

CITY OF DOVER ORDINANCE #2012-01 WITH SA-1

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 74 - Parks and Recreation, Article I - In General, be amended by renumbering Section 74-51. Same-Fine as 74-52 and inserting a new Section 74-51 - Vessel Operation, to read as follows:

Sec. 74-51. - Vessel Operation.

The operator of any non-permitted motorboat operated on Silver Lake shall be subject to a fine as provided for in Appendix F - Fees and Fines.

BE IT FURTHER ORDAINED:

That Chapter 74 - Parks and Recreation, Article III - Silver Lake Area, Section 74-122 - Boating, be amended to read as follows:

Sec. 74-122. - Boating.

Vessels and boating at Silver Lake shall be governed by the following provisions, which are subject to fines as provided for in Appendix F - Fees and Fines:

- (1) *Permit required.* Before any person shall operate any vessel upon Silver Lake, he shall obtain a permit for each vessel from the customer service department. The vessel shall be registered in the name of the owner with the customer service department at the time of the application for a permit. Thereafter, the owner shall be responsible for the operation of the vessel on Silver Lake and shall be responsible for compliance with the terms of this chapter, whether or not the owner is the operator of the vessel.
- (2) *Permit fee.* For each permit issued pursuant to subsection (2) of this section, the customer service department shall collect an annual fee as specified by the city council.
- (3) *Motorboats.* It shall be unlawful for any person to operate a motorboat in excess of 18 feet in length or 115 horsepower, based on factory specifications as related to the vessel outboard certification (OBC) rating. Older vessels or home-built vessels shall be related, as near as possible, in accordance with similar vessels with factory horsepower recommendations.
- (4) *Personal Watercraft (PWC).* It shall be unlawful for any person to operate PWC or other similar devices upon Silver Lake. Personal watercraft are defined as motorboats less than 16 feet in length that are powered by jet pumps, not propellers, where the persons stand, kneel, or sit on, rather than inside the vessel. PWCs are operated by one person, and often have seating space for others. Some models have seating for up to four riders (including the operator).

- (5) *Airboat.* It shall be unlawful for any person to operate an airboat or other similar devices upon Silver Lake. An airboat, also known as a fanboat, is a flat-bottomed vessel (jon boat) propelled in a forward direction by an aircraft-type propeller and powered by either an internal combustion or electric engine.
- (6) *Hovercraft.* It shall be unlawful for any person to operate a hovercraft or other similar devices upon Silver Lake. A hovercraft (air-cushion vehicle, ACV) is a craft capable of traveling over surfaces while supported by a cushion of slow moving, high-pressure air which is ejected against the surface below and contained within a "skirt."
- (7) *Display of permit number.* Every vessel operated upon Silver Lake shall clearly display the permit required in subsection (2) of this section on the right side of the vessel stern and on the right side of the trailer near the tongue. Permits must be clearly visible at all times.
- (8) *Direction of vessels.* As a general rule, and whenever practical, all vessels traveling around Silver Lake shall proceed in a counterclockwise direction.
- (9) *Overtaking, passing or meeting another vessel.* The U.S. Coast Guard Inland Rules of the Road regarding the overtaking, passing or meeting of vessels shall apply to vessels upon Silver Lake.
- (10) *Passing under Silver Lake Bridge.* In passing under the Silver Lake Bridge, all vessels shall use the arch to the right and no vessel at any time shall use the center arch. Speeds under the bridge and within 75 feet of the bridge shall be at a no wake speed (four miles per hour).
- (11) *Operating distance from shore or bridge.* No power vessel shall operate less than 75 feet from any shoreline, swimming area, pier or dock, except when launching and landing, nor shall any power vessel operate closer than 75 feet to the Silver Lake Bridge, except when that vessel is intending to pass under the bridge, nor shall any power vessel operate closer than 50 feet to any other power or nonpower vessel.
- (12) *Vessel racing.* Vessel racing is prohibited upon Silver Lake.
- (13) *Operating vessel in swimming area.* At no time shall any vessel be operated within any designated swimming area.
- (14) *Motorboat mufflers.* All vessels which are mechanically propelled shall at all times maintain, as part of its equipment, a standard manufacturer's muffler for the type of engine used.
- (15) *Vessels operated after sundown.* All nonpower vessels operating after sundown shall be equipped with lights satisfying the U.S. Coast Guard Requirements on Inland Rules, and shall keep those lights in constant operation as long as the vessel is being operated, and shall not operate at a speed in excess of four miles per hour. The operation of power vessels on Silver Lake shall be permitted from sunrise to sunset. Between sunrise and 10:00 a.m. (local time), power vessels shall be operated at a no wake speed (four miles per hour).

