Ordinance No. 3886

(Amending or Repealing Ordinances)

CFN=118 - Parks and Recreation
Passed - 8/5/2008
Amend Kent City Code 3.40 to Establish Lake Meridian Boat Launch Fees
ORDINANCE NO. 3886

AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Kent City Code to establish a boat launch fee at Lake Meridian, to establish a boating facility fund for the launch proceeds, and to make other housekeeping amendments.

RECITALS

A. There are two boat launches that provide public access to Lake Meridian. One boat launch is operated by the Washington State Department of Fish and Wildlife. It is unimproved, does not have a boarding float, and a boat launch fee is included in the cost of state-issued fishing licenses. The second boat launch is owned and operated by the City of Kent. Use of the City's boat launch facility has increased over the years, and Kent citizens and City staff have requested that boat launch fees be implemented at Lake Meridian Park to regulate access and assist in the maintenance and operation costs of the boat launch.

B. Based on a survey of boat launch fees charged by surrounding jurisdictions, the City Council wishes to establish similar boat launch fees at Lake Meridian. Upon the effective date of this ordinance, visitors may remit either an annual boat launch fee of $50, or a per launch fee of $5. Revenue generated by the boat launch fee will be used to assist
with the City’s operation and maintenance costs associated with its boating facilities.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment. Chapter 3.40 of the Kent City Code, entitled “Specific Funds,” is amended to add a new Part 13 establishing a Boating Facility Fund as follows:

PART 13. BOATING FACILITY FUND

Sec. 3.40.1300. Created. There is hereby established a City boating facility fund for the receipt of:

1. Vessel and personal watercraft launch fees collected under KCC 4.06.200.
2. Private or public gifts, endowments, donations, bequests, or other grants.
3. Such other funding sources as may be available.

Sec. 3.40.1310. Expenditures and disbursements. Expenditures and disbursements made from the boating facility fund shall support boating needs within the City. Authorized disbursements that may be made from the boating facility fund include expenses to operate, maintain, improve, and enforce boating activities and facilities and aquatic resources within the City; to acquire land to expand boating facilities; to purchase replacement equipment and supplies; to recover the cost to collect boat launch fees within the City; and to pay for the cost of such other expenditures and disbursements as may be recommended by the
SECTION 2. - Amendment. Section 4.01.080 of the Kent City Code, entitled “Prohibited activities—Speed limits, etc., vehicles and horses,” is amended to add a new subsection related to boat launch fees and to make minor housekeeping changes as follows:

Sec. 4.01.080. Prohibited activities – Speed limits, etc.; vehicles, and horses.

A. No person shall ride or drive any bicycle, tricycle, motorcycle, motor vehicle, horse, or pony over or through any park at a speed in excess of fifteen (15) miles per hour. Nor shall any person ride or drive any bicycle, tricycle, motorcycle, motor vehicle, horse, or pony over or through any park, except within, along, and upon the park drives, parkways, or park boulevards, or at a speed in excess of fifteen (15) miles per hour, however, a person may ride a bicycle or tricycle on park trails, unless the parks, recreation, and community services director prohibits bicycle or tricycle use and posts a sign advising of the prohibition.

B. No person shall stand or park any vehicle, except in designated areas or in accordance with signs, striping, or other methods which make clear the appropriate method or manner of parking. Improperly parked vehicles, including vehicles parked on sidewalks, vehicles left parked over twenty-four (24) hours, vehicles not associated with the use of the park, and unauthorized vehicles left in the park between dusk and dawn, are subject to the penalties provided for in KCC 4.01.220(C) and may be towed away at the expense of the owner.

Amend Kent City Code to Establish Lake Meridian Boat Launch Fees
SECTION 3. - Amendment. Section 4.01.220 of the Kent City Code, entitled “Penalties,” is amended as follows:

Sec. 4.01.220. Penalties.

A. Civil infraction penalty.

1. Except as provided in subsections (A)(2) and (B)–(G), a violation of any provision of this chapter shall constitute a class 1 civil infraction in accordance with RCW 7.80.120(1)(a), as currently enacted or hereafter amended. Violation for which a monetary penalty may be assessed in the amount of two hundred fifty dollars ($250). Each separate day, or portion thereof, during which any violation occurs, shall constitute a separate violation.

2. A violation of KCC 4.01.080(B) shall constitute a class 3 civil infraction in accordance with RCW 7.80.120(1)(c), as currently enacted or hereafter amended.

3. Each separate day, or portion thereof, during which any violation occurs, shall constitute a separate violation.

B. Misdemeanor. Any person who violates KCC 4.01.020 or 4.01.040 of this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed five thousand dollars ($5,000) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment. Each separate day or portion thereof during which such violation occurs shall constitute a separate violation.

SECTION 4. - Amendment. Section 4.06.040 of the Kent City Code, entitled “Definitions,” is amended to add a definition for the term “boat basin,” as follows:
Sec. 4.06.040. Definitions. For the purpose of this chapter, in addition to the definitions set forth in RCW 79A.60.010 adopted above, the following terms shall have the meaning ascribed in this section:

Authorized emergency vessel means any authorized vessel of the city's police or fire departments, the United States government, and state of Washington authorized patrol boats or vessels.

