

WHITE MOUNTAIN LAKES

COUNTY RECREATION IMPROVEMENT DISTRICT
2015 Silver Creek Drive
(928) 532-8099

RULES AND REGULATIONS
Approved & Adopted by
Navajo County Board of Supervisors

May 2015

1.0 Access and Operating Hours

Access to the Lakes and areas owned, leased or controlled by the White Mountain Lakes County Recreation Improvement District is granted under the condition that the laws of the State of Arizona and these Rules and Regulations are observed. Access is granted only to District Members, Associate Members, Authorized Renters, and their Guests. Any violation of either State Law or District Rules and Regulations can result in permanent or temporary revocation of access of the individual member and/or family members and guests.

- 1.1 The Lakes will be open to Authorized Users at all times with certain restrictions to prevent conflict between fishing and water-skiing.
- 1.2 Use of District Facilities is at the users' own risk.
- 1.3 The District is not responsible for damage, loss, or theft of property.
- 1.4 All persons using District facilities must be prepared to show identification upon request by authorized personnel. Identification must be in the form of a picture identification such as driver's license.
- 1.5 Loud, abusive, threatening, or indecent conduct is prohibited. Excessive noise is prohibited.
- 1.6 Sale of merchandise or service at District properties without written permission from the Advisory Committee is prohibited.
- 1.7 No District Member, Associate Member, or Authorized Renter shall have more than ten (10) guests simultaneously at District facilities without written approval from the Advisory Committee.
- 1.8 Use of the District facilities shall be on a first-come, first-serve basis. In the event of excessive use or over-crowding, District Personnel may regulate use in the interest of public safety as deemed necessary.
- 1.9 The Silver Creek Irrigation District owns the lake property and has the right to store and use the water in the lake for irrigation. The Irrigation District controls the water level in the lake based on irrigation requirements and the current agreement between the Irrigation District and the Recreation District. Lake level and lake surface area will vary. **Not all potential hazards are, or can be known, Caution and attention to obscured hazards is the responsibility of the user. 1**

2.0 Beach and Shoreline Areas

- 2.1 Open fires on District property are prohibited. Propane grills only.
 - 2.1.1 Excessive horseplay or aggressive behavior is prohibited.
 - 2.1.2 Fishing at the swim cove and beach is prohibited.
 - 2.1.3 Boats are prohibited from entering the swim cove, as marked by buoys.
 - 2.1.4 Motorized vehicles are prohibited from entering the beach area, except as necessary by District or Law Enforcement personnel in the performance of their duties.
- 2.2 All pedestrian and vehicular travel on ice is prohibited.
- 2.3 No person shall have in their possession glass or ceramic containers of any type in "District Areas, Properties, or Facilities"

3.0 Boat Ramps and Docks

- 3.1 Boat Ramps or Docks may not be placed on District property without the written approval of the Advisory Committee.
- 3.2 All watercraft must be removed entirely from the lake when refueling.

4.0 Children

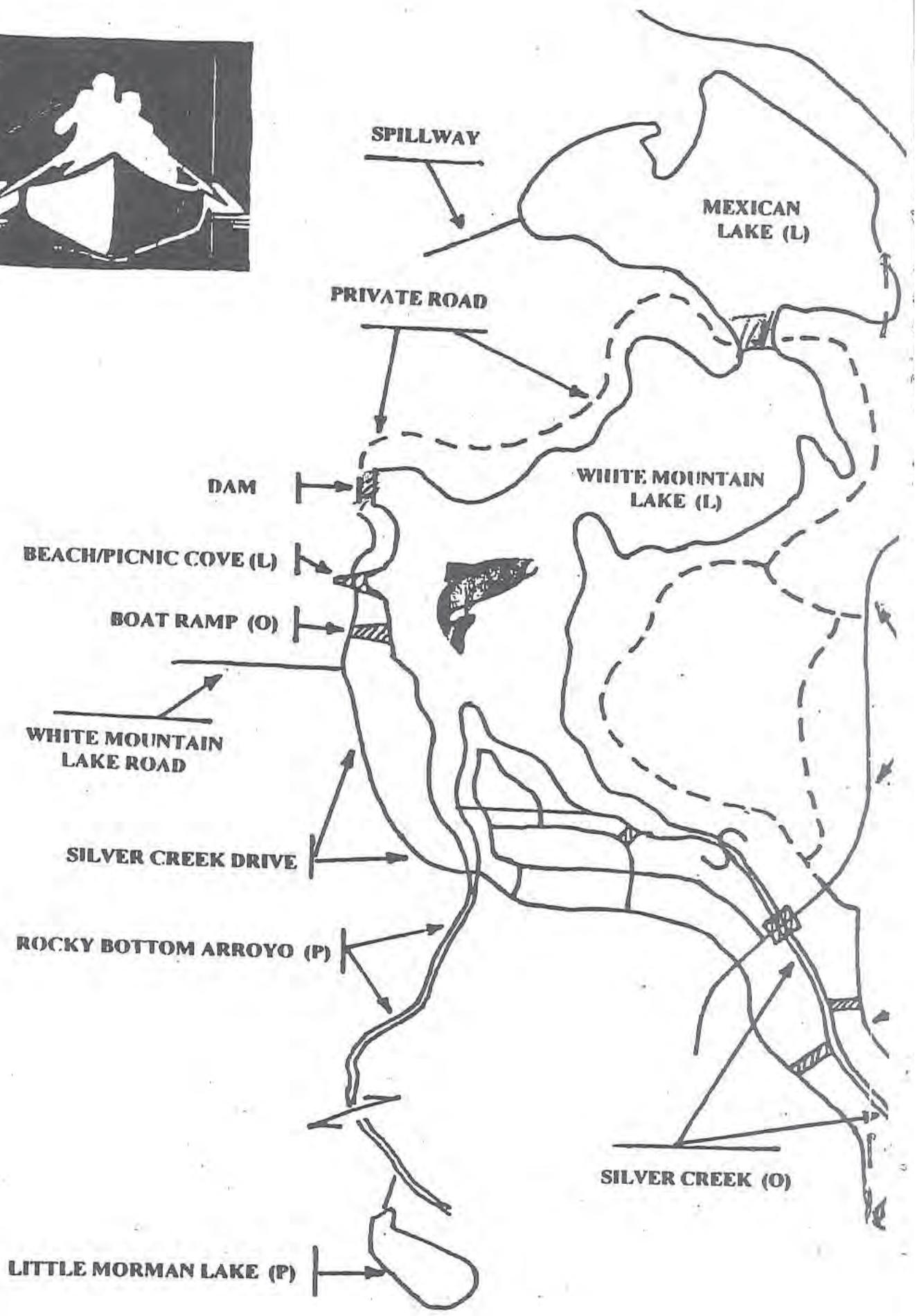
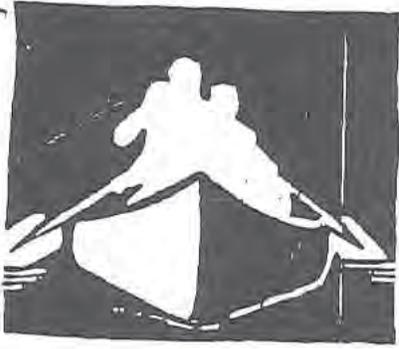
- 4.1 Children 12 Years of age and under must be accompanied at all times by an adult Authorized User.

