

955.10 ENFORCEMENT.

(a) Officials. The Director of Parks and Public Places and any park attendant or police officer shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

(b) Ejectment. The Director and any park attendant or police officer shall have the authority to eject from the park any person acting in violation of this article.

(c) Seizure of Property. The Director and any park attendant or police officer shall have the authority to seize and confiscate any property, thing or device in the park, possessed or used in violation of this article. (Ord. 53-1976 §10. Passed 7-14-76.)

955.99 PENALTY.

Whoever violates any provision of this article or any regulation legally promulgated under authority thereof, upon prosecution before any District Justice of the City shall be fined not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00), together with the cost of prosecution, or in default of payment of same shall undergo imprisonment not to exceed ninety days. (Ord. 53-1976 §11. Passed 7-14-76.)

ARTICLE 957  
Landfills

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| 957.01 City owned water lots.  | 957.99 Penalty. |
| 957.02 Disposal of waste material<br>at project 70 site #6 prohibited. |                 |

CROSS REFERENCES

Solid Waste Management Act - see 35 P.S. Sec. 6001 et seq.  
Sanitary landfill standards - see 25 Pa. Code Sec. 75.61 et seq.

957.01 CITY OWNED WATER LOTS.

Any future landfills of City owned water lots located on the City bayfront is hereby prohibited unless plans for such landfills are submitted to Council for approval by resolution prior to the commencement of any landfill construction.  
(Ord. 5-1975. Passed 1-15-75.)

957.02 DISPOSAL OF WASTE MATERIAL AT PROJECT 70 SITE #6  
PROHIBITED.

Any placement, dumping or storage of waste material or any and/or all materials at a certain 58 acre parcel of real estate owned by the City and located in the vicinity of East 26th and McClelland Avenue and known as "Project 70 Site #6" which is inconsistent with the purpose of the Act of June 22, 1964, P.L. 131 No. 8, Project 70 Land Acquisition and Borrowing Act, is hereby prohibited. (Ord. 32-1997 Sec. 1. Passed 6-18-97.)

957.99 PENALTY.

Whoever violates any provision of this article, shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) and imprisoned not more than ninety days. Each day's continued violation shall constitute a separate offense. Both fine and imprisonment may be concurrently imposed. (Ord. 32-1997 Sec. 2. Passed 6-18-97.)



ARTICLE 958  
Separation of Recyclables

<p>958.01 Legislative purpose. 958.02 Definitions. 958.03 Establishment of Program; grant of power. 958.04 Establishment of regulations. 958.05 Lead acid batteries. 958.06 Separation and collection. 958.07 Ownership of recyclable materials. 958.08 Collection prohibited. 958.09 Other means of disposal.</p>	<p>958.10 Separation and disposal of leaf waste. 958.11 Recycling operations. 958.12 Recycling of materials. 958.13 Franchise or license. 958.14 Enforcement. 958.15 Repeal and severability. 958.16 Modifications.</p>
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958.01 LEGISLATIVE PURPOSE.

(a) The Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials.

(b) Conservation of recyclable materials has become an important public concern because of the growing problem of solid waste disposal and its impact on our environment.

(c) The adoption and implementation of recycling shall effect the conservation of natural resources, the protection of the right of the people to clean air, pure water and the preservation of the environment.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

958.02 DEFINITIONS.

(a) Unless the context clearly indicates otherwise, the following words and phrases used throughout this article shall have the following meanings:

- (1) "Aluminum containers" means empty aluminum beverage and food containers.
- (2) "Bi-metal containers" means empty food or beverage containers consisting of steel and aluminum.