Boat basin means the submerged waters surrounding the boat launch ramp and boarding float through which boats travel for the purpose of entering and exiting lake waters.

City means the city of Kent.

Obstruction means any matter which may in any way blockade, interfere with, or endanger any vessel or impede navigation including but not limited to rafts, log booms, trees, lumber, and other similar material or objects.

Oil means any oil or liquid, whether of animal, vegetable, or mineral origin, or a mixture, compound or distillation thereof.

Person, when necessary, means and includes natural persons, associations, co-partnerships and corporations, whether acting by themselves or by a servant, agent, or employee; the singular number, when necessary, means the plural, and the masculine pronoun includes the feminine.

Pier means any pier, wharf, dock, float, gridiron, or other structure to promote the convenient loading or unloading or other discharge of vessel, or the moorage of vessel.

Police or police department means the police department of the city of Kent.

Restricted area means an area that has been marked in accordance with and as authorized by the law or regulations of the city, to be used for certain designated purposes such as swimming and aquatic events or otherwise closed to use by vessels, the method of marking and designation.
of which shall have been made by the city in accordance with the provisions of this chapter.

*Skin diving* means any free swimming person and/or any person who uses an artificial or mechanical means to replace his or her air, including self-contained underwater breathing apparatus (SCUBA diving), snorkel tube equipment, and free diving gear.

*Vessel* includes, but is not limited to, rowboat, sailboat, sailboard, canoe, kayak, powerboat, ski boat, personal watercraft, and other similar watercraft.

**SECTION 5. - Amendment.** Section 4.06.160 of the Kent City Code, entitled "Swimming—Lake Meridian," is amended to add a new subsection (A)(3) as follows:

Sec. 4.06.160. Swimming — Lake Meridian.

A. Swimming in Lake Meridian shall be confined to:
   1. Restricted swimming areas; or
   2. To within a distance of fifty (50) feet from the shore, or a pier, or an occupied vessel accompanying the swimmer in the water; or:
   3. Those areas as may be identified by the City as the course for competitive swimming training or events; or
   4. Those waters of the lake that are a distance of one hundred (100) feet away from the boat basin, the boat launch, the boarding float, and the temporary moorage associated with the boat launch.

B. Use of inflatable flotation or similar devices, not propelled by instruments such as oars and paddles, including, but not limited to tubes, boards, and inflatable rafts, are only allowed within a distance of fifty (50) feet from shore in non-designated swimming areas.

*Amend Kent City Code to Establish Lake Meridian Boat Launch Fees*
C. No person shall cause to be tied to any marker buoy, any watercraft, boat, or similar craft or flotation device such as a tube, board, or inflatable raft.

D. No person shall give or transmit a false signal or false alarm of drowning in any manner.

E. The parks, recreation, and community services director of parks and recreation may establish the hours for lifeguard supervised swimming and may establish rules and regulations for use within or adjacent to designated swim areas.

SECTION 6. - Amendment. Section 4.06.200 of the Kent City Code, entitled "Lake Meridian—Motor-powered vessel restrictions—Water skiing and personal watercraft operation," is amended to add a new section establishing launch fees at Lake Meridian for vessels and personal watercraft as follows:

Sec. 4.06.200. Lake Meridian — Motor-powered vessel restrictions — Water skiing and personal watercraft operation.

A. Generally. The following rules and regulations are adopted for the use of motor-powered vessels on Lake Meridian:

1. It is unlawful to use or operate any vessel powered by motor power on Lake Meridian, except that vessels with the following engines will be permitted:

   a. Water-cooled outboard engines of stock manufacture or stock manufactured inboard engines with outboard drive units (inboard/outboards) which vent all exhaust gases through the lower drive unit in conjunction with cooling water and/or vent at a point on the drive unit which is under water at all times; or water-cooled direct drive inboard
engines equipped with a muffler or silencer of sufficient size and capacity to effectively muffle and reduce noise similar to that of outboards and inboard/outboards. This includes both propeller and jet propulsion watercraft.

b. Air-cooled outboard or inboard engines of stock manufacture rated by the manufacturer at ten (10) horsepower or less.

c. Electric fishing trolling motors.

2. No vessel shall operate in excess of eight (8) miles per hour after 6:00 p.m. until the hour of 9:00 a.m. and not in excess of thirty-five (35) miles per hour from 9:00 a.m. to 6:00 p.m.

3. Vessels exceeding speeds of eight (8) miles per hour shall remain at least two hundred (200) feet from the shoreline and one hundred (100) feet from other vessels and swimmers and shall proceed around the lake in a counterclockwise direction.

4. All vessels operating on Lake Meridian shall carry United States Coast Guard approved personal flotation devices in good condition for each person in the vessel.

