

AN ORDINANCE AMENDING CHAPTER 212: MOZINGO PARK REGULATIONS OF THE MUNICIPAL CODE OF MARYVILLE, MISSOURI

WHEREAS, the City desires to preserve and reinforce the processes and character of Mozingo Lake Recreation Park while allowing flexibility for efficient park operations; and,

WHEREAS, the City of Maryville recognizes the growth of Mozingo Lake Recreation Park and desires to amend regulations to guide existing and future operations; and,

WHEREAS, on March 15, 2021, the Mozingo Advisory Board evaluated proposed amendments to Chapter 212: Mozingo Park Regulations of the Municipal Code of Maryville and unanimously recommends approval to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, MISSOURI, as follows:

SECTION 1: That Chapter 212: Mozingo Park Regulations of the Municipal Code of Maryville, be and is hereby amended and shall read as follows:

Chapter 212

MOZINGO LAKE RECREATION PARK REGULATIONS

ARTICLE I

Regulations - Generally

Section 212.010 Scope.

[R.O. 2008 §212.010; Ord. No. 5448 §1, 7-29-1996]

The provisions of this Chapter govern the use and management of the Mozingo Lake Recreation Park.

Section 212.020 Definitions.

[R.O. 2008 §212.020; Ord. No. 5448 §1, 7-29-1996]

When used in this Chapter, the following words and phrases shall have the following meanings. If any words or phrases are not defined by this Chapter, but are defined in the State laws regulating the use of parks, the State definition shall apply.

ALL-TERRAIN VEHICLE

Any motorized vehicle manufactured and used exclusively for off-highway use, which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressured tires, with a seat design to be straddled by the operator and handlebars for steering control.

CAMPING UNIT

The maximum combination of camping equipment allowed in one campsite.

CLASS OF VESSELS

Those classes as set forth in Chapter 306, RSMo.

DESIGNATED AREAS

Those areas designated by specific purposes described and signed as set forth for Mozingo Lake Recreation Park, and as approved by the City Council of the City of Maryville, Missouri.

FIREWORKS

Any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations, and American Pyrotechnics Association 87-1 standards.

GOLF CAR

A "golf car" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour. Also commonly known as "golf carts".

MEMORIAL

A monument commemorating an event of historical importance, a historic personage or group of persons or patriotic subjects.

MIGRATORY WATERFOWL

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.

MONUMENT

Any shrine, plaque, ornament, statue, marker, sign, artwork, flag or other permanent structure to be placed at Mozingo Lake Recreation Park for the purpose of public information or aesthetic enhancement

MOTOR VEHICLE

Any self-propelled vehicle not operated exclusively on tracks.

MOZINGO LAKE RECREATION PARK

All land, shoreline and any body of water, including lakes, ponds, streams or tributaries owned, whether in whole or in part, or controlled by the City of Maryville, Missouri, and located upon the real estate adjoining Highway 136 East, also known as the Mozingo Creek Watershed Project, Mozingo Lake, or Mozingo.

PARK

Mozingo Lake Recreation Park.

PERSONAL WATERCRAFT

A class of vessel, which is less than sixteen (16) feet in length, propelled by machinery which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than being operated by a person sitting or standing inside the vessel.

RECREATIONAL VEHICLE

A Recreational Vehicle, often abbreviated as RV, is a motor vehicle or trailer which includes living quarters designed for accommodation. Types of RVs include motorhomes, campervans, caravans (also known as travel trailers and camper trailers, fifth-wheel trailers, popup campers, and truck campers.

SKI MIRROR, APPROVED

Ski mirror approved by the Missouri State Water Patrol defined by the following parameters: three (3) inches in height, eight (8) inches in length and being convex (curved outward) in shape to give one hundred eighty degrees (180°) of vision behind the operator. Large flat mirror such as those found on professional ski boats are also acceptable for skiing operations.

SLOW, NO WAKE ZONE

"Slow, no wake zone" "idle speed" and "no wake area" are areas in which vessels must operate at idle speed. "*Idle speed*" is the slowest speed at which a vessel will move through the water while able to maintain course. A vessel operating at idle speed creates very little boat wake.

TENT

A portable shelter made of cloth, supported by one or more poles and stretched tight by cords or loops attached to pegs driven into the ground.

VESSEL

Every motorboat and every description of motorized watercraft, and any watercraft more

than twelve (12) feet in length which is powered by sail alone or by a combination of sail and machinery, used or capable of being used as a means of transportation on water, but not any watercraft having as the only means of propulsion a paddle or oars.

WASTEWATER

Liquid and water carried waste and sewage, whether treated or untreated.

WATERCRAFT

Any boat or craft, including a vessel, used or capable of being used as a means of transport on waters.

WATERWAY

Any body of water, lake, pond, stream or waterway owned or controlled by the City of Maryville at Mozingo Park.

Section 212.030 Park Security Officers.

[R.O. 2008 §212.030; Ord. No. 5448 §1, 7-29-1996]

- A. *Establishment.* Park Security Officers shall assist in the control, management and protection of Mozingo Lake Recreation Park, including park property, waterways and all wildlife, natural and cultural resources of the park.
- B. *General Duties.* Park Security Officers shall strive to assure the convenience and safety of all persons using Mozingo Lake Recreation Park as permitted by this Chapter.
- C. *Enforcement.* Park Security Officers, in conjunction with Maryville Public Safety Officers, shall have authority to enforce all regulations set forth in this Chapter or as otherwise established in the Maryville Municipal Code.

