized vessels are moored in restricted or prohibited areas, and in some cases a \$66.00 fine has not served as a sufficient deterrent.

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Rafting is the practice of tying two or more vessels together. It can pose a significant navigational and safety hazard. In most instances, a warning resolves the issue. However, if the vessels are unattended or the warning is unheeded, a civil citation may be issued.

**Attachments:** Proposed revised KMC Ordinance 14.36.070

ORDINANCE NO. 4183

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FINES FOR MOORAGE INFRACTIONS.

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

Section 1. Kirkland Municipal Code Section 14.36.070 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~~ 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~~ 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. The civil penalty shall be ~~sixty-six~~ one hundred fifty 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 pursuant to this chapter ~~with respect to watercraft for which moorage fees have not been paid or for which registration has not been 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.

Section 2. 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 \_\_\_\_\_, 2009.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney