



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

June 21, 2011

Ordinance 17124

Proposed No. 2011-0276.2

Sponsors Phillips and McDermott

1 AN ORDINANCE relating to protecting public safety by
2 requiring personal flotation devices on major King County
3 rivers; directing the executive to develop and implement an
4 outreach plan to inform the public of the new requirement;
5 prescribing penalties; amending Resolution 28232, Section
6 2, as amended, and K.C.C. 12.44.020 and adding new
7 sections to K.C.C. chapter 12.44.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

10 A. King County is fortunate to have many large rivers which are regularly used
11 for swimming, floating and boating.

12 B. While King County rivers provide numerous recreational opportunities, rivers
13 are natural systems that pose inherent dangers from cold temperatures, rapid and
14 unpredictable currents, and other hazards.

15 C. This year, an unusually heavy amount of mountain snow is melting into King
16 County rivers, and a tumultuous winter flood season changed river channels and
17 reoriented logs.

18 D. Numerous studies have shown that wearing a personal flotation device
19 significantly reduces a person's chances of drowning.

20 E. The experience of other jurisdictions has demonstrated that adopting
21 requirements for wearing personal flotation devices significantly increases the use of
22 flotation devices.

23 F. Protecting public health and safety is the most fundamental purpose of
24 government.

25 G. In 2010, an information study by the King County department of natural
26 resources and parks of recreational boater use on the Cedar river found in its sample
27 observations that only two percent of youth wore personal flotation devices when floating
28 the Cedar river.

29 H. Snowpack at this time in some Cascade Range river basins is roughly two
30 hundred percent of normal, which may mean higher than normal river flows well into the
31 summer recreational season.

32 I. Recreational use on King County rivers is likely to increase dramatically with
33 warmer weather approaching.

34 J. Based on the experience of other jurisdictions, requiring the use of personal
35 flotation devices on major King County rivers will save lives, particularly during the busy
36 summer months.

37 SECTION 2. Resolution 28232, Section 2, as amended, and K.C.C. 12.44.020 are
38 each hereby amended to read as follows:

39 For the purpose of this chapter, the following terms shall have the meaning
40 ascribed in this section:

41 "Anchorage" means a designated position where vessels or watercraft may anchor
42 or moor.

43 "Aquatic event" means any organized water event of limited duration which is
44 duly sanctioned at least seven days in advance by duly constituted authority and which is
45 conducted according to a prearranged schedule and in which general public interest is
46 manifested.

47 "Authorized emergency vessel" means any authorized vessel or watercraft of the
48 King County public safety department, municipal police departments, municipal fire
49 departments, the United States government, and state of Washington authorized patrol
50 vessels or watercraft.

51 "Boat dealer" means any person engaged in the business of buying, selling,
52 exchanging, offering, brokering, leasing with an option to purchase, auctioning,
53 soliciting, or advertising the sale of new or used vessels. The term "boat dealer" shall not
54 include:

55 A. Receivers, trustees, administrator, executors, guardians, or other persons
56 appointed by, or acting under a judgment or order of any court;

57 B. Employees of dealers who are engaged in the specific performance of their
58 duties as such employees;

59 C. Any person engaged in an isolated sale of a vessel of which he is the owner.

60 "County" means the county of King.

61 "Diver's flag" means a red flag five units of measurement on the hoist by six units
62 of measurement on the fly with a white stripe of one unit crossing the red diagonally (the
63 flag to have a stiffener to make it stand out from the pole or mast). This flag shall only
64 pertain to skin and SCUBA (self-contained underwater breathing apparatus) diving and

65 shall supplement any nationally recognized diver's flag or marking. Unit of measurement
66 shall not be less than two inches.

67 "Issuing authority" means a state that has a numbering system approved by the
68 U.S. Coast Guard or the U.S. Coast Guard where a numbering system has not been
69 approved.

70 "Major river" means the mainstem portions of the following rivers in King
71 County: South, Middle and North Fork and mainstem Snoqualmie, South Fork
72 Skykomish, Tolt, Raging, Sammamish, Cedar, Green and White.

73 "Master" means the captain, skipper, pilot or any person having charge of any vessel or
74 watercraft.

75 "Obstruction" means any vessel or watercraft or any matter which may in any way
76 blockade, interfere with or endanger any vessel or watercraft or impede navigation, or
77 which cannot comply with the "Pilot Rules for Certain Inland Waters of the Atlantic and
78 Pacific Coasts and of the Coast of the Gulf of Mexico" (C.F. 236479).

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

81 "Operator" means a person who is in control or in charge of a vessel or watercraft
82 while it is in use.

83 "Owner" means the person who has lawful possession of a vessel or watercraft or
84 obstruction by virtue of legal title or equitable interest therein which entitles him to such
85 possession.

86 "Person," when necessary, means and includes natural persons, associations,
87 copartnerships and corporations, whether acting by themselves or by a servant, agent or

88 employee; the singular number, when necessary, means the plural, and the masculine
89 pronoun includes the feminine.

90 "Personal flotation device" means a buoyancy device such as a life preserver or
91 buoyant vest that has United States Coast Guard approval and is worn on the body.