- (3) "Collector" means the entity or entities authorized by the Municipality to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Municipality to collect recyclable materials from those properties.
- (4) "Commercial establishments" means those properties used primarily for commercial or industrial purposes and those multiple residential buildings containing more than four dwelling units.
- (5) "Community activities" means events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.
- (6) "Corrugated paper" means structural paper material with an inner core shaped in rigid parallel furrows and ridges.
- (7) "Ferrous containers" means empty steel or tin-coated steel food or beverage containers.
- (8) "Glass containers" means bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, blue glass, light bulbs and porcelain and ceramic products.
- (9) "High-grade office paper" means all white paper, bond paper and computer paper in commercial, institutional and municipal establishments and in residences.
- (10) "Household refuse" means all municipal waste except the following categories of solid waste:
  - A. Tires;
  - B. Large appliances (white goods);
  - C. Construction/demolition waste;
  - D. Bulky waste;
  - E. Putrescible waste;
  - F. Uncompactible waste;
  - G. Sludge;
  - H. Infectious/pathological waste;
  - I. Ash residue;
  - J. Special handling waste;
  - K. Friable asbestos waste;
  - L. Recyclable materials;
  - M. Household hazardous waste;
  - N. Unacceptable waste;
  - O. Oversized refuse items;
  - P. Yard waste; or
  - Q. Leaves.
- (11) "Institutional establishments" means those facilities that house or serve groups of people such as hospitals, schools, day care centers and nursing homes.
- (12) "Lead acid batteries" includes but is not limited to automotive, truck and industrial batteries that contain lead.
- (13) "Leaf waste" means leaves from trees, bushes and other plants; garden residue; chipped shrubbery and tree trimmings. Leaf waste shall not include grass clippings.

- (14) "Magazines and periodicals" means printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.
- (15) "Multi-family house properties" means any properties having more than four dwelling units per structure.
- (16) "Municipal establishments" means public facilities operated by the Municipality and other governmental and quasi-governmental authorities.
- (17) "Municipality" means the City of Erie.
- (18) "Municipal waste" means any garbage, refuse, industrial lunchroom wastes or other material, including solid, liquid, semi-solid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, waste-water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.
- (19) "Newspapers" means paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are glossy advertising inserts often included with newspapers.
- (20) "Person(s)" means owners, lessees and occupants of residences, commercial or institutional establishments.
- (21) "Plastic containers" means empty soda bottles (polyethylene terephthalate-pet) and empty milk/water jugs (high density polyethylene-hdpe). Expressly excluded are all other plastic food and beverage containers.
- (22) "Recyclable materials" means source separate recyclable materials as defined in the regulations attached hereto, identified by the City.
- (23) "Recycling" means the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed of or processed as municipal waste; or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of re-useable materials.
- (24) "Residences" means any occupied single or multi-family dwelling having up to four dwelling units per structure for which the Municipality provides municipal waste collection service.
- (25) "Source separated recyclable materials" means those materials separated at the point of origin for the purpose of being recycled.

- (26) "Waste" means a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable materials or material approved by the Department of Environmental Resources for beneficial use.  
(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

#### 958.03 ESTABLISHMENT OF PROGRAM; GRANT OF POWER.

The City hereby establishes a Recovery Program for the mandatory separation and collection of materials to be recycled from all residences in the City for which municipal solid waste collection is provided by the City. Collection of the materials to be recycled shall be made periodically by the City or its designated agent for recycling purposes. This article is ordained pursuant to the Third Class City Code (53 P.S. Section 35101 et seq.).  
(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

#### 958.04 ESTABLISHMENT OF REGULATIONS.

(a) The Director of the Department of Public Works, Parks and Property is hereby authorized and empowered to establish and promulgate regulations including, but not limited to, the manner, days and times of collections of recyclable materials and the bundling, handling, location and time of placement of such materials for collection.

(b) The regulations shall include the following:

- (1) Separation, storage and collection of recyclables by residences;
- (2) Separation, storage and collection of recyclables by commercial, municipal, institutional establishments and community activities;
- (3) Separation, storage and collection of recyclables by multi-family housing properties;
- (4) Separation, collection and composting of leaf waste; and
- (5) A sustained public information and education program.

