

**CHAPTER 94: WATER SAFETY AND BOATING REGULATIONS**

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**GENERAL PROVISIONS****§ 94.01 TITLE; POLICY; APPLICATION.**

(A) *Title.* This chapter may be cited as the "Water Safety Ordinance."

(B) *Policy.* It is the policy of the city to promote recreational water safety for persons and property in and connected with the use of all recreational water facilities in the city, to promote safety in the operation and equipment of facilities, and to promote uniformity of laws relating to water safety.

(C) *Application.* The provisions of this chapter apply to all public water in this city and to all watercraft navigated or moving on the public water. Privately owned water is not subject to the provisions of this chapter.

(Ord. 662, passed 6-19-95)

**§ 94.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BOAT.** A vessel not more than 65 feet in length, measured from end to end over the deck, excluding sheer, and manufactured or used primarily for non-commercial use.

**BOAT LIVERY.** A business establishment engaged in renting or hiring out motorboats for profit.

**DEALER.** A person customarily engaged in the business of buying, selling, or exchanging motorboats or outboard motors at an established or permanent place of business in this city and that at each place of business there is a sign conspicuously displayed showing the name of the dealership so that it may be located by the public and with sufficient space to maintain an officer, service area, and display of products.

**MANUFACTURER.** A person engaged in the business of manufacturing new and unused motorboats and outboard motors for the purpose of sale or trade.

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**MOTORBOAT.** Any vessel propelled or designed to be propelled by machinery, whether or not the machinery is permanently or temporarily affixed or is the principal source of propulsion.

**NEW.** Every motorboat or outboard motor after its manufacture and before its sale or other transfer to a person not a manufacturer or dealer.

**OPERATE.** To navigate or otherwise use a motorboat or a vessel.

**OUTBOARD MOTOR.** Any self-contained internal combustion propulsion system, excluding fuel supply, which is used to propel a vessel and which is detachable as a unit from the vessel.

**OWNER.** The person who rightfully claims lawful possession of a vessel by virtue of the legal title or an equitable interest.

**PERSONAL WATERCRAFT.** A motorboat up to 10 feet in length, which is designed to be operated by a person or persons sitting, standing, or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

**REASONABLE TIME.** Fifteen days.

**UNDOCUMENTED MOTORBOAT.** A vessel that is not required to have, and does not have, a valid marine document issued by the Bureau of Customs of the United States or its successor.

**VESSEL.** Any watercraft, other than a seaplane on water, used or capable of being used for transportation on water.

**WATER OF THIS CITY.** Any public water within the territorial limits of this city.  
(Ord. 662, passed 6-19-95)

**REQUIRED EQUIPMENT****§ 94.15 OPERATION OF VESSELS WITHOUT REQUIRED EQUIPMENT.**

No person may operate or give permission for the operation of a vessel that is not provided with the equipment required by this subchapter.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.16 CLASSES OF MOTORBOATS.**

Motorboats subject to the provisions of this chapter are divided into four classes according to length as follows:

- (A) *Class A.* Less than 16 feet in length.
- (B) *Class 1.* Sixteen feet or over and less than 26 feet in length.
- (C) *Class 2.* Twenty-six feet or over and less than 40 feet in length.
- (D) *Class 3.* Forty feet in length or over.  
(Ord. 662, passed 6-19-95)

**§ 94.17 LIGHTS.**

(A) A vessel or motorboat when not at dock must have and exhibit at least one bright light, lantern, or flashlight from sunset to sunrise in all weather. A vessel or motorboat when underway between sunset and sunrise in all weather must have and exhibit the lights prescribed below for boats of its class. No other lights that may be mistaken for those prescribed may be exhibited.

(B) Each Class A and Class 1 motorboat must have the following lights:

- (1) A bright white light aft to show all around the horizon; and
- (2) A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(C) Each Class 2 and Class 3 motorboat must have the following lights and light screens:

- (1) A bright white light in the fore part of the vessel as near the stern as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass and so fixed as to throw the light 10 points on each side of the vessel, namely from right ahead to two points abaft the beam on either side;
- (2) A bright white light aft to show all around the horizon and higher than the white light forward;
- (3) A green light on the starboard side so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side;



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(4) A red light on the port side so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass and so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and

(5) Inboard screens fitted on the starboard and port side lights of sufficient length and so set as to prevent the side lights from being seen across the bow.

(D) Each Class A and Class 1 motorboat, when propelled by sail alone, must have the combined lantern but not the white light aft prescribed in subdivision (B)(2) of this section.

(E) Each Class 2 and Class 3 motorboat, when propelled by sail alone, must have the colored side lights, suitably screened, but not the white lights prescribed in division (C) of this section.

(F) Motorboats of all classes, when propelled by sail alone, must have ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert a collision.

(G) A white light required by this section must be visible at a distance of at least two miles. A colored light required by this section must be visible at a distance of at least one mile. In this section, **VISIBLE** means visible on dark nights with clear atmosphere.

(H) A motorboat propelled by sail and machinery must have the lights required by this section for motorboats propelled by machinery alone.

(I) A motorboat may have and exhibit the lights required by the Regulations for Preventing Collisions at Sea, 1948, Act of October 11, 1951, as amended, instead of the lights specified by this section.

(J) Only police water safety vessels may use rotating or flashing blue beacon lights.  
(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.18 WHISTLES; BELLS.**

(A) A motorboat of Classes 1, 2, or 3 must have an efficient whistle or other sound-producing mechanical appliance.

(B) A motorboat of Classes 2 or 3 must have an efficient bell.  
(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.19 LIFE PRESERVING DEVICES.**

(A) A motorboat must have at least one life preserver, life belt, ring buoy, or other device of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board, so placed as to be readily accessible.

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(B) A motorboat carrying passengers for hire must have a readily accessible life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board.

(C) The operator of a Class A or Class 1 motorboat, while underway, shall require every passenger under 13 years of age to wear a life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard. A life belt or ring buoy does not satisfy this requirement. (Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.20 FIRE PREVENTION EQUIPMENT.****(A) Fire extinguishers.**

(1) A motorboat must have the number, size, and type of fire extinguishers prescribed by the regulations of the commandant of the Coast Guard.

(2) The fire extinguishers must be capable of promptly and effectively extinguishing burning gasoline. They must be kept in condition for immediate and effective use at all times and must be placed so as to be readily accessible.

(B) *Flame arrestors; backfire traps.* A motorboat must have the carburetor or carburetors of every engine using gasoline as fuel, except outboard motors, equipped with an efficient flame arrestor, backfire trap, or other similar device prescribed by the regulations of the commandant of the Coast Guard.

(C) *Ventilators.* Each motorboat and vessel, except an open boat, using as fuel any liquid of a volatile nature must have the equipment prescribed by the regulations of the commandant of the Coast Guard designed to ventilate properly and efficiently the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases. (Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.21 EXHAUST WATER MANIFOLD; MUFFLER.**

A motorboat operating on the water in this city must have an exhaust water manifold or a factory-type muffler installed on the engine. (Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.22 REARVIEW MIRRORS.**

(A) A vessel used to tow a person or persons on water skis or an aquaplane or similar device on the water in this city must have a rearview mirror of a size no less than four inches from bottom to top and across from one side to the other. The mirror must be mounted firmly so as to give the boat operator a full and complete view beyond the rear of the boat at all times.

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(B) Division (A) of this section does not apply to vessels used in water ski tournaments, competitions, or exhibitions, or to a vessel that, in addition to its operator, has on board a person 13 years of age or older observing the progress of the person being towed.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.23 CERTAIN TYPES OF VESSELS EXEMPTED.**

All canoes, punts, rowboats, sailboats, and rubber rafts when paddled, poled, oared, or windblown are exempt from all required safety equipment except the following:

(A) One Coast Guard approved lifesaving device for each person aboard; and

(B) The lights prescribed for Class A vessels in division (B) of § 94.17 of this chapter.  
(Ord. 662, passed 6-19-95)

***BOATING REGULATIONS*****§ 94.35 RULES APPLICABLE TO ALL PUBLIC WATERS.**

The United States Coast Guard Inland Rules apply to all public water of this city to the extent they are applicable.