5.0 Concessions

- 5.1 All concessions operated within the District areas must be approved, in writing, by the Advisory Committee.

6.0 Firearms and Explosives

- 6.1 Discharge of firearms in the District property is prohibited.
- 6.2 Fireworks or other explosives are prohibited unless approved in writing by the Advisory Committee.



WHITE MOUNTAIN LAKES

COUNTY RECREATION IMPROVEMENT DISTRICT

RECREATION AREAS

LEGEND



ACCESS



PRIVATE ROAD



CHANGE OF OWNERSHIP

O or (O)

DISTRICT OWNED

L or (L)

DISTRICT LEASED

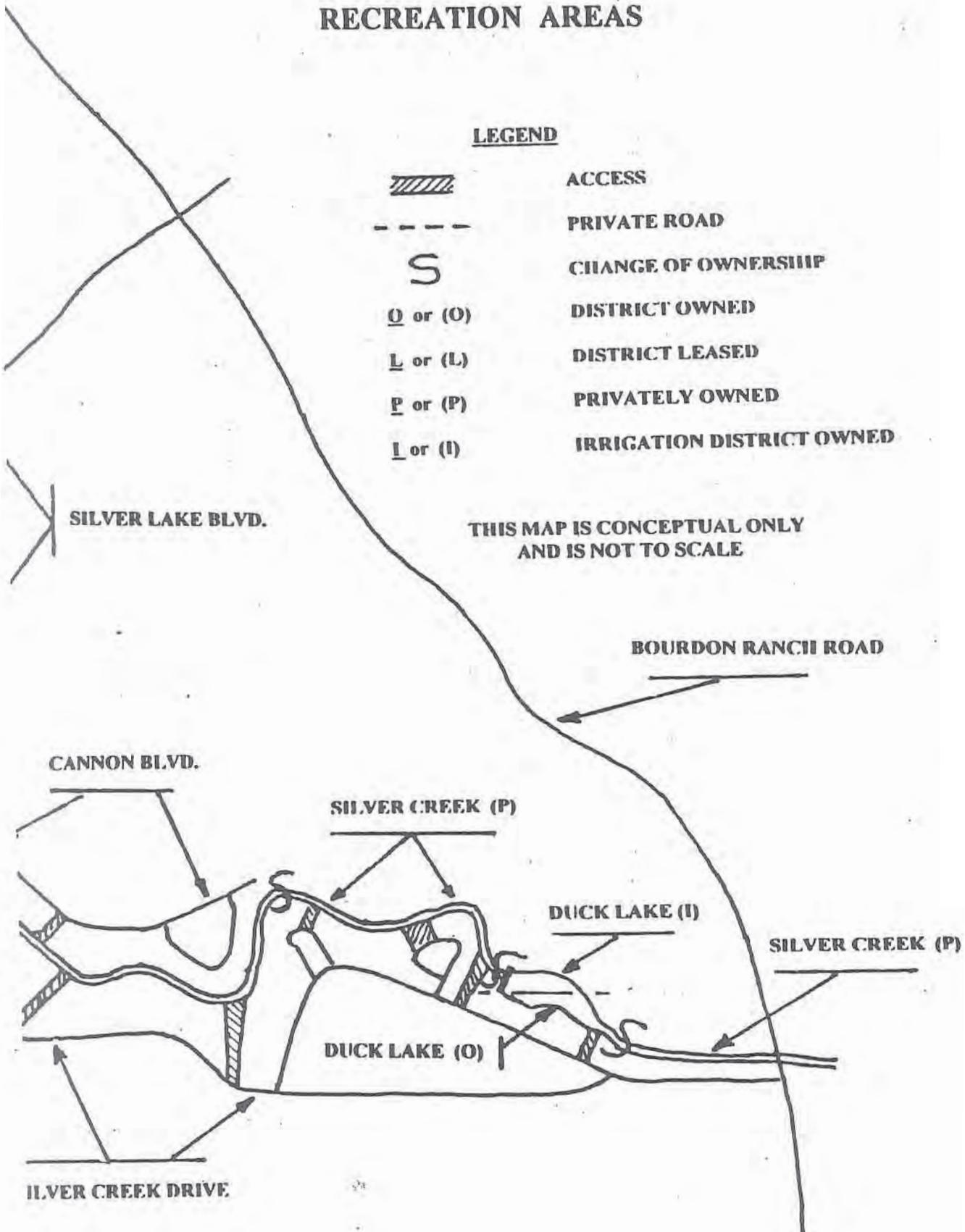
P or (P)

PRIVATELY OWNED

I or (I)

IRRIGATION DISTRICT OWNED

THIS MAP IS CONCEPTUAL ONLY
AND IS NOT TO SCALE



7.0 Guest Passes

7.1 Guest Passes - Free

- 7.1.1 Each parcel assessed District taxes shall be allowed 10 free Guest Passes per year per parcel.
- 7.1.2 A parcel taxed as a lot may only receive 10 free Guest Passes regardless of the number of residential units in the lot.
- 7.1.3 A parcel taxed as acreage may only receive 10 free Guest Passes regardless of size.
- 7.1.4 An owner of more than one taxed parcel may receive 10 free Guest Passes per year per parcel.
- 7.1.5 Free Guest Passes not used during the calendar year in which they were issued are null and void at midnight December 31 of the year issued.
- 7.1.6 Only property owners will be issued free Guest passes.