(c) The program regulations are provided as an attachment to original Ordinance 59-1990, passed August 22, 1990. The Director is empowered to make changes to the program regulations as necessary. Any material changes in the program regulations may be made by the Mayor and public notice and notification shall be made to all affected parties.  
(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

#### 958.05 LEAD ACID BATTERIES.

No person may place a lead acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the laws of this Commonwealth.  
(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

**958.06 SEPARATION AND COLLECTION.**

All persons who are residents of the City shall separate all materials to be recycled from all other municipal solid waste produced at their residences and shall place the same for collection by the City in accordance with the regulations established herein. The owner, landlord or agent of an owner or landlord of a multi-family housing property (more than four dwelling units per structure) shall be in compliance with this article by establishing a collection system for recyclable materials at each property. The collection system shall include suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Collection for the recyclable materials other than leaf waste shall be provided at least one day each month.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

**958.07 OWNERSHIP OF RECYCLABLE MATERIALS.**

All materials to be recycled and placed by the resident for collection by the City pursuant to this article and regulations established herein, shall from time of placement at the curb, become the property of the City except as otherwise provided.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

**958.08 COLLECTION PROHIBITED.**

It shall be a violation of this article for any person, firm, organization or corporation, other than the City, or one authorized by the City, to collect materials to be recycled and placed by a resident for collection by the City, unless such person, firm, organization or corporation has prior written permission to make such collection as set forth in this article. Each unauthorized collection in violation hereof from one or more residences on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

**958.09 OTHER MEANS OF DISPOSAL.**

Any resident may donate or sell materials to be recycled to any person, firm, organization or corporation, whether operating for profit or not, provided that the receiving person, firm, organization or corporation shall not collect such donated recyclable materials from the collection point of a residence without prior written permission from the City to make such collection.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

**958.10 SEPARATION AND DISPOSAL OF LEAF WASTE.**

No resident shall dispose of leaf waste with ordinary household waste or materials to be recycled. Leaf waste shall be separated from other municipal waste generated at homes, apartments and other residential establishments. Leaf waste shall be collected in accordance with the regulations attached to original Ordinance 59-1990, passed August 22, 1990.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

#### 958.11 RECYCLING OPERATIONS.

All recycling operations that operate within the City shall keep daily records of all deliveries of recyclables, including, but not limited to, the name and address of the hauler, the source of the recyclable, the kind of recyclables received, the weight or volume of the recyclables, and where the recyclables were sold. A copy of these records shall be maintained at the recycling facility by the operator for no less than five years and shall be made available to the City for inspection, upon request.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

#### 958.12 RECYCLING OF MATERIALS.

It shall be a violation of this article for any person, firm, organization or corporation to dispose of recyclables with the ordinary municipal waste. All collected recyclable materials are to be taken to a recycling facility. Operators of recycling operations are prohibited from disposing of recyclables in landfills or incinerators unless markets for such recyclables do not exist.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

#### 958.13 FRANCHISE OR LICENSE.

The City may enter into agreement with any agency to handle the recyclable materials.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

#### 958.14 ENFORCEMENT.

(a) Any person, firm, organization or corporation who violates any of the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) and costs of prosecution for each and every offense. Each day that such violation occurs or continues shall constitute a separate violation.

(b) The City reserves the right not to collect recyclable materials commingled with nonrecyclable materials. Additionally, the City reserves the right not to collect nonrecyclable materials commingled with recyclable materials.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

#### 958.15 REPEAL AND SEVERABILITY.

All ordinances or parts of ordinances inconsistent with this article are hereby repealed to the extent of such inconsistency. Should any part of this article be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of this article. It is hereby declared that such parts as are legal would have been erected independently of the invalid portion had the invalidity of such part been known, and it is the intention of the City that such remainder shall be and remain in full force and effect.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

#### 958.16 MODIFICATIONS.

The City may, from time to time, modify, add to or remove from the standards and regulations herein.

