

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Kitsap County Board of Commissioner will hold a public hearing on **Monday, March 12, 2007** at the hour of **10:25 AM** in its Chambers, County Administration Building 619 Division Street, Port Orchard, WA 98366 to consider enacting an **Ordinance** relating to **health and welfare regulations applicable to Kitsap County Port properties** and further described as follows:

WHEREAS, pursuant to RCW 53.08.220, a port district may formulate needful regulations for the use by tenants, agents, servants, licenses, invitees, suppliers, passengers, customers, shippers, business visitors, and member of the general public of any properties or facilities owned or operated by the port district; and

WHEREAS, such needful regulations may be adopted through an ordinance or resolution of the County; and

WHEREAS, Kitsap County Code currently contains regulations concerning the Kingston Marina, which is Port of Kingston property; and

WHEREAS, the Kitsap County Port Districts and Kitsap County believe that it would be beneficial to have consistent regulations for all port districts located in Kitsap County; and

WHEREAS, the Kitsap County Port Districts have requested that the Kitsap County Board of County Commissioners adopt such regulations.

NOW THEREFORE, BE IT ORDAINED:

NEW SECTION. Section 1. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.010 Definitions

- (1) "Cruise" is movement of a vessel for purposes other than an authorized use of a Port District facility for moorage of the vessel, entering or leaving a moorage position, fueling, or sewage pump out.
- (2) "Moorage Area" is that area provided by a Port District for moorage of vessels.
- (3) "Moorage facility" means any Port District property capable for use for the moorage or storage of vessels. {RCW 53.08.310(3)}
- (4) "Port District" means each port district established under Title 53 RCW and located within Kitsap County, which has adopted a resolution requesting that the provisions of this Chapter be adopted as part of the ordinances of Kitsap County, and

specifically includes the Port Districts of Bremerton, Brownsville, Eglon, Illahee, Indianola, Keyport, Manchester, Poulsbo, Silverdale, Tracyton, and Waterman.

- (5) "Port District facility" or "Port District property" means property owned or operated by a Port District within Kitsap County but not within an incorporated city.
- (6) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length "Vessel" includes any trailer used for the transportation of watercraft. {RCW 53.08.310(2)}

NEW SECTION. Section 2. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.020 Applicability

Unless otherwise provided, this chapter applies to all Port District property.

Section 3. Kitsap County Code Section 10.32.010, adopted by Ordinance 36-1967 is redesignated as Section 10.32.030 and amended as follows:

~~10.32.010~~ **10.32.030 Sewage and Bilge**

It is unlawful for any person to discharge sewage or contaminated bilge water in any manner from any vessel while in the Kingston Marina area at a Port District moorage facility, unless properly using a designated sewage pump out facility provided for such purpose.

Section 4. Kitsap County Code Section 10.32.020, adopted by Ordinance 36-1967 is redesignated as Section 10.32.040 and amended as follows:

~~10.32.020~~ **10.32.040 Garbage and trash.**

It is unlawful for any person to dispose of garbage, refuse or trash ("garbage") on Port District property unless it comes from a vessel moored or launched at the Port District property or is a container whose contents were consumed on Port District property; or to dispose of such garbage in any manner other than by carefully placing it in containers provided for that purpose. in any manner other than the careful placing of the refuse in containers provided at each pier. It is unlawful for unauthorized persons to remove the containers from the garbage container area.

Section 5. Kitsap County Code Section 10.32.030, adopted by Ordinance 36-1967 is re-designated as Section 10.32.050 and amended as follows:

10.32.030-10.32.050 Smoking.

It is unlawful to smoke in areas posted as nonsmoking on docks, piers, and public areas on Port District property; provided, however, this should not be construed as allowing smoking in non-posted areas where smoking is otherwise prohibited. on floats in the Kingston Marina.

Section 6. Kitsap County Code Section 10.32.040, adopted by Ordinance 36-1967 is redesignated as Section 10.32.060 and amended as follows

10.32.040-10.32.060 Swimming and water skiing.

It is unlawful to dive or jump into the water for recreational purposes or to swim in any area posted as "no swimming" by a Port District. or water ski in the Kingston Marina area. It is unlawful to water ski in any area posted as "no water skiing" by a Port District.

Section 7. Kitsap County Code Section 10.32.050, adopted by Ordinance 36-1967 is redesignated as Section 10.32.070 and amended as follows:

10.32.050-10.32.070 Fishing.

It is unlawful to fish in or from any Port District property posted as "no fishing." the Kingston Marina area.

Section 8. Kitsap County Code Section 10.32.060, adopted by Ordinance 36-1967 is redesignated as Section 10.32.080 and amended as follows:

10.32.060 10.32.080 Use of facilities after dark.

It is unlawful for any unauthorized person to be on the pier or dock of a Port District facility between after sundown and sunrise or as otherwise posted by a Port District.

Section 9. Kitsap County Code Section 10.32.070, adopted by Ordinance 36-1967 is redesignated as Section 10.32.090 and amended as follows:

10.32.070 10.32.090 Unattended Children.

