

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** repealing section 5011., 5013., 5019., 5020., 5040., 5042., 5043., 5045., 5049., and 5067., Jackson County Code, 1984, relating to park regulations, and enacting, in lieu thereof, ten new sections relating to the same subject.

**ORDINANCE 2357**, December 5 , 1994

**INTRODUCED BY** Fred Arbanas, County Legislator

WHEREAS, the Director of Parks and Recreation has recommended certain modifications and amendments to the park regulations contained in chapter 50 of the Jackson County Code; and,

WHEREAS, these modifications and amendments are in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting clause. Sections 5011., 5013., 5019., 5020., 5040., 5042., 5043., 5045., 5049., and 5067., Jackson County Code, 1984, are hereby repealed and ten new sections enacted in lieu thereof to be known as sections 5011., 5013., 5019., 5020., 5040., 5042., 5043., 5045., 5049., and 5067., to read as follows:

5011. Sales and Concessions.

Sales or advertisement of merchandise or other goods for sale or hire, in any Jackson County park, facilities, land or water is prohibited, except by written permission of the Jackson County director of parks and recreation or under licenses otherwise provided for by this chapter.

5011.1 Display of Written Permits.

Written permits issued by the director of parks and recreation pursuant to this section for the sale or advertisement of merchandise or other goods for sale or hire in any Jackson County park or, facilities, land or water, must be conspicuously displayed at all times.

5011.2 Advertisement.

No person, group, or organization shall display or distribute literature, posters, fliers, or any other materials in any Jackson County park except by written permission of the Director.

5013. Motor Vehicles.

Motor vehicles shall include but will not be limited to automobiles, trucks, motorcycles, minibikes, trailbikes, snowmobiles, dune buggies, all-terrain vehicles, trailers, campers, or other such equipment.

5013.1 Motor Vehicle Operation.

[Only] Motor vehicles may only be operated on roadways and parking areas designated by the director. No person shall operat[ing]e any motor vehicle through, around or beyond a restrictive sign, recognizable barricade, fenced gate or other traffic control barrier or device [is prohibited]. No person shall operat[ing]e any motor vehicle[s shall not be permitted] in any area [besides] other than on paved roadways and parking areas designated by the director.

5019. Migratory Waterfowl.

5019.1 Definition.

Any species of birds commonly known as swans, geese, brants, river and sea ducks, and any other waterfowl falling under the jurisdiction of the Missouri Conservation Commission or otherwise defined by the Commission as migratory waterfowl.

5019.2 Feeding. Prohibition.

No person shall feed any migratory waterfowl, or create any condition, or allow any condition to exist, which results in a congregation or congestion of migratory waterfowl which:

- a) results in an accumulation of waterfowl feces or droppings;

- b) results in damage to flora, fauna, or private public property;
- c) results in a threat to the public health, safety, or welfare; or
- d) results in a threat to the health, safety, or welfare of migratory waterfowl.

5019.3 Feeding or Baiting Wildlife. Prohibition.

No person shall feed or bait any wildlife, including all mammals, birds (excluding feeding at songbird stations), deer, raccoons, and any other species of wildlife which feeding:

- a) Results in a threat to the public health, safety or welfare of park visitors, patrons, or employees; or
- b) Draws birds or wildlife to an area for any purpose including hunting or poaching.

5019.4 Non-Game Fish. Feeding Prohibition.

No person shall feed non-game fish except at designated fish feeding stations.

5020. Plants.

All trees, plants and vegetation, on County park land are protected. No person shall

collect, destroy, or remove any tree, plant, or other vegetation from park lands or waterways except by permission of the director of parks and recreation. Dead fallen wood [(no standing timber)] may be collected for use as firewood at park campgrounds and picnic areas. No person shall collect standing timber for use as firewood.

5020.1 Deer Stands. Prohibition.

No person shall use, construct or in any way attach a deer stand, or any other structure, or any portion thereof, including steps to any tree or any other object, unless approved by the director.