- (16) *Lowering, placing and removing vessels with vehicle.* No person, other than the motor vehicle operator, shall occupy any motor vehicle being used for the purpose of lowering, placing or removing any vessel at the ramps provided for this purpose at the Silver Lake site. The only vehicle accessible vessel ramp facility is located next to the dam and accessed from the Kings Highway park entrance.
- (17) *Garbage, litter and other waste.* Garbage, litter, or other waste shall not be dropped or thrown from vessels, or from shore into park waters, but shall be disposed of on shore, at designated locations, in the prescribed manner.
- (18) *Kayak, Canoe and other small craft launching.* Kayaks, canoes and other small watercraft that can be launched without the assistance of a motor vehicle, may utilize the identified small craft launching area adjacent to the swimming beach accessed by the Washington St. park entrance. Craft may not be left in the launch area for any duration longer than necessary to access the lake.
- (19) *Beaching.* Beaching of vessels in other than designated areas is prohibited, except in an emergency or Parks and Recreation Department Director approved special events.
- (20) *Horseplay.* Any horseplay in vessels or changing from one vessel to another while on the water is strictly prohibited.
- (21) *Storms.* In all storm conditions, vessels must return to the docks.
- (22) *Accidents and injuries.* All accidents or injuries shall be reported to the police.
- (23) *Limiting or expanding vessel operations.* The director of parks and recreation and the parks, recreation, and community enhancement committee shall have the authority to limit or expand vessel operation in certain areas of the lake to facilitate operation of nonpower watercraft or special events.

BE IT FURTHER ORDAINED:

That Chapter 74 - Parks and Recreation, Article III - Silver Lake Area, Section 74-123 - Water skiing, be amended to read as follows:

Sec. 74-123. - Water skiing.

- (a) *Where prohibited.* No person shall engage in water skiing within 75 feet of any shoreline or within 75 feet of any designated swimming area.
- (b) *Prohibited devices.* The use of ski ramps, parachutes and other similar devices that are designed to propel the rider, passenger or participant into the air shall be prohibited on Silver Lake.
- (c) *Number of skiers.* Vessels shall pull no more than two skiers on weekdays, and no more than one skier on weekends and holidays.

- (d) *Observer.* When a vessel is engaged in pulling a skier, a person at least 12 years of age, other than the vessel operator, shall be in the vessel to observe the skier and to notify the driver of the if the skier should at any time be injured or in need of assistance.
- (e) *Boat operator.* No person under the age of 16 years shall operate a vessel towing a skier or any device.
- (f) *Flotation.* No person shall water ski upon Silver Lake unless he is wearing a life jacket or some other ample form of flotation gear that is approved for the activity by the United States Coast Guard.
- (g) *Bridge.* No person shall water ski under Silver Lake Bridge.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, be amended by inserting the text indicated in bold, blue, italics, as follows:

Chapter 74 - Parks and Recreation, Article I - In General		
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.		
Sec. 74-51	Operating any non-permitted motorboat on Silver Lake	not to exceed \$200.00, and not less than \$100.00
Sec. 74-52	Same - Fine	not to exceed \$100.00, and not less than \$10.00.

ADOPTED: FEBRUARY 13, 2012

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Actions History

February 13, 2012 - Final Reading by Council

January 23, 2012 - First Reading by Council

January 9, 2012 - Considered by Parks, Recreation, and Community Enhancement Committee