(Ord. 59-1990 Sec. 1. Passed 8-22-90.)

TITLE NINE - Boat Control

Art. 971. Definitions; Enforcement; Penalty.

Art. 973. Operation Generally.

Art. 975. Health, Safety and Sanitation.

ARTICLE 971

Definitions; Enforcement; Penalty

971.01 Definitions.

971.02 Harbormaster or deputy to enforce.

971.03 Information by citizens.

971.04 Violation of Coast Guard regulations.

971.05 Port Commission to make

971.06 Exceptions.

971.99 Penalty.

CROSS REFERENCES

Wharves and docks - see 3rd Class §3 901 et seq. (53 P. S. §38901 et seq.)

Port Commission - see ADM. Art. 153

971.01 DEFINITIONS.

For the purpose of this Title Nine - Boat Control, the following terms, phrases, words and

their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural number. The word "shall" is always mandatory and never directory.

- (a) "Boat" means any watercraft, including seaplanes when not airborne, in or upon, or docked or moored at any place in any waterway, or beached or stored at any landing area or launching ramp within the City, the waters over which the City has jurisdiction or otherwise owns or controls, with the beach or shoreline adjacent thereto.
- (b) "Motorboat" means a boat with any mechanical source of motor power, either inboard or outboard.
- (c) "Waterway" means any waters, waterway, lake, river, creek, canal, lagoon, mooring basin or connecting waters within the City or over which the City has jurisdiction.
- (d) "Title" means Ordinance 47-1958, passed June 10, 1958, codified herein as Title Nine - Boat Control. (Ord. 47-1958 §2. Passed 6-10-58.)

#### 971.02 HARBORMASTER OR DEPUTY TO ENFORCE.

The Harbormaster of the City or any police officer of the City that may be assigned to such duty by the Chief of Police as a deputy Harbormaster, or any legally authorized deputy Harbormaster, is authorized and empowered to enforce the provisions of this Title. For this purpose, such officers shall have authority to board any boat moored in violation of this Title and/or to board any vessel operated or equipped in violation of the provisions of this Title. Such officers shall be authorized to moor or cause to be moored in another location any vessel moored in violation of this article. (Ord. 47-1958 §11. Passed 6-10-58.)

#### 971.03 INFORMATION BY CITIZENS.

Nothing herein contained shall be deemed to prevent or prohibit any citizen from making sworn information before any magistrate or alderman of the City charging violation of the provisions of this Title which he has witnessed. (Ord. 47-1958 §11. Passed 6-10-58.)

#### 971.04 VIOLATION OF COAST GUARD REGULATIONS.

The Harbormaster of the City or his legally authorized deputy is further authorized to make such information or charge of violations of regulations of the U.S. Coast Guard as he may be authorized to do by Federal statute or Coast Guard regulations. (Ord. 47-1958 §11. Passed 6-10-58.)

#### 971.05 PORT COMMISSION TO MAKE REGULATIONS; POSTING.

The Port Commission is authorized to make such regulations in conformity with the provisions of this Title as may be necessary to the proper enforcement hereof. Such regulations shall be transmitted to Council for its approval and, as approved, shall be advertised as is required by law for ordinances imposing a penalty for violations. Such regulations shall be posted in summary form at such wharves, docks, piers, mooring areas, landing areas or launching areas as are under the jurisdiction of the Commission or at such areas to which they apply. When so adopted, approved, advertised and posted, such regulations shall have the same force and effect as this Title and the violations thereof shall be prosecuted and the penalty imposed as are provided by this article. (Ord. 47-1958 §10. Passed 6-10-58.)

#### 971.06 EXCEPTIONS.

Nothing herein shall be deemed to apply to the operation of boats in a publicly announced, regularly scheduled race, speed test, regatta or exhibition, in an area or course that is clearly and properly marked and adequately patrolled. Nothing herein shall be deemed to apply to such action as is reasonably necessary to protect persons and property from injury or damage in an emergency which threatens the same. (Ord. 47-1958 §9. Passed 6-10-58.)

