

CHAPTER 6. BOATING

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Article 6-1. In General

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6-1-1. Definitions.

For the purposes of this Chapter, the word "boat" shall mean any vessel (such as rafts, canoes, skiffs, dinghies, rowboats, sailing vessels, or motorboats) and shall include any vessel propelled in whole or part by machinery, including vessels temporarily equipped with detachable motors. (R.O. 1956, Section 8-1-2).

6-1-2. Application and jurisdiction.

The provisions of this Chapter shall be applicable to all boats navigating the waters within the jurisdiction of this County, except where inconsistent with any laws or regulations of any higher governing authority, in which case such laws or regulations shall prevail. (R.O. 1956, Section 8-1-1).

6-1-3. Enforcement.

The County Sheriff is hereby charged with the enforcement of all of the provisions of this Chapter.

6-1-4. Violation and penalty.

Any person who shall violate any of the terms, clauses or conditions of this Chapter shall be guilty of an infraction, unless a different penalty shall be provided for such violation by this Chapter. (Ord. No. 2019-25, 6-25-19).

6-1-5. Flotation device required on Provo River.

It shall be unlawful for any person to engage in swimming activity or use inner tubes, air mattresses or other floating devices, or to allow a minor in his charge to engage in such activity on any portion of the Provo River that lies within the unincorporated areas of this County, unless he is wearing a life vest or other jacket flotation device. The flotation device must be Coast

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Guard approved and in good and serviceable condition and of proper and adequate size to provide positive buoyancy and maintain the person using the device in an upright position.

6-1-6. Trespass upon boats.

It shall be unlawful for any person or persons not the owner of and without the permission of the owner of any boat to enter upon or into, to take hold of, or in any way tamper with or trespass upon, any boat or mooring line of any boat which is anchored or moored at any boat slip or pier, or anchored upon any lake or stream in the County. (R.O. 1956, Section 8-5-1).

Article 6-2. Boat Rental License

6-2-1. Required.

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6-2-1. Required.

(a) Application for a license to rent or offer to rent or lease a boat or other aquatic transportation device shall be made according to the provisions of Chapter 11 of this Code. (Ord. No. 1984-07, Part II, 3-12-84).

(b) No boat shall thereafter be rented or offered for rent until such license has been granted and the boat marked as hereinafter provided. (R.O. 1956, Section 8-1-3).

6-2-2. Inspection.

(a) The inspectors appointed by the County Commissioners are hereby empowered and shall have the duty of prescribing methods of inspection to determine the weight capacity for each boat and to make sure that such boat is of a suitable structure for the service in which it is to be employed and is in a condition to warrant the belief that it may be used in navigation with safety to life.

(b) It shall be the duty of the inspectors to cause such boats to be inspected upon each application for license, and to see that all boats comply with the standards prescribed.

(c) Whenever, upon such inspection, it shall be found that any boat so inspected does not comply with such standards, it shall thereupon be the duty of the inspectors to notify the owner, proprietor or agent in charge of any such boat to comply with such standards and with the provisions of this section prior to further use of such boat. (R.O. 1956, Section 8-2-1).

6-2-3. Inspection markings.

In addition to the license provided for by the provisions of this article, there shall be painted conspicuously on the after quarter of each boat, the number of pounds of weight authorized to be carried therein. No owner, his agent or lessor, shall knowingly permit more than that number of pounds of weight to occupy said boat at any time. (R.O. 1956, Section 8-2-2).

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Article 6-3. Equipment

6-3-1. Life preservers.

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6-3-3. Anchors, oars and paddles, water pumps, bailing cans.

6-3-4. Fuels.

6-3-5. Lights.

6-3-6. Muffling devices.

6-3-7. Ventilators.

6-3-1. Life preservers.

All boats shall be provided with one U.S. Coast Guard approved life jacket, ring buoy or buoyant cushion for each person on board. (R.O. 1956, Section 8-3-1).

6-3-2. Fire extinguishers.

All motorboats shall be equipped with at least one hand portable, U.S. Coast Guard approved fire extinguisher. (R.O. 1956, Section 8-3-2).

6-3-3. Anchors, oars and paddles, water pumps, bailing cans.

Anchors with an adequate scope of anchor line several times the depth of the water, oars and paddles, and water pumps or bailing cans shall be standard equipment for all boats. (R.O. 1956, Section 8-3-3).

6-3-4. Fuels.

All liquid fuel shall be carried only in approved safety cans; and equipment to transfer said liquid fuel to the fuel tank, cook stove, heating or lighting device, shall be provided to prevent spillage or leakage. In no instance shall fuel be carried in glass containers. (R.O. 1956, Section 8-3-4).

6-3-5. Lights.