5040. Boating Regulations.

The use and operation of boats, motors, and watercraft on all Jackson County lakes and waterways shall be in accordance with the laws of the State of Missouri and the Missouri Water Patrol. The legislature may prescribe rules and regulations pertaining to licensing, permits, size, type, horsepower and operation of boats, motors, and watercraft on Jackson County lakes. Also, the director of parks and recreation may promulgate rules and regulations pertaining to the use of the parks.

5040.1 Copies of State Regulations.

The director shall file a true copy of the Missouri Watercraft Manual with the clerk of the county legislature by January 15 of each year. Copies of the Missouri Watercraft Manual shall be made available to park patrons at park offices and

through park rangers.

**5040.2 Personal Flotation Services, Class I, II, and III Motorboats.**

No person shall operate or otherwise ride as a passenger in any class I, II, or III motorboat (motorboats 16 feet and over in length) unless such boat shall have on board at least one wearable personal flotation device of type I, II, or III, as approved by the United States Coast Guard, in serviceable condition and readily accessible, for each person on board said boat and for each person being towed by said boat who is not wearing such a device, and unless such boat shall have on board at least one approved type IV throwable personal flotation device. Ski belts and inflatables do not qualify as approved personal flotation devices.

**5040.3 Personal Flotation Devices, Class A [Motorboats] Watercraft.**

No person shall operate or otherwise ride as a passenger in any class A [motorboat] watercraft (less than 16 feet in length) unless such boat shall have on board at least one personal flotation device of class I, II, III, or IV, as approved by the United States Coast Guard, in serviceable condition and readily accessible, for each person on board said boat and for each person being towed by said boat who is not wearing such a device. Ski belts and inflatables do not qualify as approved personal flotation devices.

**5040.4 Personal Flotation Devices, Persons Under the Age of Seven (7) Years.**

No person shall operate or otherwise ride as a passenger in any motorboat, sailboat, canoe, kayak, or any other similar watercraft, containing any person under the age of seven (7) years, unless each such person under the age of seven (7) years is wearing a United States Coast Guard approved personal flotation device. Ski belts and inflatables do not qualify as approved personal flotation devices.

5040.5 Lighting.

No person shall operate any motorboat, sailboat, canoe, kayak or other watercraft between the hours of sunset and sunrise unless such watercraft shall exhibit running lights in the following manner:

- a) positioned on the bow, a red light to the port and a green light to the starboard visible for 180 degree for one mile and,
- b) positioned on the stern a white light visible for 360 degree for two miles.

5040.6 Fire Extinguishers.

No person shall operate any motorboat unless such motor boat shall carry on board United States Coast Guard approved fire extinguishers as follows:

- a) Every class A and every class 1 motorboat carrying or using gasoline or

any other flammable or toxic fluid: one B1 type fire extinguisher;

b) Every class 2 motorboat: one B2 or two B1 type fire extinguishers;

c) Every class 3 motorboat:

1. Three B1 type fire extinguishers; or

2. One B2 type and one B1 type fire extinguisher; or

3. A fixed fire extinguishing system and one B2 type fire extinguisher;

or

4. A fixed fire extinguishing system and two B1 type fire extinguishers.

#### 5040.7 Sounding Devices.

No person shall operate any motorboat, sailboat, canoe, kayak, or other watercraft greater than sixteen (16) feet in length unless such watercraft shall carry on board an operable mouth, hand, or power operated sounding device audible for at least one-half mile.

#### 5040.8 Age Limits.



The minimum age for operating a motorboat in the state of Missouri is twelve (12). No person under twelve (12) years of age shall operate any motorboat unless such person is under the direct (on board) visual and audible supervision of a parent or guardian or other person sixteen (16) years of age or older, or unless such motorboat is moored.

5042. Boat[ing] and Motor Permits.

No person shall operate a boat or other watercraft on any Jackson County [lakes,] waterway[s, ponds or creeks], except for lakeside property owners at Prairie Lee Lake, without [a] the appropriate boat and/or motor permit issued by the Jackson County department of parks and recreation. Permits are non-refundable and non-transferable. Boat permits and combination boat and motor permits shall be placed on the port bow (left front) side of the watercraft. Motor permits shall be placed on the port bow (left front) side on the motor. Lakeside property owners at Prairie Lee Lake will be issued identification tags and will not be required to obtain [a] separate boat and motor permits to use [their own boat docks] Prairie Lee Lake. [Permits will be effective for the length of time stated on the permit and are not transferable. The permit must be placed on the boat or motor on the port side and near the front.] The identification tags shall be placed on the port bow (left front) side of the watercraft.

5042.1 Use of Boat Ramps.

No person may use a ramp at any Jackson County lake or waterway without having

obtained a boat and/or motor permit from the Jackson County department of parks and recreation. To obtain a [boat] permit, the boat and/or motor must be registered and licensed in the owner's state of residency.

#### 5042.2 Mooring, Dock, Dry [Sail] Storage and Locker Permits.

Permits are required for use of [mooring,] and dock[, dry sail and locker] facilities on any Jackson County [lake or] waterway between April 1 and December 1 of each year, and for winter storage between December 1 and March 31]. Dock and mooring spaces may be purchased as available with the actual permit issuance subject to verification of ownership and registration information. Dock and mooring [These] permits will allow the permit holder to use [these facilities on Lake Jacomo] without a separate boat permit] any Jackson County waterway for the time period indicated on the permit; however separate motor permits are still required. Dock and mooring permits shall be placed on the port bow side (left front) of the watercraft. Permits are also required for the use of designated dry storage areas but these do not allow the permit holder use of Jackson County waterways unless the holder also purchases boat and motor permits as applicable. Dry Storage permits shall be placed on the left front side of the trailer or port bow (left front) side of the boat.

#### 5042.3 Renewal of Permits.

[All Jackson County residents holding mooring, dock, dry sail and locker permits]

All dock, mooring and dry storage permit holders of record as of January 1 may renew their permit[s] options during January and February each year on payment of all fees and compliance with the terms and conditions of this chapter. Actual permit issuance will be subject to verification of ownership and registration information. For the purpose of this section, permit holder of record shall be defined as either the current holder of a valid permit if January 1 is included in the permit season or the holder of a valid permit on the last day of the last completed permit season immediately preceding January 1.

#### 5042.4 Permits Issued After March 1.

On [and] or after March 1[st] of each year, any remaining [spaces will] dock, mooring, and dry storage permits may be sold [on a first come, first served basis with preference given to Jackson County residents] using a random drawing procedure or lottery. All interested parties shall register for said lottery between January 1 and February 28 of each year. The lottery shall be held before the third Monday in March. All registrants or their representatives must be present during the drawing in order to participate in the lottery. Any dock, mooring or dry storage purchases through the lottery process will require the full payment of fees at the time of selection. Actual permit issuance will be subject to verification of ownership and registration information.

5042.5 Permits Issued After July 31.

After July 31 of each year, the director of parks and recreation may issue mooring, dock, and dry [sail and locker] storage permits for the remainder of the [year] current season at one-half the fees established for [one (1) full year] the applicable full season.

5042.6 Display of Permits.

No person shall operate dock, moor, or store any watercraft on any Jackson County waterway or on any other property owned, docked or operated by Jackson County unless said watercraft shall display all applicable boat, motor, dock, mooring, and dry storage permits in accordance with this section.