92 "Pier" means any pier, wharf, dock, float, gridiron or other structure to promote
93 the convenient loading or unloading or other discharge of vessels or watercraft, or the
94 repair thereof.

95 "Reporting authority" means the same as "Issuing authority."

96 "Restricted area" means an area that has been marked in accordance with and as
97 authorized by the law or regulations of the county to be used for, or closed to, certain
98 designated purposes such as swimming, skin diving, ferry landings and aquatic events,
99 the method of marking and designation of which shall have been made by the Department
100 of Public Safety in accordance with the provisions of this chapter.

101 "Skin diving" means any free swimming person and/or any person who uses an
102 artificial or mechanical means to replace his air, including self-contained underwater
103 breathing apparatus, snorkel tube equipment and free diving gear, but shall not mean
104 swimmers using patrolled public beaches designated as swimming areas.

105 "State" means a state of the United States, the Commonwealth of Puerto Rico, the
106 Virgin Islands, Guam, American Samoa, and the District of Columbia.

107 "State of principal use" means the state on whose water a vessel is used or to be
108 used a majority of a calendar year.

109 "Testing course" means a course or area on waters subject to the jurisdiction of
110 King County, designated in accordance with this chapter or pursuant to other applicable

111 laws and regulations, for use in industrial development and testing of experimental and
112 production watercraft and vessels.

113 "Towboat" means any vessel or watercraft engaged in towing or pushing another
114 vessel or watercraft or anything other than a vessel or watercraft.

115 "Undocumented watercraft" means a boat which does not have a valid marine
116 document as a vessel of the United States.

117 "Vessel" means any contrivance one hundred ten feet or more in length overall,
118 used or capable of being used as a means of transportation on water.

119 "Watercraft" means every description of watercraft twelve feet or greater but less
120 than one hundred ten feet in length or equipped with motor propulsion machinery of more
121 than five horsepower, other than a seaplane, used or capable of being used as a means of
122 transportation on water, or required to be registered by the Boat Safety Act of 1971.

123 PROVIDED, that this definition does not include vessels under four feet in beam which
124 have no propulsion machinery of any type. PROVIDED FURTHER, that this definition
125 shall not include vessels used exclusively for commercial purposes. Aircraft, cribs or
126 piles, shinglebolts, booms of logs, rafts of logs and rafts of lumber shall not be included
127 within the terms "watercraft" or "vessel," but shall be included within the term
128 "obstruction" when they shall be floating loose and not under control or when under
129 control and obstructing any navigable channel.

130 "Water ski" means all forms, manners, means or contrivances of person or
131 persons being towed behind a motor boat.

132 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 12.44 a
133 new section to read as follows:

134 All persons who are on or in major rivers in King County shall wear a personal
135 flotation device at all times. A person is on a major river if that person is floating in or
136 upon any type of buoyant device, including but not limited to any boat, raft, log raft,
137 vessel, watercraft, air mattress, inner tube, surf board, sail board, canoe or kayak, on the
138 waters of any major river as defined in this title. A person is in a major river if that
139 person is swimming or wading more than five feet from shore, or in water more than four
140 feet in depth and that person is not within the boundaries of a designated public
141 swimming area, engaging in skin diving as defined and regulated by this title or is a
142 person over eighteen years of age and is an angler fishing while wading in the river.

143 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 12.44 a
144 new section to read as follows:

145 This requirement is subject to enforcement by the King County sheriff. Failure to
146 wear a personal flotation device on or in a major river constitutes a civil infraction,
147 subjecting the violator to a monetary penalty as set forth in the Infraction Rules for
148 Courts of Limited Jurisdiction, provided, however, that the monetary penalty for the first
149 infraction shall be zero dollars. The procedures for issuing a notice of infraction,
150 hearings, and assessment and payment of penalties shall be as set forth in chapter 7.80
151 RCW.

152 SECTION 5. The executive in coordination with the sheriff shall develop an
153 outreach plan to notify citizens of the new requirements, including posting signs at
154 primary access points to major rivers. Outreach efforts will also include coordination
155 with regional organizations focused on drowning prevention and promoting personal
156 flotation device use.

157 SECTION 6. If any provision of this ordinance or its application to any person or
158 circumstance is held invalid, the remainder of the ordinance or the application of the
159 provision to other persons or circumstances is not affected.

160 SECTION 7. This ordinance expires October 31, 2011.
161

Ordinance 17124 was introduced on 6/6/2011 and passed as amended by the
Metropolitan King County Council on 6/20/2011, by the following vote:

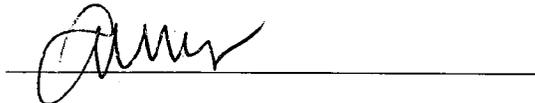
Yes: 5 - Mr. Phillips, Mr. Gossett, Ms. Patterson, Mr. Ferguson and
Mr. McDermott
No: 4 - Mr. von Reichbauer, Ms. Hague, Ms. Lambert and Mr. Dunn
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 21 day of JUNE, 2011.



Dow Constantine, County Executive

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2011 JUN 22 PM 3:56
KING COUNTY COUNCIL
CLERK

Attachments: None
