

ORDINANCE O-4762

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MOORAGE COMPLIANCE AND AMENDING SECTION 14.36.070 OF THE KIRKLAND MUNICIPAL CODE.

WHEREAS, Kirkland Municipal Code ("KMC") Section 14.36.070 relates to moorage compliance at City moorage facilities; and

WHEREAS, Parks and Community Services recommend that KMC Section 14.36.070 be amended to increase moorage fees as the current moorage fees have been increasingly ineffective at preventing visitors to the Kirkland Marina from violating the City's moorage rules and regulations; and

WHEREAS, the current sixty-six dollar fine for non-payment is ineffective at preventing visitors to the Kirkland Marina from violating the City's moorage rules and regulations and not consistent with similar fines for moorage violations that are set at one hundred fifty dollars; and

WHEREAS, moorage fines are a non-traffic civil violation that does not go on an individual's record, decreasing the incentive for proper and timely payment of moorage.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 14.36.070 is 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. The following penalties shall be assessed for such violations:

(A) No previous violation of the moorage provisions of this chapter within the preceding 30 days: \$150.00

(B) A second violation of the moorage provisions of this chapter within 30 days of a prior violation: \$200.00

(C) Each subsequent violation (i.e. two or more) of the moorage provisions of this chapter within 30 days of an initial violation: \$250.00

(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 per violation.

(d) 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 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 ____ day of _____, 2021.

Signed in authentication thereof this ____ day of _____, 2021.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney