



Jackson County Missouri

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Legislation Text

File #: 2648, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 5005., 5018., 5027., 5036., 5040., 5042., 5047., 5066., and 5072., Jackson County Code, 1984, relating to activities in County parks, and enacting, in lieu thereof, ten new sections relating to the same subject.

ORDINANCE 2648, March 10, 1997

INTRODUCED BY Fred Arbanas, County Legislator

WHEREAS, in 1995 the Missouri General Assembly amended certain provisions of state law relating to boating on the waters of the state; and,

WHEREAS, it is in the best interests of the health, welfare, and safety of the County's citizens that the Jackson County Code provisions relating to boating on Jackson County waterways be amended to incorporate these same provisions, in order to ensure consistency of enforcement between state and county law enforcement officers on County waterways which are also waters of the state, such as Longview and Blue Springs Lake; and,

WHEREAS, the Director of Parks and Recreation also recommends certain other amendments to chapter 50 of the Code governing activities in County parks; now therefore,

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

Section A. Enacting Clause. Sections 5005., 5018., 5027., 5036., 5040., 5042., 5047., 5066., and 5072., Jackson County Code, 1984, are repealed and ten new sections enacted in lieu thereof, to be known as sections 5005., 5018., 5027., 5036., 5037., 5040., 5042., 5047., 5072., and 5075., to read as follows, with existing section 5075. to be renumbered accordingly:

5005. Park Rangers.

The Jackson County park rangers shall assist the director of parks and recreation in the control, management, and protection of all Jackson County parks, park property, and all wildlife, natural, and cultural resources of the parks.

5005.1 General Duties.

Jackson County park rangers shall strive to assure the convenience and safety of all persons using county parks as permitted by this chapter.

5005.2 Enforcement of Park Regulations.

Jackson County park ranger shall have concurrent jurisdiction with the officers of the Sheriff's Patrol to enforce all park regulations set out in chapter 50, Jackson County Code. (See 64.335 & 590.105 RSMo)

5005.3 Enforcement of Nonmoving Traffic Violations.

Jackson County park rangers shall have the jurisdiction to enforce the following provisions of chapter 52, Traffic Code and chapter 55, Petty Offenses:

- 5270. Obstruction of Traffic Prohibited;
- 5271. Blocking Driveway Prohibited;
- 5272. Standing in Curb Loading Zone;
- 5273. Maximum Time at Curb Loading Zone;
- 5274. Buses;
- 5275. Taxicabs;
- 5276. Bus and Taxicab Stands, Use Restrictions;
- 5277. Parking Restricted on Certain Streets;
- 5284. Illegally Parked Vehicles;
- 5286. Vehicle Abandonment Prohibited;
- 5531. Disorderly Conduct;
- 5539. Obedience to Sheriff, Deputy, or Park Ranger;
- 5540. Littering;
- 5547. Possession of Controlled Substances; [and,]
- 5549. False Report or Information;
- 5551. Fleeing or Attempting to Elude an Officer;
- 5552. Hindering an Officer/Resisting Arrest;
- 5554. Resisting Arrest; and
- 5556. Public Indecent Exposure.

5005.4 Violation of Law other than Park Regulation.

On observing any violation of any county ordinance, or the laws of the United States or the state of Missouri, the Jackson County park rangers may notify the sheriff, the Highway Patrol, or any appropriate law enforcement authority of the United States, the state, or the county, or of the city in which the park is located.

5005.5 Emergencies.

In the event of emergencies involving illness or injury, or danger to life, the Jackson County park rangers shall take reasonable steps to obtain needed medical, rescue or other emergency assistance.

5005.6 Oath of Office.

Upon successful completion of required law enforcement training, each park ranger shall take an oath of office before the clerk of the county legislature.

5018. Wildlife.

No person shall pursue, catch, kill, molest, possess, illuminate, spotlight, or take in any manner or any quantity any wildlife or destroy the dens or nests of any wildlife on park land except as otherwise permitted by this chapter, or by the express permission of the director of parks and recreation when necessary to control animal damage.

5018. Domestic Animals.

No person shall bring any domestic animal into any county park unless such animal shall be in the immediate control of such person on a leash not exceeding six feet in length.

5018.2 Horseback Riding.

No person shall engage in horseback riding in county parks except on bridle paths and in areas designated by the director of parks and recreation.

5018.3 Trapping.

No person shall set or possess any steel, plastic or wooden trap for catching, pursuing or killing wildlife in any Jackson County park.

5018.4 Livestock.

No person shall graze any livestock in any Jackson County park.

5027. Shelterhouse Reservations.

No person shall use or occupy any shelter house on any Jackson County park without first making a reservation with and securing a permit from the director of parks and recreation. Shelterhouse reservations may only be made by a person twenty-one (21) years of age or older. The person making the reservation shall be held accountable for the condition of the shelterhouse at the end of their use of the shelterhouse. The person reserving the shelterhouse shall also be responsible for the actions of those in his party.

5036. Natural Terrain Maintained, Metal Detectors, Mining, and Prospecting Prohibited.

[The natural terrain, plants and animals shall not be disturbed in any way.] No person shall disturb in any way the natural terrain, plants, or animals in any Jackson County park. No person shall operate a metal detector, or mine or prospect for any mineral, in any Jackson County park without the written permission of the director of parks and recreation.

5037. Docks on Prairie Lee Lake, Permit Required.

Owners of lakeside property at Prairie Lee Lake may be permitted to construct docks on the lake in accordance with this section. Such docks shall be compatible with other docks and lakeside residences in terms of size, type, and method of construction. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any dock or similar structure on the waters of Prairie Lee Lake, or cause or permit the same to be done, without first obtaining a valid permit from the director of parks and recreation.

5037.1 No Fee for Lakeside Property Owners.

No fee for a permit under this section shall be assessed against an owner of lakeside property at Prairie Lee Lake.

5037.2 Standards.

The issuance of permits under this section shall be governed, to the extent practicable, by the standards of chapter 54 of this Code, the Uniform Building Code, and the policy enunciated in this section.

5040. Boating Regulations.

The use and operation of [boats, motors, and] watercraft and motors on [all] any Jackson County [lakes and] waterway[s] 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 and motors on Jackson County [lakes] waterways. Also, the director of parks and recreation may promulgate rules and regulations pertaining to the use of the parks. As used in this chapter, the term "motor" shall include any inboard or outboard motor used to propel a watercraft, regardless of horsepower or type of fuel used.

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 Watercraft.

No person shall operate or otherwise ride as a passenger in any class A 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)] fourteen (14). No person under [twelve (12)] fourteen (14) 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. No person shall authorize or knowingly permit a motorboat owned by such person or under such person's control to be operated on any county waterway in violation of this subsection, nor shall a parent or guardian authorize or knowingly permit such a child under fourteen (14) years of age of such parent or guardian to operate a motorboat in violation of this subsection.

5042. Boat and Motor Permits.

No person shall operate [a boat or other] any watercraft on any Jackson County waterway, except for lakeside property owners at Prairie Lee Lake, without the appropriate boat and/or motor permit issued by the Jackson County department of parks and recreation. Permits shall be issued on a seasonal or a one-day basis and are non-refundable and non-transferable. Season boat permits and combination boat and motor permits shall be [placed] displayed on the port bow (left front) side of the watercraft. Season motor permits shall be [placed] displayed on the port bow (left front) side on the motor. One-day ramp permits shall be carried on the watercraft while on any Jackson County waterway. Lakeside property owners at Prairie Lee Lake will be issued identification tags and will not be required to obtain separate boat and motor

permits to use Prairie Lee Lake. The identification tags shall be [placed] displayed on the port bow (left front) side of the watercraft.

5042.1 Use of Boat Ramps.

No person [may] shall use a launching ramp at any Jackson County [lake or] waterway without having obtained [a] the appropriate boat and/or motor permit from the Jackson County department of parks and recreation. [To obtain a permit, the boat and/or motor must be registered and licensed in the owner's state of residency.]

5042.2 Mooring, Dock, Dry Storage and Locker Permits.

[Permits are required for use of mooring, and dock facilities on any Jackson County waterway.] No person shall moor, dock, or store any watercraft on any specifically designated mooring dock, or dry storage facility owned or operated by Jackson County without having obtained the appropriate permit therefor. 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 permits will allow the permit holder to use 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] displayed 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] displayed on the left front side of the trailer [or] and port bow (left front) side of the boat.

5042.3 Renewal of Permits.

All dock, mooring and dry storage permit holders of record as of January 1 may renew their permit 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 or after March 1 of each year, any remaining dock, mooring, and dry storage permits may be sold 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 seasonal boat, motor, combination boat and motor, mooring, dock, and dry storage permits for the remainder of the current season at one-half the fees established for the applicable full season.

5042.6 Display of Permits.

No person shall operate, dock, moor, or store any watercraft, motor, or trailer on any Jackson County waterway or [on any] other property owned 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.

5047. [Jet Ski, Water Bike or Jet Boat] Personal Watercraft.

No person shall operate a personal watercraft, including jet skis, jet boats, jet mates, water scooters, surf jets, wave jammers, wave runners, wet jets, surjets, hydroskis or wet bikes on Lake Jacomo. [Wet bikes, jet boats and jet skis, jet mates, water scooters, surf jets, wave jammer, wave runners, wet jets, surjets, hydroskis] Personal watercraft will be allowed on all other Jackson County lakes and waterways only between sunrise and sunset]. Jet skis, wet bikes, jet boats and the above referenced personal water devices are not allowed] except that no person shall operate a personal watercraft on Prairie Lee Lake on weekends or holidays.

5047.1 Personal Flotation Device Required.

No person shall operate a personal watercraft unless each person aboard is wearing a type I, type II, type III or type V personal flotation device approved by the United States Coast Guard.

5047.2 Engine Cut-off Switch Lanyard, Attachment of.

No person shall operate a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch unless such lanyard is attached to the person's body, clothing, or personal flotation device, as appropriate for the specific vessel.

5047.3 Operation in Reckless or Unsafe Manner Prohibited.

No person shall operate a personal watercraft in a reckless or unsafe manner or perform any maneuver on a personal watercraft which would unreasonably or unnecessarily endanger life, limb, or property. Such maneuvers shall include, but shall not be limited to, weaving through congested vessel traffic, jumping the wake of another vessel when visibility around such vessel is obstructed, becoming airborne or completely leaving the water while crossing the wake of another vessel within one hundred feet of the vessel creating the wake, operating at a speed in excess of a slow- no wake speed within fifty feet of any vessel or any person in or on the water, and operating at such a speed and proximity to another vessel so as to require the operator to swerve to avoid collision. No person shall operate a personal watercraft on any county waterway for towing a person or persons on water skis, or a surfboard, or similar device unless there is a person on the personal watercraft, in addition to the operator, or an approved rear-view mirror attached to the personal watercraft, in a position to observe the progress of the person or persons being towed.

5047.4 Responsibility of Owner of Watercraft.

No person who owns a personal watercraft or who has charge over or control of a personal watercraft shall authorize or knowingly permit the personal watercraft to be operated in violation of this section, nor shall a parent or guardian authorize or knowingly permit a child of such parent or guardian to operate a personal watercraft in violation of this section.

5047.5 Not Applicable to Permitted Special Events.

The provisions of this section shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition for which a permit has been issued by the director.

[5066. Flotation System.

To license a rubber, plastic, or other similarly constructed air chamber craft for operation on any Jackson County lake, waterway, pond or creek, such crafts must have at least three (3) separate air chambers and solid bottoms and transoms.]

5072. Riding on Bow and Gunwales Prohibited.

The operator of a motorboat 26 feet in length or less, shall not ride or sit, or allow any passengers to ride or sit on either the starboard or port gunwales or on the decking over the bow railing, top of seat back, or decking over the back of the motorboat while under way, unless such person is inboard of adequate guards or railings which could prevent someone from being lost overboard. As used in this section, the term "adequate guards or railings" means guards or railings having a height parameter of at least six inches but not more than eighteen inches.

5072.1 Exceptions.

a) The operator may allow a person to temporarily occupy the decking over the bow for a necessary purpose such as docking, mooring to, or casting off from a mooring buoy.

b) Vessels being propelled by sail are not included.

5075. Leaving the Scene of an Accident.

A person commits the offense of leaving the scene of a vessel accident if:

- (1) The person is an operator of a vessel on a waterway;
- (2) The person knows that an injury was caused to another person or to the property of another person, due to the person's action, whether purposefully, negligently or accidentally; and,
- (3) The person leaves the place of the injury, damage, or accident without stopping and giving the following information to the other party or to a park ranger, water patrol officer or other law enforcement officer or, if no officer is in the vicinity, then without delay to the nearest police station or judicial officer:

- (a) The operator's name;
- (b) The operator's residence, including city and street number;
- (c) The vessel registration number; and
- (d) The operator's license number for any license issued under chapter 302, RSMo.

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

APPROVED AS TO FORM:

County Counselor

I hereby certify that the attached Ordinance, Ordinance #2648 introduced on March 10, 1997, was duly passed on _____ March 18 _____, 1997 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____ 8 _____ Nays _____ 0 _____
 Abstaining _____ 0 _____ Absent _____ 1 _____

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

Date Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #2648.

Date Katheryn J. Shields, County Executive