7.2 Guest Passes -

- 7.2.1 Additional Guest passes may be purchased.
- 7.2.2 The price for purchased Guest Passes will be established by the Advisory Committee.
- 7.2.3 All purchased Guest Passes must be purchased by a District Member, Associate Member, or Authorized Renter.
- 7.2.4 Purchased Guest Passes do not expire.
- 7.2.5 Purchased Guest Passes are non-refundable.
- 7.2.6 Guest Passes may not be resold.

7.3 Guest Pass - Issuance and Use

- 7.3.1 Guest who is in the company of a District Member or Authorized Renter does not need to have a guest pass.
- 7.3.2 Guest Passes may be obtained only from persons authorized by the Advisory Committee. Please contact an Advisory Committee member for additional information.
- 7.3.3 Guest Passes will not be issued during Committee meetings.
- 7.3.4 A Commercial Renter or Commercial Entity may assign individuals such as managers and/or sales personnel to act as their agents in the issuance of Guest Passes. Such persons must be approved in writing by the Advisory Committee.
- 7.3.5 All ambulatory children require a Guest Pass.
- 7.3.6 A Guest Pass must have the name of the Guest and the date of issue filled in. Guest Passes not properly submitted will be considered null and void.
- 7.3.7 A Guest Pass is good for a period of time not to exceed twenty-four (24) hours. All Guest Passes expire at midnight on the date of issue.
- 7.3.8 Guest Passes that become lost or stolen will, not be replaced free of charge.
- 7.3.9 Guests may not transfer their Guest Passes to another person.

8.0 Lake Use Eligibility

Persons authorized to use the property and facilities owned, leased, or controlled by the White Mountain Lakes County Recreation Improvement District shall be one of the following categories (see definitions).

- 8.1 District Member
- 8.2 Associate Member
- 8.3 Authorized Renter
- 8.4 Authorized Guest
- 8.5 A members' issuance of guest passes may be suspended if property taxes are 1 or more years' delinquent.

9.0 Lake Use Privileges

- 9.1 An owner may not assign his use privileges to any other party or parties except that an owner may assign his use privileges to a renter as provided. Property owners reserve the right to revoke a renter's facility use privileges at any time.
(see Definitions - Authorized Renters)

10.0 Camping Prohibited

- 10.1 Overnight camping, overnight parking and occupation of recreational or other vehicles, or pitching of tents on District properties is prohibited.

11.0 Lake Use By Guest

- 11.1 Guests must deposit a valid Guest Pass into the Drop Box located at the boat ramp

prior to their use of District facilities. Failure to do so will result in the bearer being asked to leave District property.

- 11.2 District Members, Associate Members and Authorized Renters are responsible for the actions of their Guests.
- 11.3 District Members, and Authorized Renters may allow authorized Guests to use the District facilities in their absence.
- 11.4 Associate Members must accompany their Guests at all times while using the District facilities. Associate Members must provide his/her guest with a valid guest pass, and the guest pass must be deposited as outlined in section 11.1.
- 11.5 For a variety of reasons including but not limited to public safety, the Advisory Committee or Patrol Personnel may limit the number of guests at District facilities.

12.0 Littering

- 12.1 Littering is prohibited
- 12.2 Deposit of trash, garbage, human or animal waste collected from a private residence or a commercial business into receptacles provided by the District is prohibited.

13.0 Motor Vehicles

- 13.1 The operation of motor vehicles is governed by the applicable provisions of the Uniform Act Regulating Traffic on Highways, Title 28, Chapter 6, Arizona Revised Statutes. No person shall drive at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing or in excess of posted limits.
- 13.2 Vehicular traffic of any kind shall only be allowed on maintained roadways, parking areas, and in areas designated by signs for vehicle use for the purpose of ingress and egress except for amphibious vehicles which may be beached as necessary. Amphibious vehicles beached on District property shall not be left unattended.
- 13.3 Unauthorized motor vehicles shall not be driven on the shore of the lakes within the high water mark.
- 13.4 Any vehicle that is not properly parked in a designated area or any vehicle belonging to persons not authorized to use the recreation areas may be towed at the owner's expense.
- 13.5 All motor vehicles operated on District property shall be properly licensed. All operators of motor vehicles on District property shall be properly licensed.

14.0 Pets

- 14.1 Dogs, cats, and other pets shall be kept under physical restraint at all times. Leashes must not exceed six (6) feet.
- 14.2 All animal waste must be collected promptly and removed by the person responsible for the animal.

15.0 Private Property

- 15.1 The use of District areas is limited to the areas owned, leased, or controlled by the District.
- 15.2 The District does not condone trespass on private property.
- 15.3 Access to the Lakes shall be at Designated Access areas only as shown on the map on pages 6 & 7.
- 15.4 All watercraft shall be launched from an approved boat launch or ramp, except that shoreline property owners may cross District property to launch watercraft from their private property, provided:
 - A. District property is not damaged by such private launch.
 - B. Motor vehicles and/or trailers are not used in the launch.
 - C. The launch does not endanger the safety of others.

16.0 Vandalism

- 16.1 Vandalism of any kind is prohibited and may result in suspension of the use privileges for the individual(s) involved.
- 16.2 Defacing trees or plants and/or removing limbs for any purpose will be considered vandalism.
- 16.3 Dumping any foreign materials into or onto the lakes will be considered vandalism.