5043. Registration, Display.

No person shall operate any motorboat or any sailboat over twelve (12) feet in length unless such motorboat or sailboat shall be registered for certificate of number and certificate of title, and shall display current registration numbers and stickers in the following fashion: The identification number assigned to a motorboat or sailboat shall be painted or attached to each side of the forward half of the motorboat or sailboat in such a position as to provide clear legibility. Black or dark numbers should be used on light-colored hulls, and white or light numbers should be used on dark-colored hulls providing a sharp contrast in color. The identification number shall read left to right and shall be in [black] block characters of good proportions, not less than three inches in

height. The number must be divided into parts. The letters prefix and suffix, shall be separated from the numbers by two-inch spaces. A hyphen may be placed within the two-inch space.

5045. Length and Width of Boats Permitted.

No person shall operate a boat over ten feet (10') in width or over thirty (30') feet in length on any Jackson County lake or waterway. No person shall operate any [boat] watercraft, except personal watercraft, under eight (8') feet in length on any Jackson County [lake or] waterway.

5049. Sailboats.

No person shall operate a sailboard, windsurfer or similarly designed craft on any Jackson County lake or waterway except in accordance with this section and the rules and regulations promulgated by the director of parks and recreation.

[5049.1 Safety Line.

No person shall operate a sailboard without a safety line to secure the rigging to the sailboard.]

5049.[2] 1 One Occupant.

Only one (1) person may occupy the sailboard during its operation.

5049.[3] 2 Personal Flotation Device Required.

The operator of any sailboard, windsurfer or similarly designed craft must wear at all times while sailboarding a Type I, II or III Personal Flotation Device approved by the U.S. Coast Guard.

5049.[4] 3 Wet Suit Required.

From October 1 through May 15 the operator and any passenger of any sailboard or personal watercraft must wear a wet suit designed to protect the trunk, arms and legs.

5067. Water Skiing.

The operator of any vessel being used to tow a person on water skis or other appropriate device approved for use on Jackson County lakes and waterways must have in addition to himself another person on board seated so as to observe the progress of the person being towed or the vessel must be equipped with a ski mirror and red ski flag. [The ski flag shall be displayed in a conspicuous place on the stern of the boat.] All water skiing and other approved activity shall be conducted only from sunrise to sunset.

5067.1 Direction of Skiing on Prairie Lee Lake.

On Prairie Lee Lake both the operator of the towing vessel and the person or persons being towed will maneuver counterclockwise so that the skis or other device or any person will not strike or collide with another object or person.

50067.2 Waterskiing Conduct.

No person will manipulate water skis or other device in a reckless or negligent manner endangering the life or property of any person. No person shall manipulate water skis or other device while intoxicated or under the influence of any narcotic drug, barbiturates or marijuana.

5067.3 Flotation Devices for Water Skiing.

Any person involved in water skiing or other approved similar activity must wear a type I, II or III coast guard approved personal flotation device. Ski belts and other inflatables are not allowed.

5067.4 Water Skiing at Lake Jacomo.

No person shall water ski on Lake Jacomo except by special permission of the director for special events.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:



County Counselor

I hereby certify that the attached Ordinance, Ordinance #2357 of December 5, 1994 was duly passed on December 19, 1994 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8 Nays 0  
Abstaining 0 Absents 1

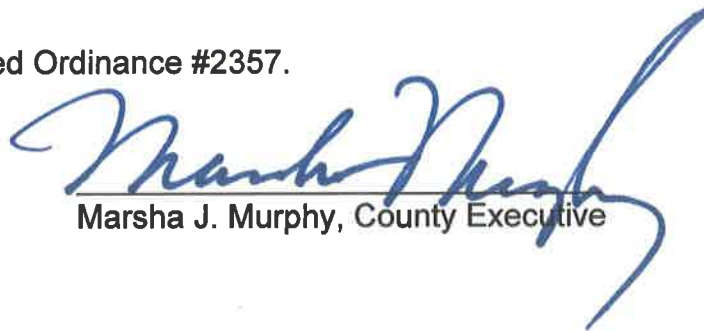
This Ordinance is hereby transmitted to the County Executive for her signature.

12.20.94  
Date

  
Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #2357.

12.22.94  
Date

  
Marsha J. Murphy, County Executive