#### 971.99 PENALTY.

Whoever violates any provision of this Title or regulations legally promulgated under the authority of this Title, upon prosecution before any magistrate or alderman of the City shall be fined not less than ten dollars (\$10.00), nor more than three hundred dollars (\$300.00), together with cost of prosecution, or in default of payment of same to undergo imprisonment not to exceed ninety days. (Ord. 47-1958 §12. Passed 6-10-58.)

ARTICLE 973  
Operation Generally

- |        |  |        |                                    |
|--------|--|--------|------------------------------------|
| 973.01 | Standards adopted.                           | 973.10 | Use of searchlights.               |
| 973.02 | Conflict with Federal law;<br>separability.  | 973.11 | Disturbing other boats or persons. |
| 973.03 | Other prosecution no bar.                    | 973.12 | Mooring or anchoring.              |
| 973.04 | Speed regulations.                           | 973.13 | Anchoring in vicinity of water     |
| 973.05 | Reckless operation.                          |        |                                    |
| 973.06 | Operating under influence of<br>intoxicants. |        |                                    |
| 973.07 | Motorboats near beaches<br>prohibited.       |        |                                    |
| 973.08 | Muffler required.                            |        |                                    |
| 973.09 | Unnecessary noise.                           |        |                                    |
|        |  | 973.14 | Water skis or surfboards.          |
|        |  | 973.15 | Inflated rafts or tubes.           |
|        |  | 973.16 | Abandoned boats.                   |
|        |  | 973.17 | Regulation of carriers of          |

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CROSS REFERENCE  
Port Commission - see ADM. Art. 153

973.01 STANDARDS ADOPTED.

The following statutes and regulations issued under the authority thereof are adopted as standards of safe operation, rules of traffic and standards of safe equipment and maintenance. The violation thereof or the failure to conform therewith shall be considered as prima-facie evidence of the violation of the provisions of this article regulating the safety of operation, equipment and maintenance of boats, punishable in accordance with the provisions hereof.

- (a) An Act to Regulate Navigation on the Great Lakes, Feb. 8, 1895, as amended, 33 U.S. Code 241-294.
- (b) The Motor Boat Act of April 25, 1940, as amended, 46 U. S. Code 526.
- (c) Pilot Rules for the Great Lakes, issued by U.S. Coast Guard July 1, 1957, CG-172 and any supplement, amendment or addition thereto.
- (d) Rules and Regulations for Uninspected Vessels, issued by the U.S. Coast Guard, July 1, 1953, CG-258 and any supplement, amendment or addition thereto.
- (e) Rules and Regulations for Numbering Undocumented Vessels, issued by the U.S. Coast Guard, January 15, 1953, CG-267, and any supplement, amendment or addition thereto. (Ord. 47-1958 §4. Passed 6-10-58.)

973.02 CONFLICT WITH FEDERAL LAW; SEPARABILITY.

When any provisions of this Title are found to be in conflict with any Federal statute or regulations issued pursuant thereto, or any statutes of the Commonwealth or regulations issued pursuant thereto, such Federal or State statute or regulation shall prevail, but the remaining provisions of this Title shall not be affected. When any provision of this Title shall be found unconstitutional or beyond the powers of the City, it is the intention of Council that the remainder of this Title shall not be affected thereby.  
(Ord. 47-1958 §4. Passed 6-10-58.)

#### 973.03 OTHER PROSECUTION NO BAR.

Prosecution and/or conviction of any offense under Federal law or regulation shall not bar any prosecution or conviction for any similar or related offense punishable under the terms of this Title. (Ord. 47-1958 §4. Passed 6-10-58.)