17.0 Wildlife

17.1 All recreation on or around the District areas must be in such a manner as to make the minimum impact on the wildlife and environment.

18.0 Boating

18.1 The Arizona Game and Fish Department and the Navajo County Sheriff's Office has jurisdiction to enforce ARS Title 5 - "Amusements and Sports" upon the Lakes. By reference, ARS Title 5 is adopted by the District as the District's minimum requirement for boating and water sports.

18.2 In the event there is conflict between the ARS Title 5 regulation and/or the District rules and regulations, the most stringent rule, regulation, law or requirement shall prevail.

18.3 No watercraft shall be left unattended on "Designated Access Areas" or at the boat docks without prior written approval from the Advisory Committee..

18.4 Watercraft slip rental is offered by the District.

18.5 All watercraft must have a Coast Guard approved personal flotation device for every person on board.

18.6 All volatile fuel powered watercraft as outlined in A.R.S. 5-332 must be equipped with a U.S. Coast Guard approved fire extinguisher in a condition available for immediate and effective use.

18.7 All children 12 years of age and under must wear an approved personal flotation device at all times while on board a watercraft that is underway, as outlined in A.R.S 5-331.

18.8 No person shall be under the influence of drugs or alcohol to the slightest degree while operating a watercraft.

18.9 No watercraft shall be operated in a careless, reckless or negligent manner, or at any speed that is unreasonable for existing conditions.

18.10 Any person under the age of sixteen (16) in control of a watercraft must be supervised by an adult.

18.11 In the event of overcrowding or circumstances relating to public safety, District Personnel may regulate the total number of watercraft permitted on the lake.

Before 10:00 AM, special consideration shall be given to preserve the peace and quiet of neighborhoods near the lake, and to accommodate fishermen. Water skiing, speeds in excess of 25 miles per hour, personal watercraft operation, excessive noise and excessive wake are prohibited on any day before 10:00 AM.

19.0 Fishing

19.1 The Lakes and Silver Creek are private. According to the Arizona Game and Fish Department, private lakes do not require a fishing license, however private streams such as Silver Creek do require a fishing license.

19.2 The Arizona Game and Fish regulations shall apply unless a more stringent District Rule is listed below..

19.3 All techniques for "harvesting" fish in quantity are prohibited.

19.4 A maximum of two (2) fishing poles are allowed per person in the water at any one time. A maximum of two (2) hooks shall be allowed per line.

19.5 Fishing limits are six (6) Catfish, six (6) Bass, and six (6) Trout per day, per person. There is no limit for Carp.

19.6 Trot lines are prohibited.

19.7 Cleaning fish in "Designated Access areas, Swimming areas, and Boat Dock areas is prohibited.

19.8 Per A.R.S. 5-347, "no person shall unreasonably or unnecessarily interfere with the launching of watercraft..."Fishing at the White Mountain Lake dock is permitted, however such fishing shall comply with the requirements set forth in A.R.S. 5-347. Fishing from the dock will be discouraged upon completion of the "Fishing Platform".

20.0 Swimming

20.1 Swimming is not allowed within one hundred (100) feet of docks, fishing platform or ramp.

20.2 There is no Life Guard. All swimming is at the users own risk.

21.0 Water-skiing

21.1 Water-skiing is allowed from 10:00 AM to sunset only

21.2 All skiers must wear a Coast Guard approved personal floatation device.

21.3 No person on water skis, a surfboard or similar contrivance shall behave in a careless, reckless or negligent manner.

21.4 All boats pulling a skier or skiers must have an observer in addition to the boat operator.

21.5 All boats pulling a skier or skiers must be equipped with an approved ski flag. Per A.R.S. 5-346.C, such flag shall be a bright or brilliant orange or red color, measuring no less than twelve inches on each side, mounted on a handle and displayed as to be visible from every direction. Such flag shall be displayed immediately after the towed person or person's falls into the water and during the time preparatory to skiing while the person or persons are still in the water.

21.6 Skiing in coves, or in areas marked by "no wake" buoys is prohibited.

21.7 A maximum of three (3) boats pulling skiers are allowed on the Lake at one time.

21.8 Boats pulling skiers must operate in a safe manner and in a counterclockwise direction.

22.0 Aircraft

22.1 Operation of aircraft on District facilities is prohibited.

23.0 Lake Patrol

23.1 In an effort to enhance public safety awareness and the application of these Rules and Regulations, Lake Patrol Personnel are employed as representatives of and to act on behalf of the District. Patrol Personnel and their vehicles are identified by official insignia. Please assist them in their duties by reporting violations or concerns, and by respecting their authority. The Patrol Personnel look forward to working with you for a safe and enjoyable day at the lake. Advisory Committee shall be notified, within 72 hours of the event, when a major infraction has occurred.

APPENDIX A

DEFINITIONS

A-1 **"Adult"** shall mean any person Eighteen (18) years of age or older.

A-2 **"Advisory Committee"** refers to a Committee of seven District members who are appointed by the Board of Directors to work within the community and make recommendations to the Board of Directors.

A-3 **"A.R.S."** refers to Arizona Revised Statute

A-4 **"Associate Member"** shall mean any person with a contractual agreement with the Silver Creek Irrigation District. Such contract must specifically give members of Irrigation District the right to purchase a yearly Associate Membership to the Recreation District. Associate Membership will be extended to unmarried family members under the age of twenty-one who permanently reside with the Associate Member. Such family members must be listed on the application for Associate Membership. Verification of family member residence may be required. The Associate Membership fee shall be established in the aforementioned contract. Associate Membership shall also mean any person who applies to the District for an Associate Membership, and such application is accepted by the District and the required Associate Membership fee is paid current. The "under the age of twenty-one years" condition does not apply to dependent students.