(Ord. 662, passed 6-19-95)

**§ 94.36 EXCESSIVE SPEED.**

No person may operate any boat at a rate of speed greater than is reasonable and prudent, having due regard for the conditions and hazards, actual and potential, then existing, including weather and density of traffic, or greater than will permit him, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.37 HAZARDOUS WAKE OR WASH.**

No person may operate a motorboat so as to create a hazardous wake or wash.  
(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.38 CIRCULAR COURSE AROUND FISHERMAN OR SWIMMER.**

(A) No person may operate a motorboat in a circular course around any other boat any occupant of which is engaged in fishing or around any person swimming.

(B) No swimmer or diver may come within 200 yards of a sightseeing or excursion boat except for maintenance purposes or unless within an enclosed area.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.39 INTERFERENCE WITH MARKERS OR RAMPS.**

(A) No person may moor or attach a boat to a buoy, beacon, light marker stake, flag, or other aid to safe operation placed upon the public water of this city. No person may move, remove, displace, tamper with, damage, or destroy the markers or aids to safe operation.

(B) No person may moor or attach a vessel to a public boat launching ramp except in connection with the launching or retrieving of a boat from the water.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.40 OBSTRUCTING PASSAGE.**

(A) No person may anchor a boat in the traveled portion of a river or channel so as to prevent, impede, or interfere with the safe passage of any other boat through the same area.

(B) No person may anchor a vessel near a public boat ramp so as to prevent, impede, or interfere with the use of the boat ramp.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.41 OPERATING BOATS IN RESTRICTED AREA.**

No person may operate a boat within a water area that has been clearly marked, by buoys or some other distinguishing device, as a bathing, fishing, swimming, or otherwise restricted area by the city. This section does not apply to a patrol or rescue craft or in any case of an emergency.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.42 OPERATING VESSELS IN SCUBA DIVING OR SNORKELING AREAS.**

(A) No person may operate a vessel within 50 feet of a buoy or of another vessel displaying a "diver down" flag that marks an area in which a person is scuba diving or snorkeling.



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(B) No person may operate a vessel at a speed greater than the minimum speed necessary to maintain steerageway and headway while the vessel is within 150 feet of a buoy or a vessel displaying a "diver down" flag that marks an area in which a person is scuba diving or snorkeling.

(C) To be entitled to the protections of this section, a scuba diver or snorkeler must prominently display a "diver down" flag from a buoy or vessel.

(D) This section does not apply:

- (1) To a person who is operating a patrol or rescue craft; or
- (2) In an emergency.

(E) Division (A) of this section does not apply:

(1) To a person who is already operating a vessel in an area when another person displays a "diver down" flag within 150 feet of that vessel;

(2) To a person who is operating a vessel in a waterway that is less than 300 feet wide; or

(3) To a person who has permission to enter the area from the person who placed the buoy or the person who is operating the vessel displaying the "diver down" flag.

(F) In this section, *DIVER DOWN FLAG* means a square or rectangular red flag that has a diagonal white stripe and is at least 24 inches by 24 inches in size.  
(Ord. 662, passed 6-19-95) Penalty, see § 94.99

#### § 94.43 OPERATION OF WATER-SKIS, AQUAPLANES, AND THE LIKE.

(A) No person may operate a vessel on any water of this city towing a person or persons on water-skis, surfboards, or similar devices and no person may engage in water-skiing, surfboarding, or similar activity at any time between the hours from one hour after sunset to one before sunrise. This section does not apply to motorboats or vessels used in water-ski tournaments, competitions, or exhibitions or trials therefor if adequate lighting is provided.

(B) All motorboats having in tow or otherwise assisting in towing a person on water-skis, aquaplanes, or similar contrivances shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(C) A person being towed on water-skis, aquaplanes, or similar devices by a vessel is considered an occupant of the vessel.  
(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.44 SPEED LIMIT AND PROHIBITION OF WATER SKIING ON DIVERSIONARY CANAL.**

(A) It shall be unlawful for any person to operate any vehicle upon the Highland Bayou Diversionary Canal commencing at a point located 400 feet East of the Hitchcock Sewer Plant and ending at the Highland Bayou Diversionary Canal's intersection with Highland Bayou at a speed in excess of five miles per hour.

(B) It shall be unlawful for any person to water ski upon the Highland Bayou Diversionary Canal from a point located 400 feet East of the Hitchcock Sewer Plant and the Highland Bayou Diversionary Canal's intersection with Highland Bayou.