#### 973.04 SPEED REGULATIONS.

(a) Standard of Safe Speed. Every operator of a boat shall operate the same at all times in a careful and prudent manner and at such rate of speed as not to endanger the life, limb or property of any person, either by direct contact therewith, by action taken to avoid the change of same or by reason of the wash of the wave of same.

(b) Assured Clear Distance. No person shall operate any boat at a rate of speed greater than will permit him in the exercise of reasonable care to bring the boat to a stop within the assured clear distance ahead.

(c) Limitation Within U.S. Harbor Line. No boat shall be operated at a speed in excess of five miles per hour within the area bounded on the west by the west line of Cascade Street, on the east by the breakwater connecting the mainland of the City to the Channel Pier between the U. S. Harbor line on the north and the shore line on the south.

(d) Limitation in Canal Basins and Near Shore. No boat shall be operated at a speed in excess of three miles per hour in the East and West Canal Basins and also in any other area within 300 feet of the shore line of the City. (Ord. 47-1958 §5. Passed 6-10-58.)

#### 973.05 RECKLESS OPERATION.

No person shall operate a boat in a reckless manner or at an excessive rate of speed or so loaded as to endanger or be likely to endanger the life or property of any person, having due regard for the presence of other boats or persons, or other objects in or on a waterway or the shores, piers, docks, wharves, seawalls adjacent thereto or to boats moored in such waterways or structures adjacent thereto, having due regard to the weather or other conditions existing at such time. (Ord. 47-1958 §3. Passed 6-10-58.)

#### 973.06 OPERATING UNDER INFLUENCE OF INTOXICANTS.

No person shall operate a boat while under the influence of intoxicating liquors or drugs. (Ord. 47-1958 §3. Passed 6-10-58.)

#### 973.07 MOTORBOATS NEAR BEACHES PROHIBITED.

No person shall operate any boat with an inboard or outboard motor in operation at the time within 500 feet of any shore or beach which is clearly marked by signs, buoys or some other distinguishing device as a bathing or swimming area. (Ord. 47-1958 §6. Passed 6-10-58.)

#### 973.08 MUFFLER REQUIRED.

No person shall operate a boat with inboard or outboard motor unless the same is equipped with an adequate muffled exhaust. (Ord. 47-1958 §6. Passed 6-10-58.)

#### 973.09 UNNECESSARY NOISE.

No person shall operate any siren, bell, whistle, horn or other noise-producing or amplifying device or instrument on a boat in such manner that the peace and good order of the area is disturbed, except for such use or operation as is required by Federal laws or regulations for the safe operation or navigation of vessels. (Ord. 47-1958 §6. Passed 6-10-58.)

#### 973.10 USE OF SEARCH LIGHTS.

No person using a boat shall use the searchlights or spotlights indiscriminately or in such manner as to disturb the peace and good order of other boats or persons in the area. (Ord. 47-1958 §6. Passed 6-10-58.)

#### 973.11 DISTURBING OTHER BOATS OR PERSONS.

No person shall operate a boat in any manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat or any other person in the vicinity. (Ord. 47-1958 §6. Passed 6-10-58.)

#### 973.12 MOORING OR ANCHORING.

No person shall moor, tie to or anchor any boat in any recognized passageway or channel, or to any channel marker or buoy, or otherwise interfere with the full use of such passageways or channels by others, nor shall any person moor a boat to a private dock or pier without permission. No boat shall be moored or anchored at the site of any construction work, or construction, repair or dredging equipment. (Ord. 47-1958 §6. Passed 6-10-58.)

#### 973.13 ANCHORING IN VICINITY OF WATER INTAKES AND OUTFALL SEWERS.

No boat having an overall length in excess of 100 feet, or a gross tonnage in excess of fifty tons, shall anchor within 500 feet of either side of the line of the City water intake pipes or the City outfall sewer as such are designated on U.S. Corps of Engineers charts at Presque Isle Bay, and as designated by marking buoys, or at such greater distances as may be ordered by the Harbormaster as temporary or emergency conditions may require for the protection of the health and safety of the citizens of the City. (Ord. 47-1958 §6. Passed 6-10-58.)

