

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0573

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING TITLE 8 OF THE KENMORE MUNICIPAL CODE TO
ADOPT A NEW CHAPTER 8.17 KMC ENTITLED REQUIRED
WEARING OF PERSONAL FLOTATION DEVICES; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, Washington State Parks reported that in 2020, 24 recreational boating fatalities occurred in Washington, and that paddling accounted for 13 of the 24 fatalities; and

WHEREAS, Washington State Parks also identified that boaters who unexpectedly fall into cold water are at risk for hypothermia and death, and wearing personal flotation devices (life jackets) are one of the single most effective piece of safety gear in a boat; and

WHEREAS, state law requires that all vessels (including canoes, kayaks, and stand up paddleboards) carry at least one properly fitted U.S. Coast Guard-approved life jacket for each person on board a vessel, and children 12 years old and younger must wear a life jacket at all times when underway in certain vessels; and

WHEREAS, the City Council of the City of Kenmore desires to promote boater safety and prevent tragic accidents and drownings; and

WHEREAS, the City Council desires to amend Title 8 of the KMC by adopting a new Chapter 8.17 KMC entitled “Required Wearing of Personal Flotation Devices;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Adoption. The City Council amends Title 8 of the Kenmore Municipal Code by adopting a new Chapter 8.17 KMC, entitled “Required Wearing of Personal Flotation Devices” to read as set forth in Exhibit 1 to this Ordinance, attached hereto and incorporated by reference.

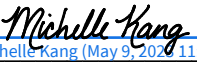
Section 2. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of the publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
24th DAY OF April, 2023.

CITY OF KENMORE



Nigel C. Herbig (May 10, 2023 07:56 PDT)
Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:


Michelle Kang (May 9, 2023 11:15 PDT)

Michelle Kang, Acting City Clerk

Approved as to form:


Dawn Reitan (May 9, 2023 11:16 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 04/13/2023

PASSED BY THE CITY COUNCIL: 04/24/2023

ORDINANCE NO.: 23-0573

DATE OF PUBLICATION: 05/12/2023

EFFECTIVE DATE: 05/17/2023

Chapter 8.17

REQUIRED WEARING OF PERSONAL FLOTATION DEVICES

Sections:

8.17.010 Purpose.

8.17.020 Definitions.

8.17.030 Wearing of personal flotation devices required.

8.17.040 Exceptions.

8.17.050 Enforcement and penalties.

8.17.010 Purpose.

The purpose of this chapter is to promote safety during the operation of human-powered watercraft in order to protect the health and safety of the public and prevent tragic boating incidents.

8.17.020 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings:

A. "Human-powered watercraft" means any vessel used or capable of being used as a means of transportation on water that is operated without a motor, including but not limited to: sailboats (under 20 feet in length), sailboards, paddleboards, water cycles, canoes, kayaks, paddle boats, rowboats and rowing shells.

B. "Personal flotation device" means a wearable Type I, Type II, Type III, or Type V buoyancy device approved by the U.S. Coast Guard and used in accordance with its label. Throwable Type IV PFDs are not acceptable as wearable flotation devices in accordance with Coast Guard regulations and for purposes of compliance with this chapter. The device must be in serviceable condition and of an appropriate size for the user.

C. "User of a human-powered watercraft" means the operator of any human-powered watercraft and any passengers on such watercraft.

8.17.030 Wearing of personal floatation devices.

All users of human-powered watercraft shall wear a properly sized and fitted U.S. Coast Guard-approved Type I, Type II, Type III, or Type V personal flotation device when on the water; provided, inflatable PFDs of any type may not be worn by any user of a human-powered watercraft who is under the age of 16 years.

8.17.040 Exceptions.

The user of a human-powered watercraft shall be exempt from the provisions of this chapter under the following conditions:

A. The user of a human-powered watercraft is a participant in training activities, such as rowing practice, where a coach or instructor is present in a nearby motorized watercraft to supervise the use of the human-powered watercraft and to provide aid or conduct a rescue in the event of an accident or other emergency;

B. The user of a human-powered watercraft is a participant in a sanctioned event, such as a race, where the user of a human-powered watercraft is being supervised by occupants of a motorized vessel or chase boat that is nearby and able to provide aid or conduct a rescue in the event of an accident or other emergency; or

C. The user of a human-powered watercraft is operating the craft in a designated swimming area that is clearly delineated.

8.17.050 Enforcement and penalties.

The first violation of this chapter shall result in educational outreach and a warning for the user or users of the human-powered watercraft. Penalties for subsequent offenses may be enforced as a civil infraction as provided below:

A. A second offense may incur a fine of \$50.00; and

B. For all subsequent violations within six months of the last violation, a fine of \$100.00 may be enforced.

C. When a child under 16 years of age is a passenger or user of a human-powered watercraft and is in violation of this chapter, the adult user present with the child may be issued a fine in accord with subsections A and B of this section for violations of the child.












Ordinance No. 23-0573 with Exhibit 1

Final Audit Report

2023-05-10

Created:	2023-05-09
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAALXP618b3PULKRuEzYOMuZamxydMCA4eX

"Ordinance No. 23-0573 with Exhibit 1" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2023-05-09 - 6:13:07 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2023-05-09 - 6:15:32 PM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2023-05-09 - 6:15:32 PM GMT
-  Document emailed to Michelle Kang (mkang@kenmorewa.gov) for signature
2023-05-09 - 6:15:32 PM GMT
-  Document e-signed by Michelle Kang (mkang@kenmorewa.gov)
Signature Date: 2023-05-09 - 6:15:41 PM GMT - Time Source: server
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2023-05-09 - 6:15:59 PM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2023-05-09 - 6:16:22 PM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2023-05-10 - 2:55:33 PM GMT
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2023-05-10 - 2:56:17 PM GMT
-  Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)
Signature Date: 2023-05-10 - 2:56:19 PM GMT - Time Source: server
-  Agreement completed.
2023-05-10 - 2:56:19 PM GMT



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