A-5 **"Authorized Renter"** shall mean a person who pays rent to an owner and who resides in a residence on a property subject to the District tax and the owner has assigned his use privileges to the renter. Such assignment shall be in writing to the Advisory Committee. The Authorized Renter and family members permanently residing in the household of said renter, including dependent students shall have all the use privileges of the District areas.

A-6 **"Authorized Personnel"** shall mean persons authorized by the Advisory Committee

to perform specific duties or functions.

- A-7 **“Authorized User or Users”** shall mean District Members, Associate Members, Authorized Renters, and Guests.
- A-8 **“Boat”** shall mean the same as “Watercraft”
- A-9 **“Board of Directors”** shall mean the White Mountain Lakes County Recreation Improvement District Board of Directors which is the Navajo County Board of Supervisors.
- A-10 **“Camping”** shall mean any overnight stay on District property which does not involve active use of District recreation such as fishing.
- A-11 **“Concessions”** shall mean any business operated within the areas owned, leased, or controlled by the Recreation District for the purpose of profit and/or solicitation of charitable donations.
- A-12 **“Current Agreement”** refers to the written agreement between the White Mountain Lakes County Recreation Improvement District and the Silver Creek Irrigation District. The current agreement provides the Recreation District with a minimum lake level for White Mountain Lake offering a usable lake surface for recreation and also provides the exclusive control of the recreation use and improvements on and around White Mountain Lake and Mexican Lake.
- A-13 **“Designated Access Areas”** shall mean areas specifically designated for access to the lake. These are the only areas that Authorized Users shall use to access the lake.
- A-14 **“District”** shall mean the White Mountain Lakes County Recreation Improvement District.
- A-15 **“District Areas, Property or Facilities”** shall mean areas or property owned, leased, or controlled by the District.
- A-16 **“District Member”** shall mean an owner of record of a parcel of real property on which taxes are levied by White Mountain Lake County Recreation Improvement District. For a parcel which is owned by multiple owners (whether in joint tenancy, tenancy in common or other form of multiple ownership), one owner shall be designated in writing as the District Member, such designation to be effective upon filing with the Advisory Committee. For a parcel which is owned by a legal entity (whether a corporation, partnership, limited liability company, trust or other form of legal entity), one official of the entity shall be designated in writing as the District Member, such designation to be effective upon filing with the Advisory Committee. The written designation shall remain in effect until a new designation is filed with the Advisory Committee, which shall not be permitted more frequently than once per calendar year. The District Member and family members permanently residing in the District Member’s household, including dependent students, shall have all the use privileges of the District areas.
- A-17 **“Firearm”** shall mean any device capable of propelling or expelling a projectile of any kind with sufficient force to cause injury and/or death. This includes BB, lead pellet, plastic pellet and paintball guns.
- A-18 **“Guest”** shall mean:
- A-18.1 Person/s visiting a District Member, Associate Member, or Authorized Renter.
- A-18.2 A person renting a property within the District and not an “Authorized Renter”
- A-18.3 Persons who are timeshare owners of a property within the District.
- A-18.4 A minor is not authorized to have an adult guest.
- A-19 **“Family Member”** shall mean the husband, wife, father, brother, sister, aunt, uncle and/or grandparent who permanently resides with the property owner. Such family member shall also include the above mentioned family members who are in laws.

- A-20 **“Improved Property”** shall mean property within the District having a residential or commercial unit that complies with County Planning and Zoning regulations and ordinances, and the Subdivision Covenants, Conditions and Restrictions.
- A-21 **“Irrigation District”** shall mean the Silver Creek Irrigation District.
- A-22 **“Lake”** shall mean White Mountain Lake
- A-23 **“Lakes”** shall mean White Mountain Lake and Mexican Lake.
- A-24 **“Lake Level”** shall mean the level of water in White Mountain Lake as marked on the dam and the boat ramp which is generally described in feet relative to the current agreement for the lake level on Labor Day.
- A-25 **“District Personnel”** shall mean persons authorized by the Advisory Committee to assure compliance with the District Rules and Regulations and to perform maintenance activities.
- A-26 **“Owner(s)”** shall mean the person(s) or legal entity which is the owner of record of a parcel of real property on which taxes are levied by White Mountain Lake County Recreation Improvement District, as evidenced by a deed or other instrument of title recorded in the Office of the Navajo County Recorder.
- A-27 **“Recreation District”** shall mean the White Mountain Lakes County Recreation Improvement District.
- A-28 **“Residence”** shall mean a residential unit on property within the District, in compliance with County Planning and Zoning regulations and ordinances, and the Subdivision Covenants, Conditions and Restrictions.
- A-29 **“Rules and Regulations Workshop”** shall mean a group selected by the Advisory Committee whose function is to recommend Rules and Regulations for the District to the Advisory Committee.
- A-30 **“Silver Creek Irrigation District”** shall mean an organization of farmers or ranchers who own and/or control certain lands and/or water rights.
- A-31 **“Swim Cove”** shall mean the area located north of the boat ramp that has been improved for swimming activities, to include shore and water within the area marked by buoys.
- A-32 **“Usable Lake Surface”** shall mean the surface area of lake that may be safely used for recreational purposes such as fishing and boating.
- A-33 **“Use Privileges”** shall mean the privilege of recreational use of District Facilities as a result of being a District Member, Associate Member, Authorized Renter, or Guest of the Recreation District.
- A-34 **“Watercraft”** means any boat designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water.
- A-35 **“Water Storage”** shall mean the volume of water within White Mountain Lake and Mexican Lake stored for the purpose of irrigation within the Irrigation District.
- A-36 **“White Mountain Lakes County Recreation Improvement District”** shall mean a Navajo County Improvement District established by the Navajo County Board of Supervisors in February 1993 to manage and improve the recreational use of White Mountain Lake and Mexican Lake through a current agreement with the Silver Creek Irrigation District.

Appendix B *Additional References:*
Arizona Revised Statutes

5-301. Definitions.

