



## Legislation Text

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**File #:** 2011-0276, **Version:** 2

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

- A. King County is fortunate to have many large rivers which are regularly used for swimming, floating and boating.
- B. While King County rivers provide numerous recreational opportunities, rivers are natural systems that pose inherent dangers from cold temperatures, rapid and unpredictable currents, and other hazards.
- C. This year, an unusually heavy amount of mountain snow is melting into King County rivers, and a tumultuous winter flood season changed river channels and reoriented logs.
- D. Numerous studies have shown that wearing a personal flotation device significantly reduces a person's chances of drowning.
- E. The experience of other jurisdictions has demonstrated that adopting requirements for wearing personal flotation devices significantly increases the use of flotation devices.
- F. Protecting public health and safety is the most fundamental purpose of government.
- G. In 2010, an information study by the King County department of natural resources and parks of recreational boater use on the Cedar river found in its sample observations that only two percent of youth wore

personal flotation devices when floating the Cedar river.

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

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

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

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

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

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

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

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

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

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

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

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

"County" means the county of King.

"Diver's flag" means a red flag five units of measurement on the hoist by six units of measurement on the fly with a white stripe of one unit crossing the red diagonally (the flag to have a stiffener to make it stand out from the pole or mast). This flag shall only pertain to skin and SCUBA (self-contained underwater breathing apparatus) diving and shall supplement any nationally recognized diver's flag or marking. Unit of measurement shall not be less than two inches.

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

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

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

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

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

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

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

"Person," when necessary, means and includes natural persons, associations, copartnerships 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.

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

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

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

"Restricted area" means an area that has been marked in accordance with and as authorized by the law or regulations of the county to be used for, or closed to, certain designated purposes such as swimming, skin diving, ferry landings and aquatic events, the method of marking and designation of which shall have been made by the Department of Public Safety 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 air, including self-contained underwater breathing apparatus, snorkel tube equipment and free diving gear, but shall not mean swimmers using patrolled public beaches designated as swimming areas.

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

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

"Testing course" means a course or area on waters subject to the jurisdiction of King County, designated in accordance with this chapter or pursuant to other applicable laws and regulations, for use in industrial development and testing of experimental and production watercraft and vessels.

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

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

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

"Watercraft" means every description of watercraft twelve feet or greater but less than one hundred ten feet in length or equipped with motor propulsion machinery of more than five horsepower, other than a seaplane, used or capable of being used as a means of transportation on water, or required to be registered by the Boat Safety Act of 1971. PROVIDED, that this definition does not include vessels under four feet in beam which have no propulsion machinery of any type. PROVIDED FURTHER, that this definition shall not include vessels used exclusively for commercial purposes. Aircraft, cribs or piles, shinglebolts, booms of logs, rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or "vessel," but shall be included within the term "obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

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

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

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

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

follows:

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

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

SECTION 6. 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 7. This ordinance expires October 31, 2011.