('78 Code, § 13-6) (Ord. 327, passed 8-28-78; Am. Ord. 543, passed 9-22-88; Am. Ord. 589, passed 7-17-91) Penalty, see § 94.99

**ADMINISTRATION AND ENFORCEMENT****§ 94.55 ENFORCEMENT OFFICERS.**

(A) All peace officers of this city are enforcement officers for the purposes of this chapter.

(B) The enforcement officers may enforce the provisions of this chapter by arresting and taking into custody any person who commits any act or offense prohibited by this chapter or who violates any provision of this chapter.

(Ord. 662, passed 6-19-95)

**§ 94.56 POLICE WATER SAFETY VESSEL; REQUIRED RESPONSE.**

The operator of a vessel underway, on sighting a rotating or flashing blue beacon light, shall reduce power immediately and bring the vessel to a no-wake speed and subsequent stop until the intention of the water safety vessel is understood.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.57 INSPECTION OF VESSELS.**

(A) In order to enforce the provisions of this chapter, an enforcement officer may stop and board any vessel subject to this chapter and may inspect the boat to determine compliance with applicable provisions.

(B) An officer boarding a vessel shall first identify himself by presenting proper credentials.

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(C) No person operating a boat on the water of this city may refuse to obey the directions of an enforcement officer when the officer is acting under the provisions of this chapter.

(D) The safety of the vessel shall always be the paramount consideration of an arresting officer.

(E) If an enforcement officer determines that a vessel and its associated equipment is being used in violation of this chapter so as to create an especially hazardous condition, he may direct the operator to return to mooring, and the vessel may not be used until the condition creating the violation is corrected.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.58 VIOLATION; NOTICE TO APPEAR.**

(A) An enforcement officer who arrests a person for a violation of this chapter may deliver to the alleged violator a written notice to appear within 15 days after the date of violation before the court having jurisdiction of the offense.

(B) The person arrested shall sign the notice to appear promising to make his appearance in accordance with the requirements set forth in the notice. After signing the notice the person may be released. Failure to appear before the court having jurisdiction constitutes a violation of this chapter. A warrant for the arrest of the person failing to appear may be issued.

(Ord. 662, passed 6-19-95) Penalty, see § 94.99

**§ 94.99 PENALTY.**

(A) Any person who violates any provision of § 94.44 of this chapter shall be subject to the penalty provided in § 10.99.

(B) Any person who violates or fails to comply with any other provision of this chapter commits an offense that is a Class C Texas Parks and Wildlife Code misdemeanor punishable by a fine of not less than \$25 nor more than \$500. (Ord. 662, passed 6-19-95)

**ORDINANCE NO. 2004-844****AN ORDINANCE ADDING SECTION 94.45 OF THE HITCHCOCK CODE OF ORDINANCES REGARDING SPEED LIMIT AND PROHIBITION OF WATER SKIING ON JOHNSON CANAL**

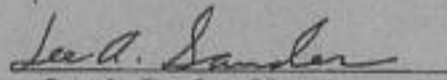
BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY HITCHCOCK, TEXAS:

"SECTION 94.45 SPEED LIMIT AND PROHIBITION OF WATER SKIING ON JOHNSON CANAL.

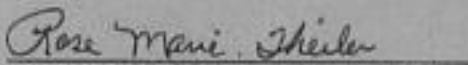
- (A) It shall be unlawful for any person to operate any vehicle upon the Johnson Canal connecting east of Harbor Walk Drive at a speed in excess of five (5) miles per hour.
- (B) It shall be unlawful for any person to water ski upon the Johnson Canal from a point located east of Harbor Walk Drive."

**PASSED AND APPROVED** on first reading this the 16th day of August, 2004, by a vote of 4 "yes" in favor of and 0 "nos" and against, with 4 number of commissioners present and voting.

**PASSED AND APPROVED** on second and final reading this the 24th day of August, 2004, by a vote of 5 "yes" in favor of and 0 "nos" and against, with 5 number of commissioners present and voting.

  
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**Lee A. Sander, Mayor**  
**City of Hitchcock**

**ATTEST:**

  
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**Rose Marie Theiler, City Secretary**