5. Motor-powered vessels operating after sundown shall be equipped with and have lit proper running lights.

6. The anchorage or moorage of unoccupied vessels is prohibited except when tied to a pier or dock with the permission of the owner of the pier or dock. However, an unoccupied vessel may only be anchored or moored to a City pier or dock while the vessel’s trailer is being parked or retrieved.

7. No remote controlled vessels powered by internal combustion engines shall operate before 9:00 a.m. or after 6:00 p.m. Additionally, such remote controlled vessels may only be operated in those areas as may be designated by the parks, recreation, and community services director, and shall not be operated within 100 feet of any fishing pier, designated swimming area, or boat launch ramp and dock.

Amend Kent City Code to Establish Lake Meridian Boat Launch Fees
8. Skin diving is prohibited except as necessary for public employees and their agents or other authorized personnel to perform their duties or in the case of an emergency.

9. No person shall launch a vessel or personal watercraft off a trailer and into Lake Meridian from the City-operated boat launch at Lake Meridian Park without first paying a launch fee in the amount of five dollars ($5) per launch, or an annual launch fee in the amount of fifty dollars ($50), and displaying the receipt or annual permit on the dashboard of the vehicle from which the vessel or personal watercraft was launched.

B. Water skiing. The following regulations apply to all water skiing activities as defined in RCW 79A.60.010 including, but not limited to, being towed behind a vessel on skis, an aquaplane, kneeboard, tube, or similar device:

1. Water skiing on the lake at speeds up to and including eight (8) miles per hour is permitted any time between dawn and dusk.

2. Water skiing on the lake at speeds over eight (8) miles per hour shall be limited to the hours of 9:00 a.m. to 6:00 p.m.

3. It is unlawful to water ski within three hundred (300) feet of shore except as follows:
   a. From privately owned shoreline, water skiers may start at and return to shore by means of the most expeditious route;
   b. From city owned shoreline, water skiers may start or return (deep water start) from a distance of two hundred (200) feet or greater from shore but are prohibited from starting or stopping within two hundred (200) feet of shore. For purposes of this provision, city owned shoreline includes the swimming beach and boat launching areas of the park. For purposes of starting at and returning to shore as authorized herein, water skiers may temporarily exceed the speed limit to eight (8) miles per hour.
4. All persons in vessels towing persons on water skis, tubes, surfboards, or similar contrivance shall remain seated at all times.

5. All operators of vessels having in tow or otherwise assisting a person on water skis, tubes, surfboards, or similar contrivance shall comply with KCC 4.06.060.

6. Regulations stated in this subsection shall not apply to vessels used in water ski tournaments, competitions, expositions, or trials therefor, which have been duly authorized by the city.

C. Personal watercraft. In addition to RCW 79A.60.190 adopted in KCC 4.06.020, the following regulations shall apply to personal watercraft:

1. Personal watercraft may be operated on the lake at speeds up to and including eight (8) miles per hour any day except during hours of darkness.

2. Personal watercraft may be operated on the lake at speeds in excess of eight (8) miles per hour only as follows:
   a. Between the hours of 12:00 noon and 6:00 p.m.;
   b. On even-numbered days of the calendar; and
   c. From and including May 16th through and including September 15th of any year.

SECTION 7. - Amendment. Section 4.06.280 of the Kent City Code, entitled “Penalties,” is amended as follows:

Sec. 4.06.280. Penalties. The following penalties shall apply for violations of this chapter:

A. Civil Infraction. Except as provided in subsections (B) and (C) below, a violation of any of the provisions of this chapter shall constitute a class 3 civil infraction in accordance with RCW 7.80.120(1)(c), as currently enacted or hereafter amended, for which a monetary penalty

Amend Kent City Code to Establish Lake Meridian Boat Launch Fees
may be assessed in the amount of one hundred dollars ($100). Pursuant to Chapter 7.84 RCW, any violation of the provisions of Chapter 79A.60 RCW adopted herein which constitutes an infraction shall be assessed a monetary penalty as established in the penalty schedule currently set forth and as hereinafter amended in Court Rule IRLJ 6.2 adopted herein by reference. Each separate day, or portion thereof, during which any violation occurs shall constitute a separate violation.

B. Misdemeanor. Any violation of any provision established in this chapter which constitutes a misdemeanor shall be punishable by a fine not to exceed one thousand dollars ($1,000) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Each separate day or portion thereof during which such violation occurs shall constitute a separate violation.

C. Gross misdemeanor. Any violation of any provision established in this chapter which constitutes a gross misdemeanor shall be punishable by a fine not to exceed five thousand dollars ($5,000) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment. Each separate day or portion thereof during which such violation occurs shall constitute a separate violation.

SECTION 8. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Amend Kent City Code to Establish Lake Meridian Boat Launch Fees
SECTION 9. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

SUZETTE COOKE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 5 day of August, 2008.
APPROVED: 5 day of August, 2008.
PUBLISHED: 9 day of August, 2008.

I hereby certify that this is a true copy of Ordinance No. 3886 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

Amend Kent City Code to Establish Lake Meridian Boat Launch Fees