#### 973.14 WATER SKIS OR SURFBOARDS.

No person shall operate any boat pulling or hauling surfboards, water skis or any similar devices unless there is an additional person aboard such boat who will direct his attention to the assurances of the safe operation of such devices at all times, both with regard to the safety of persons using such devices and the safety of other persons or boats in the vicinity of same. (Ord. 47-1958 §6. Passed 6-10-58.)

#### 973.15 INFLATED RAFTS OR TUBES.

No person shall use an inflated raft or inner tube in any area where boats with inboard or outboard motors are permitted to operate. (Ord. 47-1958 §6. Passed 6-10-58.)

**973.16 ABANDONED BOATS.**

Every boat in a waterway which is abandoned, which becomes a menace in navigation, is unseaworthy or sinks, grounds or becomes otherwise disabled, is declared to be a nuisance, and the person in charge thereof or the owner thereof shall abolish such nuisance within five days after notice from the Harbormaster. (Ord. 47-1958 §6. Passed 6-10-58.)

**973.17 REGULATION OF CARRIERS OF FLAMMABLE, VOLATILE OR EXPLOSIVE SUBSTANCES.**

Any boat, vessel or barge, whether loaded or empty, which carries, has carried or is designed for the carriage of flammable, volatile or explosive materials, except for its own fuel, shall not be docked or moored at any dock, wharf, pier or mooring area owned by the City until written permission has been secured from the Harbormaster, and shall be thereafter docked or moored strictly in accordance with the terms of such permission. The Port Commission is authorized to make such additional regulations controlling the docking, mooring or anchoring of vessels carrying or designed to carry flammable, volatile or explosive substances at any point in waters under the jurisdiction of the City, as may be necessary to protect the lives and property of the citizens of the City.  
(Ord. 47-1958 §6. Passed 6-10-58.)

ARTICLE 975  
Health, Safety and Sanitation

975.01 Garbage and refuse.  
975.02 Toilets.

975.03 Equipment.

CROSS REFERENCE

Garbage and rubbish collection - see S.U. & P.S. Art. 951

975.01 GARBAGE AND REFUSE.

No garbage and refuse shall be deposited in any waters under the jurisdiction of the City. (Ord. 47-1958 §8. Passed 6-10-58.)

975.02 TOILETS.

No person shall use toilet facilities emptying into waters under the jurisdiction of the City when the boat is moored at a dock or pier where toilet facilities are available. When such facilities are not readily available, use of toilets on boats in City waters shall be limited insofar as is practical and possible in the interest of public health. (Ord. 47-1958 §8. Passed 6-10-58.)

975.03 EQUIPMENT.

All boats not otherwise governed or regulated by Federal or State statutes and regulations shall be equipped as follows:

- (a) Motors. No boat shall be powered or equipped with a motor of greater or lesser power than is compatible with safe operation.
- (b) Life Saving Devices. Every boat shall carry a Coast Guard approved life preserver jacket, ring, buoy or buoyant cushion at all times for every person aboard.
- (c) Fire Extinguishers. All boats using inboard or outboard motors for propulsion, and all boats having flammable liquids aboard such as, but not limited to, gasoline or other fuel for lanterns or stoves, shall carry a Coast Guard approved fire extinguisher.
- (d) Anchors. All boats shall carry at least one anchor of proper weight with sufficient line of ample length for any waters in which they are to be used.
- (e) Lights. All boats shall show lights when operating from sunset to sunrise. (Ord. 47-1958 §7. Passed 6-10-58.)
- (f) Safety of Equipment. No person shall own or operate a boat in waters under the jurisdiction of the City unless the same shall be powered and equipped so as not to endanger the life or property of persons occupying or likely to occupy the same or of persons or property in the vicinity. (Ord. 47-1958 §303. Passed 6-10-58.)