Each boat, when under way between sunset and sunrise, shall display such lights as are required by state law. (R.O. 1956, Section 8-3-5).

6-3-6. Muffling devices.

(a) It shall be unlawful to use a boat propelled in whole or in part by gas, gasoline or naphtha, unless the same is provided with a stock factory muffler, underwater exhaust or other modern devices capable of adequately muffling the sound of the exhaust of the engine. The phrase "adequately muffling" shall mean that the motor's exhaust at all times be so muffled or suppressed as not to create excessive or unusual noise. The discharge of cooling water through exhaust of an inboard engine shall be considered an adequate muffling device.

(b) Nothing in the provisions of this Section shall be construed to mean that the operator of a motorboat actually competing in a race or regatta which is sanctioned by an appropriate government shall not be allowed to do so. (R.O. 1956, Section 8-3-7).

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6-3-7. Ventilators.

All cabin or semi-cabin boats shall be equipped with ventilators which can be used without exposing extra openings in the hull, which would admit spray or splash during rough weather. (R.O. 1956, Section 8-3-8).

Article 6-4. Operation Regulations

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6-4-14. Interference by swimmers.

6-4-1. Exception.

Nothing in the provisions of this Article should be construed to mean that the operator of a motorboat actually competing in a race or regatta which is sanctioned by an appropriate government shall not attempt to attain high speeds on a marked racing course. (R.O. 1956, Section 8-4-1(d)).

6-4-2. Operation generally.

Every operator of a motorboat shall at all times navigate the same in a careful and prudent manner and at such rate of speed as not to endanger the life, limb or property of another person. (R.O. 1956, Section 8-4-1(a)).

6-4-3. Reckless operation.

Reckless navigation of a motorboat shall include operating the same in a manner which unnecessarily interferes with the free and proper use of the navigable waters of the state or unnecessarily endangers other boats therein, or the life and limb of any person. (R.O. 1956, Section 8-4-1(b)).

6-4-4. Speed in harbors.

It shall be unlawful for any person to operate a boat within any harbor at a rate of speed which would cause a wake from the boat he is operating. In addition to any penalty which may be imposed for the violation of this Section, any person causing a wake shall be personally liable for any damage resulting from such wake. (R.O. 1956, Section 8-4-1(c)).

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6-4-5. Meeting.

When two (2) boats are approaching each other "head on" or nearly so (so as to involve risk of collision), it shall be the duty of each boat to bear to the right and pass the other boat on its left side. (R.O. 1956, Section 8-4-2(a)).

6-4-6. Crossing.

When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right-of-way. (R.O. 1956, Section 8-4-2(b)).

6-4-7. Overtaking.

One boat may overtake another on either side but must grant right-of-way to the overtaken boat. (R.O. 1956, Section 8-4-2(c)).

6-4-8. Obstruction of passageways.

No person shall so anchor a boat for fishing or other purposes on any body of water over which the County has jurisdiction in such a position as to obstruct a passageway ordinarily used by other boats. (R.O. 1956, Section 8-4-3(a)).

6-4-9. Operation in swimming areas.

No person shall operate a boat within a water area which is clearly marked by buoys or some other distinguishing device as a swimming area. (R.O. 1956, Section 8-4-3(b)).

6-4-10. Overloading.

No boat shall be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other normal operating conditions. (R.O. 1956, Section 8-4-4).

6-4-11. Mooring to beacons.

Any person mooring any boat to any of the buoys or beacons placed in any waterway by the authority of the state or by the authority of the County Commission, or in any manner hanging on with a boat to such buoy or beacon shall be guilty of an infraction.. (R.O. 1956, Section 8-4-5) (Ord. No. 2019-25, 6-25-19).

6-4-12. Intoxication.

It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic drugs or barbiturate or any person who is an habitual user of same to operate, propel or be in actual physical control of any boat. It shall be unlawful for the owner of any boat or any person having such in charge or in control to authorize or knowingly permit the same to be propelled or operated by any person who is under the influence of intoxicating liquor, narcotic drugs or barbitol or any person who is a habitual user of the same. (R.O. 1956, Section 8-4-6).

6-4-13. Accidents.

The operator of any boat involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such boat at the scene of such accident and shall give his name, address, full identification of his boat and the name and address of the owner, to the person struck or the operator or occupants of the boat collided with, and shall render to any

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person injured in such an accident reasonable assistance and shall report such accident to the nearest or most convenient law enforcement agency or office. (R.O. 1956, Section 8-4-7).

6-4-14. Interference by swimmers.

No swimmer or other person shall take hold of or in any manner interfere with any boat or watercraft or the operation of the same while any such boat is under way. (R.O. 1956, Section 8-4-8).