In this chapter, unless the context otherwise requires:

1. "Commercial motorized watercraft" means a motorized watercraft that carries passengers or property for a valuable consideration that is paid to the owner, charterer, operator or agent or to any other person interested in the watercraft.
2. "Commission" means the Arizona game and fish commission.
3. "Department" means the Arizona game and fish department.
4. "Motorboat" means any watercraft that is not more than sixty-five feet in length and that is propelled by machinery whether or not such machinery is the principal source of propulsion.
5. "Motorized watercraft" means any watercraft that is propelled by machinery whether or not the machinery is the principal source of propulsion.
6. "Operate" means to operate or be in actual physical control of a watercraft while on public waters.
7. "Operator" means a person who operates or is in actual physical control of a watercraft while on public waters.
8. "Person" includes any individual, firm, corporation, partnership or association, and any agent, assignee, trustee, executor, receiver or representative thereof.
9. "Public waters" means any body of water which is publicly owned or which the public is permitted to use without permission of the owner upon which a motorized watercraft can be navigated, including that part of waters common to interstate boundaries which is within the boundaries of this state.
10. "Revocation" means invalidating the certificate of number, numbers and annual validation decals issued by the department to a watercraft and prohibiting the operation of the watercraft on the waters of this state during a period of noncompliance with this chapter.
11. "Sailboard" means any board of less than fifteen feet in length which is designed to be propelled by wind action upon a sail for navigation on the water by a person operating the board.
12. "Special anchorage area" means an area set aside and under the control of a federal, state or local governmental agency, or by a duly authorized marina operator or concessionaire for the mooring, anchoring or docking of watercraft.
13. "Underway" means that a watercraft on public waters is not at anchor, is not made fast to the shore or is not aground.
14. "Undocumented watercraft" means any watercraft which does not have and is not required to have a valid marine document as a watercraft of the United States.
15. "Wakeless speed" means a speed that does not cause the watercraft to create a wake, but in no case in excess of five miles per hour.
16. "Watercraft" means any boat designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water, or as may be defined by rule of the commission.
17. "Waterway" means any body of water, public or private, upon which a watercraft can be navigated.

5-302. Application of chapter.

- A. The provisions of this chapter apply to all watercraft operating on all of the waterways of this state, including that part of waters common to interstate boundaries which is within the boundaries of this state, excluding vessels owned by agencies of the federal government in performance of their official duties.
- B. The provisions of § 5-391, subsections F and G and §§ 5-329 and 5-393 apply to all watercraft in this state, whether or not operating on waterways of this state, and includes watercraft operating on waterways that are part of water common to interstate boundaries which are within the boundaries of this state.

ARTICLE 4
REQUIRED EQUIPMENT

Section

- 5-331. Personal flotation devices; exceptions.**
- 5-332. Fire extinguishers.**
- 5-333. Classification of watercraft; lights.** ¹⁰

5-334. Flame arrestor.

5-335. Ventilation.

5-336. Muffling devices.

5-331. Personal flotation devices; exceptions.

- A. All watercraft, except sailboards, shall carry United States coast guard approved personal flotation devices of the type and category prescribed by regulations of the commission. There shall be one such device in good and serviceable condition for each person on board and so placed as to be readily accessible for immediate use.
- B. Any person being towed behind a watercraft shall wear a buoyant belt or personal flotation device while being towed except for a performer engaged in a professional exhibition.
- C. A child twelve years of age or under on board a watercraft shall wear a United States coast guard approved type I, II or III personal flotation device whenever the watercraft is underway.
- D. The provisions of subsection C shall not apply to small passenger vessels that are not for hire on navigable waters, that maintain a coast guard certificate of inspection and that are being operated by United States coast guard licensed pilots within a distance of one-fourth mile from the nearest shore as a means of transporting passengers and when the duration of time the vessel is underway on the water does not exceed ten minutes.

5-332. Fire extinguishers.

- A. All watercraft, unless exempted by the commission, carrying as fuel any volatile liquid having a flash point of one hundred ten degrees Fahrenheit or less shall have aboard a readily accessible United States coast guard approved fire extinguisher in a condition available for immediate and effective use.
- B. All watercraft over twenty-six feet in length and carrying as fuel any volatile liquid having a flash point of one hundred ten degrees Fahrenheit or less shall have aboard such fire extinguishers as may be prescribed or approved by the regulations of the United States coast guard.

5-333. Classification of watercraft; lights.

- A. Watercraft subject to the provisions of this chapter shall be divided into four classes as follows:
 - 1. Class A. Less than sixteen feet in length.
 - 2. Class 1. Sixteen feet or over and less than twenty-six feet in length.
 - 3. Class 2. Twenty-six feet or over and less than forty feet in length.
 - 4. Class 3. Forty feet or over and not more than sixty-five feet in length.
- B. Every motorboat, in all weather from sunset to sunrise, shall carry and exhibit the following lights when underway and, during such time, no other lights which may be mistaken for those prescribed shall be exhibited:
 - 1. Every motorboat of classes A and 1 shall carry the following lights:
 - (a) A bright white light aft to show all around the horizon.
 - (b) A combined light in the fore part of the watercraft and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points ($22\frac{1}{2}\phi$) abaft the beam on their respective sides.
 - 2. Every motorboat of classes 2 and 3 shall carry the following lights:
 - (a) A bright white light in the fore part of the watercraft as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (225ϕ) of the compass, so fixed as to throw the light ten points ($112\frac{1}{2}\phi$) on each side of the watercraft, namely, from right ahead to two points ($22\frac{1}{2}\phi$) abaft the beam on either side.
 - (b) A bright white light aft, mounted higher than the white light forward, to show all around the horizon.
 - (c) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points ($112\frac{1}{2}\phi$) of the compass, so fixed as to throw the light from right ahead to two points ($22\frac{1}{2}\phi$) abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points ($112\frac{1}{2}\phi$) of the compass, so fixed as to throw the light from right ahead to two points ($22\frac{1}{2}\phi$) abaft the beam on the port side. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow. ¹¹

