

CHAPTER 97: PERSONAL WATERCRAFT SAFETY

Section

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§ 97.01 DEFINITION.

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

PERSONAL WATERCRAFT. Shall be defined as in G.S. § 75A-13.3(a).
(Ord. passed 6-13-00)

§ 97.02 OPERATOR.

The restrictions for operation of a personal watercraft shall be as described in G.S. § 75A-13.3(b), except that only persons at least 13 years of age but under 16 years of age may operate personal watercraft pursuant to subparagraphs (1) and (2) of that statute.
(Ord. passed 6-13-00)

§ 97.03 SPEED.

In all Brunswick County waters, no person may operate a personal watercraft in excess of headway speed, which shall not exceed six m.p.h.:

- (A) Within 50 feet of posted waterbird sanctuaries or management areas.
- (B) Within 25 feet of the marsh or shore within the Intracoastal Waterway.
(Ord. passed 6-13-00) Penalty, see § 97.99

§ 97.04 WILDLIFE.

In accordance with G.S. § 113-291.1, it shall be unlawful for an operator of a personal watercraft on the water in Brunswick County to chase, harass, molest, or disturb any wildlife when lawfully angling for, hunting or trapping such wildlife.
(Ord. passed 6-13-00) Penalty, see § 97.99

§ 97.05 SALE.

At the time of purchase, a dealer in personal watercraft shall require the buyer of a personal watercraft to receive instruction addressing safe operation of the watercraft.
(Ord. passed 6-13-00) Penalty, see § 97.99

§ 97.06 LEASE.

A personal watercraft livery owner or the livery's agent or employee shall:

- (A) Require positive identification from all renters;
- (B) Post personal watercraft regulations;
- (C) Require all renters to read the regulations;
- (D) Require all renters to sign a rental contract, containing a clause stating that the renter has read and understood all applicable safety regulations; and
- (E) Instruct all renters in the safe operation of the personal watercraft;
(Ord. passed 6-13-00) Penalty, see § 97.99

§ 97.99 PENALTY.

Any person who shall violate the provisions of this chapter shall be guilty of a Class 3 misdemeanor punishable by a fine of not more than \$500 or imprisonment for not more than 20 days, in the discretion of the Court, as provided by G.S. § 14-4.
(Ord. passed 6-13-00)

On May 13, 2003, Chapter 97, "Personal Watercraft Safety" was rescinded (since the ordinance had been superseded by State Law 75A-13-3). BACKGROUND: Calabash could not adopt state law (according to Attorney, Mike Ramos) because only certain towns could further regulate personal watercraft in bodies of water within the town limits, and Calabash was not a town listed in state law. Therefore, according to Mr. Ramos, Calabash could regulate "shoreline" businesses (Personal Recreational Watercraft Ordinance as pertaining to livery and rentals businesses) by amending the privilege license and zoning ordinance (below).

On July 8, 2003, the Calabash Board of Commissioners (after appropriate public hearings) approved amendments to Chapter 111 (Licenses and Permits) and Chapter 153 (Zoning). Specifically, Sections 111.01, 111.10, 153.140(B)(3), 153.238 and 153.309 (D).

AMENDMENTS TO CHAPTER 111,
LICENSE AND PERMITS

Amendments to Chapter 111, License and Permits

111.01: Definitions

{Added via amendment}

PERSONAL RECREATION WATERCRAFT LIVERY PERSON.

Any person, employee, owner or agent that engages in the rentals of personal recreational watercraft (such as jet skis, boats, parasailing and/or similar motorized devices).

{Added via amendment}

111.10: PERSONAL RECREATION WATERCRAFT LIVERY.

Livery persons shall be allowed to rent or lease personal recreational watercraft at any time between sunset and sunrise. No persons under 16 years of age shall be allowed to operate rental personal recreational watercraft unless:

(1) The person is accompanied by a person of at least 18 years of age who physically occupies the watercraft, or

(2) The person possesses on his or her person while operating the watercraft, identification showing proof of age and a boater safety certification card issued by the Wildlife Resources Commission or proof of other satisfactory completion of a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA), and produces that identification and certification card upon the request of the Town of Calabash Code Enforcement Officer, the Wildlife Resources Commission and/or a local law enforcement agency.

It shall be unlawful for any person, firm or corporation to engage in the business of renting personal recreational watercraft to the public for operation by the rentee unless such person, firm or corporation has secured insurance for his/her own liability and that of his rentee, in such an amount as is hereinafter provided, from an insurance company duly authorized to sell liability insurance in this State. Each such personal recreational watercraft rented must be covered by a policy of liability insurance of \$1,000,000 insuring the owner and rentee and their agents and employees while in the performance of their duties against loss from any liability imposed by law for damages including damages for care and loss of services because of bodily injury to or death of any person and injury to and destruction of property caused by accident arising out of the operation of such personal recreational watercraft. The livery must provide a copy of the liability insurance policy to the Town of Calabash at the time the Privilege License is purchased and obtained. The livery must indemnify and hold harmless the Town of Calabash against all claims, damages, demands, costs, expenses or liabilities of said watercraft livery business.

Watercraft business owners, agents or employees shall require all renters to read and abide by all safety regulations of the State pertaining to the safe operation of Personal Recreational Watercraft, require all renters to sign a rental contract (containing a clause stating that the renter has read and understood all applicable safety regulations), and instruct all renters in the safe operation of personal recreational watercraft.

Any person, firm or corporation violating any section or provision of this Personal Recreational Watercraft Ordinance shall, upon conviction, be guilty of a misdemeanor and be fined not more than \$500, or imprisoned not more than thirty (30) days. Each day a violation continues, however, shall be a separate and distinct offense, punishable as hereinbefore provided.

AMENDMENTS TO CHAPTER 153, ZONING

153.140(B)

{Under Conditional Uses, # 3 was added}

- (3) Personal recreational watercraft livery businesses (including jet skis, boat, parasailing and/or similar motorized rentals).
 - (a) No livery shall lease, hire, or rent personal recreational watercraft on waterfront docks and piers.
 - (b) No livery watercraft business shall be located within 500 yards of a similar watercraft business.
 - (c) Provisions for permanent structures to house such watercraft livery business are provided in 153.140 (C)(7).
 - (d) Provisions for restroom requirements are provided in ICC 2000 of the International Plumbing Code (required for all businesses), 403.1 – minimum facilities, Table 403.1.

(e) Provision for sign requirements are provided in the Zoning Code, 153.239 (1 sign).

(f) Any person, firm or corporation violating any section or provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and be fined not more than \$500, or imprisoned not more than thirty (30) days. Each day a violation continues, however, shall be a separate and distinct offense, punishable as hereinbefore provided.

153.238: Definitions

{Added via amendment}

PERSONAL RECREATIONAL WATERCRAFT LIVERY BUSINESS.

A livery or rental business that engages in renting personal watercraft (jet skis, boats, parasailing and similar vessels which primarily uses a motorized source of power).

153.309 (D): Specific Parking Standards

{Added via amendment}

<u>Use Group</u>	<u>Spaces Required</u>
Watercraft Livery Businesses (jet skis, boat rentals, parasailing and similar motorized watercraft)	1 space/employee 1 space per customer