

Sec. 38-121. - Yacht harbor and boats.

- (a) *Management.* The yacht harbor shall be operated under the jurisdiction of the harbor master. The assignment of boat stalls and mooring spaces shall be made by permit by the harbor master or his duly appointed representative.
- (b) *Establishment of rules and regulations.* The parks and recreation commission shall have authority to establish such rules and regulations as may be deemed advisable to promote peace, health or safety in the yacht harbor. The parks and recreation commission shall have authority to delegate enforcement of such rules and regulations to the harbor master, who may call on the public safety department to assist in enforcing all such rules and regulations as may be deemed necessary. Failure to abide by the rules, regulations and provisions of this division shall be grounds for suspension and/or loss of privileges in the yacht harbor.
- (c) *Permit required to moor boats.* It shall be unlawful for any person to, in any manner, anchor, moor, tie or fasten any canoe, scow, skiff or other equipment which shall be construed to be navigable upon or in the water (except boats belonging to the United States government) in the yacht harbor or to any wharf, pier or dock within the confines of any part of the yacht harbor without first obtaining a permit from the department of parks and recreation.
- (d) *Permittees to assume liability for damages.* A permit shall not be granted under this division to any person for any purpose unless, in the application for such permit, the party applying for the permit shall agree in writing to indemnify and save the city harmless from any liability because of injury to persons or property arising out of the activities or privileges for which the permit was issued.
- (e) *Motor vehicles.* All vehicles servicing or used in connection with any type of watercraft in the yacht harbor shall remain in the regularly established roads or designated parking areas.
- (f) *Small craft.* Rowboats and other small craft shall be tied or moored in areas designated by the harbor master.
- (g) *Launching.* All boats shall be placed in the water or taken out of the water only at the places designated for such purpose. Except for emergency repairs, boats shall not be dry docked or stored in the yacht harbor or city property.
- (h) *Marking.* All craft shall be marked with the owner's identification and shall be registered with the harbor master.
- (i) *Speed limit.* The maximum speed limit of all craft in the yacht harbor area shall be five miles per hour, no-wake speed.
- (j) *Boat space fees.* All permit fees shall be collected in advance at the time boat space is assigned. Such fees shall be set by resolution of the city commission.
- (k) *Other users.* The following rates shall apply to the other users of the harbor facilities:
 - (1) Nonresident yachtsmen on cruise shall pay rates as set by the city commission.
 - (2) Local commercial boatsmen shall pay double the user rates set for resident yachtsmen.
 - (3) Nonlocal commercial boatsmen shall not be permitted in the harbor, except for repairs for a period not to exceed 72 hours or for the duration of a storm.
- (l) *Conditions of usage.* The boat harbor may be used for pleasure craft only under the following conditions:
 - (1) *Mooring in channel.* Boats shall not be moored for longer than two hours in the entrance and channel leading from the bay into the harbor. Boats shall not be moored in such entrance or channel at any time so as to obstruct the free passage through the channel.
 - (2) *Lights.* Between one hour after sundown and one hour before sunrise all boats entering and using the boat harbor shall have lit thereon one red light and one green light.

- (3) *Power boats.* Power boats shall not be allowed to be driven within the harbor for any other purpose than for entering or leaving the harbor or mooring of boats in the harbor.
- (4) *Anchoring.* All boats moored within the harbor which are not securely tied must be securely anchored.
- (m) *Disturbance of the peace.* It shall be unlawful for any person to use any language which is reasonably calculated to cause an immediate breach of the peace or to otherwise create any breach or disturbance of the peace within the boat harbor or entrance and the lagoon. All power boats shall be operated as quietly as possible, consistent with the necessary operation of such boats.
- (n) *Garbage.* It shall be unlawful for any person to throw or dump any rubbish into the boat harbor, the harbor entrance or the lagoon.
- (o) *Bathing and fishing.* The boat harbor and harbor entrance shall be reserved for boating purposes, and it shall be unlawful for any person to seine for minnows or fish in such places. Swimming shall be prohibited in the boat harbor, harbor entrance and lagoon.
- (p) *Unlocked boats.* If any person shall leave any boat or craft unlocked or unchained for a period of time longer than 12 hours, such boat or craft shall be considered abandoned and shall be taken into possession by the department of public safety.
- (q) *Sale of impounded boats.* The city may not sell at auction any boat impounded by city officials until at least 14 days after written notice to the owner of the boat, if known, or publication of sale in the local newspaper. The owner of the impounded boat may claim such boat or craft by paying the reasonable costs of the taking of possession and storing of the boat or craft any time up to the time of the actual sale of the boat or craft.
- (r) *Costs of taking possession and storage.* The costs of taking possession of any boat shall be \$50.00, and the costs of storage shall be \$25.00 for each day or part of a day that the boat or craft is in the possession of the department of public safety.
- (s) *Sale of unclaimed boat.* If any boat or craft remains unclaimed for 14 days after being impounded by the department of public safety, the boat or craft shall be destroyed or sold at public sale. All proceeds realized from the impounding or sale of such boat or craft shall be turned over to the general fund of the city.
- (t) *Authority of harbor master to board or move boats and impound ice shanties.* The harbor master or his designee shall have the authority to board any boat which may be anchored, moored, tied or fastened in violation of the terms of this division and move, or cause to be moved, such boat to another location. The harbor master or his designee shall have the right to hold such boat if any permit fees for moving such boat are not paid. The harbor master and/or any authorized city official may remove any ice shanty from park property within seven days of the placing of such ice shanty on park property. The same costs as set forth in subsection (r) of this section shall be charged for the cost of impoundment and storage of such ice shanty.
- (u) *Interference with employees of the department of parks and recreation.* It shall be unlawful for any person to hinder, prevent or interfere with the agents or employees of the department of parks and recreation while such agents or employees are engaged in carrying out the provisions of this division.
- (v) *Advertising and peddling while at mooring spaces.* It shall be unlawful for any person to display any placard or commercial display upon any vessel while occupying a mooring space or to hawk, peddle or offer any other article for sale, charter or trade within any mooring space in any park or part thereof.
- (w) *Disorderly conduct; swimming; speed of boats entering or leaving basins or harbors.* Indecent exposure of the person, disorderly conduct, riot or breach of the peace shall be expressly forbidden while occupying a mooring space. Vessels propelled by motor shall reduce their speed to no-wake speed and shall not be maneuvered, except as absolutely necessary, while entering or leaving any basin or harbor. Swimming, diving or bathing shall not be permitted in any basin or harbor.

(x) *Speed at boat launch ramp.* It shall be unlawful for any person to operate the motor of a vessel at a greater speed than idle speed at any boat launch ramp administered by the department of parks and recreation unless the propeller of such vessel is disengaged.

(Ord. No. 486, § 1(91.80), 9-26-1994; Ord. No. 509, § 1, 8-26-1996)