3. Motorboats of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by paragraph 1 of this subsection and a twelve point (135°) white light aft. Motorboats of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened as prescribed by paragraph 2 of this subsection and a twelve point (135°) white light aft.
 4. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.
 5. When propelled by sail and machinery, every motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.
 6. All other watercraft over sixty-five feet in length and those propelled solely by wind effect on the sail shall display lights prescribed by the federal regulations.
- C.** Manually propelled watercraft shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision. Manually propelled watercraft used on the waters of this state where power driven watercraft are prohibited are exempt from the provisions of this section.
- D.** Any watercraft may carry and exhibit the lights required by the international rules of the road as adopted by the federal regulations for preventing collisions at sea, 1960, federal act of September 24, 1963, (33 USC 1051-1053 and 1061-1064) as amended, in lieu of the lights required by subsection B of this section.
- E.** All watercraft, when anchored, other than in a special anchorage area, shall, from sunset to sunrise, carry and display a steady white light visible all around the horizon for a distance of no less than two miles.
- F.** No watercraft may display a blue light of any size or type unless it is either an authorized law enforcement watercraft of the federal, state or local government actually engaged in the enforcement of this chapter or an emergency watercraft.

5-334. Flame arrestor.

All watercraft using gasoline as fuel, except outboard motors, shall attach to the carburetor or carburetors a backfire flame arrestor that is approved for marine use and suitably secured to the air intake with flame tight connections, or any attachment to the carburetor or the engine air induction system by means of which flames caused by engine backfire will be dispersed to the atmosphere outside the watercraft in such a manner that the flames will not endanger the watercraft, persons on board or nearby watercraft and structures. All attachments shall be of a metallic construction with flame tight connections and firmly secured to withstand vibration, shock and engine backfire.

5-335. Ventilation.

- A.** All watercraft, except open boats, using as fuel any liquid of a volatile nature shall be provided with such means for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or flammable gases.
- B.** The regulations for ventilation shall be as prescribed by the United States coast guard or as otherwise provided by the commission.

5-336. Muffling devices.

- A.** Every motor driven watercraft shall at all times be equipped with effective equipment, in good working order and in constant operation, to prevent excessive or unusual noise except as provided in subsection C.
- B.** It is not the intent of this section to prohibit the use of any type of exhaust system or exhaust device, including those systems and devices which do not discharge water with the exhaust gases, if such system or device complies with subsection A of this section.
- C.** All watercraft actually competing in a regatta, boat race or official trials for speed records, and within the time limits authorized by the sanctioning body of such event are exempt from this section. Permits designating place and time limits are required and shall be issued by the department prior to the testing of watercraft on the water when sufficient evidence is provided by the applicant that such watercraft is actually entered in an event sanctioned by a national or regional organization having jurisdiction over the event.

**ARTICLE 5
OPERATION OF WATERCRAFT**

Section

- 5-341. Negligent operation of watercraft or water skis; restriction in operation of watercraft.**
- 5-343. Speed restrictions; excessive wake.**
- 5-344. Overloading.**
- 5-345. Navigation rules.**
- 5-346. Water skiing.**
- 5-347. Interference with navigation or launching areas.**
- 5-348. Dumping refuse, rubbish or debris on waterways.**
- 5-349. Watercraft casualties; violation; classification.**
- 5-350. Personal watercraft; requirements for operation; definition.**

5-341. Negligent operation of watercraft or water skis; restriction in operation of watercraft.

- A.** No person shall operate a watercraft in a careless, reckless or negligent manner.
- B.** A person shall not operate a watercraft while allowing a person to ride on the gunwales, the transom or the decked over bow of a watercraft propelled by machinery operating in excess of wakeless speed except if:
 - 1. That portion of the watercraft was designed and constructed for the purpose of carrying passengers at all speeds.
 - 2. The watercraft is being maneuvered for anchoring, mooring or casting off moorings.
- C.** No watercraft shall be operated with a passenger or passengers on the bow in such a manner as to obstruct the view of the operator.
- D.** No person on water skis, a surfboard or a similar contrivance shall behave in a careless, reckless or negligent manner.
- E.** Except in case of emergency no person under the age of twelve years may operate a watercraft propelled by a motor of greater than eight horsepower unless the person's parent or legal guardian or at least one person who is eighteen years of age or older is present on the watercraft.
- F.** Except as provided in subsection E of this section, it is unlawful for any person to allow another person under the age of twelve to operate a motor-powered watercraft.

5-343. Speed restrictions; excessive wake.

No person shall operate a watercraft in excess of the posted limit or at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person or other watercraft, swamping other watercraft or otherwise endangering the lives or property of other persons.

5-344. Overloading.

- A.** No watercraft shall be loaded and operated with passengers or cargo beyond its safe carrying capacity or the limitations on the manufacturer's load capacity plate.
- B.** All new watercraft twenty feet in length and under designed to carry two or more persons and to be propelled by machinery or oars, offered for sale or manufactured in the state after January 1, 1971, shall have affixed permanently thereto a manufacturer's load capacity plate in a location easily observed from the position designed or intended to be occupied by the operator. Canoes and sailboats shall be exempt from the provisions of this section.
- C.** The load capacity plate shall be certified by a licensed manufacturer or the United States coast guard.

5-345. Navigation rules.

- A.** The operator of a watercraft under power shall yield right-of-way to any craft not under power, unless such non-powered watercraft is overtaking a power craft.
- B.** The area from a point directly ahead to one hundred twelve and one-half degrees of the compass to the starboard side of the watercraft shall be designated the danger zone. Operators of the watercraft shall yield the right-of-way to any other watercraft occupying or entering into this danger zone which may result in collision.

