



**CITY OF KIRKLAND**  
**Department of Parks & Community Services**  
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**To:** Kurt Triplett, City Manager

**From:** Lynn Zwaagstra, Parks and Community Services Director  
John Lloyd, Parks and Community Services Deputy Director  
Kevin Ball, Parks and Community Services Program Coordinator

**Date:** June 24, 2021

**Subject:** UPDATE TO MUNICIPAL CODE 14.36.070 ON MARINA MOORAGE  
INFRACTIONS

**RECOMMENDATION:**

That the City Council approves changes to the Kirkland Municipal Code (KMC) increasing fines associated with moorage violations as defined in [KMC 14.36.070 \(b\) \(1\)](#) from the current rate of \$66.00 to the proposed rate of \$150.00 to be consistent with other moorage violations. Further proposed changes to the code would escalate the fines to \$200.00 for the second violation within 30 days of an initial violation and \$250.00 thereafter for each additional violation within 30 days of an initial violation.

**BACKGROUND:**

The past several years have seen a significant increase in moorage violations at the Kirkland Marina. As the size of boats utilizing the Marina has increased over time, the \$66.00 fine is having a smaller impact on violations. The current citation is slightly more than a day's moorage for the average boat and considerably less than two or more days of moorage. Additionally, the citations have no impact on a violator's record as it is a non-traffic civil violation. All the above has resulted in more and more boaters choosing to comply less with paying moorage fees.

So far in 2021, the City has issued over 69 moorage citations – triple what was issued at this time last year. Since April, six boats alone have compiled 25 moorage citations. Not only does the non-compliance have an impact on moorage revenues, it also wastes staff time and resources to continually cite the same boats repeatedly. Since the beginning of 2020, 50 out of 236 citations have been reported as being sent to collections for non-payment to the court. Six of those citations are attributed to a boat that continues to moor at the marina without paying.

**OPPORTUNITIES:**

Marina Park and the associated docks are one of the Kirkland community's most used and visited assets in the entire system. When the summer weather appears, it can almost become an awe-inspiring number of people enjoying the park and the amenities offered. On the busiest summer days, when the dock reaches capacity, boaters circle the Marina until a slip becomes available. Park Ranger and Harbormaster staff put forth significant effort to educate and enforce the rules and regulations that are in place for reasons of safety, damage, access and

equity for all who use the public piers. For that reason, it is imperative to ensure the fines defined in the KMC are an appropriate deterrent from abuse. The current fines are no longer a deterrence as some boaters would rather take their chances of being cited, rather than paying moorage fees. Staff recommend the fine defined in KMC 14.36.070 (b) (1) be increased to \$150.00 to serve as a stronger deterrent and to be consistent with \$150.00 fines in the KMC for similar types of moorage violations. Additionally, staff recommend adding an escalating fee for subsequent violations in a 30-day period to deter repeated violations. The new code would read as follows:

Moorage without registering or without paying the established fee; continuing to moor without paying the established fee as it becomes due. 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 with 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

The Marina dock has a limited number of mooring slips available to Kirkland and the surrounding boating communities. When boaters violate the moorage regulations they are unfairly limiting and manipulating the availability of slips to those boaters who are desiring to enjoy the dock, park amenities and downtown offerings. The number of violations has been significantly increasing resulting in an unprecedented number of citations and demands to vacate. An increase in the amount of the fine would give incentive for violators to comply with the City's moorage rules.

#### *Three-Hour Free Moorage*

A related issue that creates significant complications for Marina moorage and receipt management is the current policy of allowing three free hours of moorage. This policy was requested by previous Councils with the goal of providing boaters time to use park amenities and/or patronize downtown food services and retail shops. Unfortunately, the free time is most often used to extend current moorage or to avoid payment of moorage altogether. Most three-hour violators become familiar to staff and are regular boats that are in dock for extended-overnight moorage or boats/jet skies who moor for a significant amount of time with no intention to stay overnight. Staff is only raising awareness of this policy at this point. Potential options to consider are charging fees for the first three hours or potentially discontinuing the three-hour time slots altogether as the policy is not currently meeting desired outcomes.

#### **NEXT STEPS:**

The Parks & Community Services Department will take a holistic view of the full Chapter in conjunction with other municipal codes to bring forward a comprehensive code update to City Council in the future. Additionally, resources allocated as a part of the Summer Action Plan will be used to hire additional Harbormaster staff to help with education, enforcement, compliance, and follow up. We are hopeful that the fee increase associated with this initial code update will

allow the boating community to enjoy the marina docks and park amenities without having the experience lessened by those who continue to violate the city's codes and ordinances.

**Attachment:** Ordinance