It is unlawful to ~~permit children~~ for a child under the age of ~~sixteen~~ fourteen years to be on ~~a the docks or pier~~ unless accompanied by a parent or other responsible adult; provided, however, if a lower age limit is adopted by the Port District and posted at the Port District facility, then such lower age limit shall apply.

Section 10. Kitsap County Code Section 10.32.080, adopted by Ordinance 36-1967 is redesignated as Section 10.32.100 and amended as follows:

10.32.080 10.32.100 Cruising in moorage area.

It is unlawful to cruise any vessel within a Port District ~~in the Kingston Marina moorage area. "Cruising" is any movement of a vessel for purposes other than moorage of the vessel, or for other than entering or leaving a slip.~~

Section 11. Kitsap County Code Section 10.32.090, adopted by Ordinance 36-1967 is redesignated as Section 10.32.110 and amended as follows:

~~10.32.090~~ **10.32.110** **Vessel Speed.**

It is unlawful to operate a vessel within a Port District moorage area in excess of a posted speed limit, or to leave a wake in the absence of a posted speed limit. ~~for vessels to exceed the speed limit of four miles per hour in the Kingston Marina area.~~

NEW SECTION. Section 12. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.120 **Overnight Parking.**

It is unlawful to park a motor vehicle or trailer overnight on Port District property except as authorized by the Port District.

NEW SECTION. Section 13. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.130 **Daytime Parking.**

It is unlawful to park a motor vehicle or trailer outside of a designated parking area within Port District property, or to park within a designated parking area in excess of the posted time limits or time limitations.

NEW SECTION. Section 14. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.140 **Animal control and pet waste.**

All pets on Port District property must be contained or on leash unless otherwise posted, and all pet waste must be picked up and properly disposed of in a waste receptacle.

NEW SECTION. Section 15. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.150 **Cooking on docks or piers.**

It is unlawful to cook with open flame upon any dock or pier of a Port District, except in designated areas that are posted to specifically allow cooking with open flame.

NEW SECTION. Section 16. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.160 **Fireworks.**

It is unlawful to light fireworks on Port District property, except in areas and at times posted.

NEW SECTION. Section 17. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.170 Outdoor fires.

It is unlawful to build or light a fire upon Port District property except in areas and under conditions posted.

NEW SECTION. Section 18. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.1870 Alcohol consumption.

It is unlawful to consume alcohol on Port District property in violation of any posted prohibition thereof.

NEW SECTION. Section 19. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.190 Vehicle operation.

It is unlawful to operate a vehicle on Port District property in a dangerous or reckless manner, or to drive at speeds in excess of a posted speed limit, or in excess of five mile per hour where another speed limit is not posted.

NEW SECTION. Section 20. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.200 Boat rafting.

It is unlawful to raft boats (tie boats together while moored) at a Port District pier or dock in violation of posted rules related to such rafting.

NEW SECTION. Section 21. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.210 Feeding wildlife.

It is unlawful to feed wildlife on Port District property in violation of posted rules.

NEW SECTION. Section 22. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.220 Prohibited areas.

It is unlawful for unauthorized persons to be on Port Property that is posted as "no trespassing" or not for public use.

NEW SECTION. Section 23. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.230. Wheeled Recreational Vehicles.

It is unlawful to ride bicycles, skates, skateboards, or other wheeled recreational vehicles on a Port District dock or pier, or on any Port District property where specifically posted as prohibited.

NEW SECTION. Section 24. A new section is added to Chapter 10.32 Kitsap County Code, "Marina Regulations." as follows:

10.32.240. Commercial Use of Port Property.

It is unlawful to engage in commercial activity on Port District property without prior written permission of the Port District.

Section 25. Kitsap County Code Section 10.32.100, adopted by Ordinance 36-1967 is redesignated as Section 10.32.250 and amended as follows:

~~10.32.100~~ 10.32.250 Violation - Penalty.

Except as otherwise provided, ~~∅~~violation of any provision of this chapter is a misdemeanor, punishable as provided in Section 1.12.010 of this code. Provided, however, a violation of provisions relating to traffic, including parking, standing, stopping, and pedestrian is a traffic infraction, unless such provision is the equivalent to that in Title 46, Revised Code of Washington (RCW) set forth in RCW 46.63.020, which remains a misdemeanor.

Section 26. Severability. If any provision of this ordinance, or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provision of the provision to other persons, entities or circumstances is not affected.

Section 27. Effective Date. This ordinance shall take effect immediately.

A copy of the ordinance will be sent upon request. Any additional information on the proposed ordinance can be inspected or obtained by visiting the Commissioners Office, 619 Division St. Port Orchard 98366, or by contacting Opal Robertson (360) 337-4428.

ALL THOSE INTERESTED are welcome to attend the hearing. **(Please note that hearing start times are estimates and may be impacted by the amount of public input).**

OPAL ROBERTSON, Clerk of the Board
Kitsap County Commissioners Office

NOTE: Kitsap County does not discriminate on the basis of disability. Individuals who require accommodations should contact the Commissioners Office at (360) 337-4428 or TDD (360) 337-7275 or 1-800-816-2782. (Please provide five business days notice for interpreter services).

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The Kitsap Newspaper Group