- C. Operators of watercraft may pass on either side of any other watercraft overtaken, but the passing operator shall be responsible for the wake of the watercraft which might cause damage to overtaken watercraft or danger to occupants of overtaken watercraft. The overtaken watercraft shall maintain course and speed until such time as the overtaking watercraft is clear. Watercraft approaching head-on shall pass port side to port side where practical to do so.
- D. Normal traffic on the waterways of this state shall be counterclockwise. Watercraft shall approach shoreline areas from the right and leave to the left as observed from a point on the water looking toward the shore. Watercraft leaving the shoreline area shall yield right-of-way to watercraft approaching the shoreline area, notwithstanding the provisions of subsection B of this section.
- E. Subsections A through D of this section shall not apply on any waterways of this state where power driven watercraft are prohibited.
- F. In every case, the operator of any watercraft shall use due caution to avoid an accident or collision with another watercraft or person.

5-346. Water skiing.

- A. No watercraft which has in tow a person or persons on water skis, a surfboard or similar contrivance shall be operated in or upon any waterway unless such watercraft shall be occupied by at least two persons, an operator and an observer.
- B. The operator shall observe other watercraft traffic, swimmers and hazards and shall not tow a person or persons on water skis, a surfboard or similar contrivance so close to other watercraft, swimmers or structures as to constitute a hazard to life or limb of any person.
- C. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons falls into the water and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright or brilliant orange or red color, measuring no less than twelve inches on each side, mounted on a handle and displayed as to be visible from every direction.
- D. No watercraft operator shall have in tow a person or persons on water skis, a surfboard or similar contrivance during the hours between sunset and sunrise.

5-347. Interference with navigation or launching areas.

- A. No person shall unreasonably or unnecessarily interfere with other watercraft, with the free and proper use of the waterways of the state or with areas used for launching watercraft onto such waterways. Anchoring or swimming in heavily traveled channels or launching areas shall constitute such interference.
- B. No person shall camp or park any vehicle on any boat launching area or otherwise restrict or prevent free access to any area.

5-348. Dumping refuse, rubbish or debris on waterways.

No person shall dump, deposit, place, throw or leave refuse, rubbish, debris, filthy or odoriferous objects, substances or other trash on any waterways or the shorelines of any waterways of the state.

5-349. Watercraft casualties; violation; classification.

- A. The operator of a watercraft involved in a collision, accident or other casualty shall, to the extent he can do so without serious danger to his own watercraft or persons aboard, render all practical and necessary assistance to persons affected to save them from danger caused by the collision, accident or casualty.
- B. The operator of a watercraft involved in a collision, accident or other casualty shall give his name, address and the identification of his watercraft to any person injured and to the owners of any property damaged.
- C. Whenever death or injury results from any watercraft collision, accident or other casualty, a written report shall be submitted within forty-eight hours. For every other collision, accident or other casualty involving property damage, such report shall be submitted within five days after such incident by the operator or owner of the watercraft involved. Such written reports shall be submitted directly to the department for use in statistical studies for casualty prevention. Such reports shall not be used as evidence in any trial, civil or criminal, arising from any collision, accident or other casualty. Upon

- request such report shall be forwarded to the United States coast guard or other authorized federal agency to be used in statistical studies for casualty prevention.
- D. To maintain uniformity, watercraft casualty reports shall be on a form approved by the commission.
 - E. Every peace officer who, in the regular course of duty, investigates any watercraft collision, accident or other casualty shall prepare and transmit a report to the department pursuant to subsection B of this section.
 - F. If the operator of a watercraft is involved in a collision or accident that results in death or serious physical injury, as defined in section 13-105, and the operator fails to stop or comply with the requirements of subsection A of this section, the operator is guilty of a class 5 felony. If the operator of a watercraft is involved in a collision or accident that results in injury other than death or serious physical injury and the operator fails to stop and comply with the requirements of subsection A of this section, the operator is guilty of a class 6 felony. If the operator of a watercraft is involved in a collision or accident that results only in damage to another watercraft that is operated or attended by another person, and the operator fails to stop and comply with the requirements of subsection B of this section, the operator is guilty of a class 3 misdemeanor.

5-350. Personal watercraft; requirements for operation; definition.

- A. A person shall not operate a personal watercraft unless each person aboard is wearing a wearable personal flotation device that is approved by the United States coast guard.
- B. A person who operates a personal watercraft that is equipped by the manufacturer with a lanyard type engine cutoff switch shall attach the lanyard to his body, clothing or personal flotation device as appropriate for the specific watercraft.
- C. A person shall not operate or knowingly allow another person to operate a personal watercraft under his ownership or control in a reckless or negligent manner endangering the life or property of another person. Prima facie evidence of reckless operation exists if the person commits two or more of the following acts simultaneously:
 1. Operates the personal watercraft within a zone of proximity to another watercraft closer than sixty feet unless both are leaving a flat wake or are traveling at a speed of five nautical miles per hour or less.
 2. Operates the personal watercraft within the vicinity of a motorboat in a manner that obstructs the visibility of either operator.
 3. Heads into the wake of a motorboat that is within a zone of proximity closer than sixty feet and causes one-half or more of the length of the personal watercraft to leave the water.
 4. Within a zone of proximity to another watercraft closer than sixty feet, maneuvers quickly, turns sharply or swerves, unless the maneuver is necessary to avoid a collision.
- D. If equipped by the manufacturer, a person shall not operate a personal watercraft without a functioning spring-loaded throttle mechanism that immediately returns the engine to an idle speed on release of the operator's hand from the control or without any other engine cutoff feature that is installed by the manufacturer.
- E. A personal watercraft shall not be loaded and operated with passengers or cargo beyond its safe carrying capacity or the manufacturer's recommended limits.
- F. A person who owns, leases or hires a personal watercraft or who has charge or control over a personal watercraft shall not authorize or knowingly permit the personal watercraft to be operated in violation of this section.
- G. This section does not apply to a performer who engages in a professional exhibition or to a person who participates in an officially sanctioned regatta, race, marine parade, tournament or exhibition.
- H. For purposes of this section, "personal watercraft" means a watercraft that is less than sixteen feet long, propelled by machinery powering a water jet pump and designed to be operated by a person who sits, stands or kneels on rather than sitting or standing inside the watercraft.

THANK YOU FOR YOUR ASSISTANCE AND COOPERATION

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