Section 212.040 General Park Provisions.

[R.O. 2008 §212.040; Ord. No. 5448 §1, 7-29-1996]

- A. *Quiet Hours.* Quiet shall be maintained daily at Mozingo Lake Recreation Park between the hours of 10:30 P.M. and 6:00 A.M.
- B. *Park Closing.* The park may be closed to the public entirely or closed for certain uses for a period of time as directed by the City Council, the City Manager or his/her designee. Said closing shall be affected by the posting of signs or other means which notify the public that the park or a portion thereof is closed to the public. During the period of time when the park or any portion or use thereof is closed, no unauthorized person shall enter or occupy the park contrary to posted notices.

Section 212.050 Sales and Concessions.

[R.O. 2008 §212.050; Ord. No. 5448 §1, 7-29-1996]

- A. *Sales and Concessions.* Sales and advertisements of merchandise or other goods for sale or hire in Mozingo Lake Recreation Park are prohibited except by permission of the City Manager or his/her designee, under licenses, leases, or as otherwise provided by this Chapter.

Section 212.060 Vehicle Regulations.

[R.O. 2008 §212.060; Ord. No. 5448 §1, 7-29-1996; Ord. No. 6030 §1, 2-23-1998; Ord. No. 6232 §1, 9-20-1999]

- A. *Operation.* Motor vehicles may only be operated on designated roadways or in designated parking areas. No person shall operate any motor vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, gate or other traffic control barrier device. All operators of motor vehicles must be sixteen (16) years of age and legally able to operate a motor vehicle.
- B. *All-Terrain Vehicles.* No person shall operate an all-terrain vehicle, including Snowmobiles, in Mozingo Lake Recreation Park.
- C. *Truck Sizes.* No person shall operate a truck rated over one and one-half (1½) tons in Mozingo Lake Recreation Park, unless authorized by the City.
- D. *Speed Limits.*

1. The speed limit on all paved and gravel roads within Mozingo Lake Recreation Park, unless otherwise marked, shall be twenty (20) miles per hour.
2. The speed limit in the RV Park area shall be fifteen (15) miles per hour.

E. *Golf Cars.*

1. Use of motorized golf cars will be allowed on public roadways within the boundaries of Mozingo Lake Recreation Park.
2. Golf car operators must have a valid driver license and be over the age of sixteen (16).
3. Golf cars may be operated from sunrise to sunset only, unless equipped with headlights. Golf cars with headlights may not be operated between the hours of 10:00 P.M. – 7:00 A.M.
4. Golf cars are not permitted to operate on the golf course without having a valid trail pass permit or paid any applicable green fees, and are to be used in conjunction with a paid round of golf.

F. *Radio-controlled aircraft.*

1. *Operation of radio-controlled aircraft or boats.* No person shall operate radio-controlled aircraft or boats except in areas designated for such operation.
2. *Radio-controlled flying field sound level.* No person shall operate any radio-controlled flying device with a sound level in excess of ninety-eight (98) decibels on an "A" weighted scale measured from a distance of fifty (50) or more feet.

Section 212.070 Parking Regulations.

[R.O. 2008 §212.070; Ord. No. 5448 §1, 7-29-1996]

- A. *Motor Vehicle.* It shall be unlawful for any person to park or leave unattended any motor vehicle except in areas clearly designated for vehicle parking.
- B. *Trailers.* It shall be unlawful for any person to park or leave unattended any motor vehicle with attached trailer, or trailer alone, except in places clearly designated for trailer parking.
- C. *Handicapped.* It shall be unlawful for any person to stop, park or leave attended or unattended, a motor vehicle or trailer within an area where any authorized signs are erected or other markings exist, designating an area for handicapped parking, unless that person is entitled to, and that vehicle bears and properly displays a valid, distinguishing license plate or placard, issued by the State in which the owner is a resident.

Section 212.080 Vehicle Removal.

[R.O. 2008 §212.080; Ord. No. 5448 §1, 7-29-1996]

Whenever a Public Safety Officer or Park Security Officer finds a motor vehicle or trailer parked in violation of any of the provisions of this Chapter, such officer is authorized to remove such vehicle or require the driver or other person in charge of the vehicle to do so.

Section 212.090 Firearm/Archery Regulations.

[R.O. 2008 §212.090; Ord. No. 5448 §1, 7-29-1996; Ord. No. 5519 §1, 4-21-1997]

- A. *Firearms and Other Weapons.* With the exception of Law Enforcement Officers, Police Officers and others authorized by law, no person shall use, carry or possess any longbow, crossbow, sling shot, pistol, revolver, rifle, shot gun, air gun, spring gun or any other weapon in which the force used to propel projectiles is gunpowder, compressed air, or springs or any other instrument that can be loaded with and fire blank cartridges. However, nothing in this Section shall be construed to prohibit the lawful hunting of wildlife by persons with a valid State of Missouri hunting permit and within the designated hunting areas at Mozingo Lake Recreation Park.

1. Paintball Guns and Markers are permitted within Mozingo Lake Recreation Park in designated areas.

- B. *Skeet Range*. This Section shall not prohibit the use of firearms or other authorized weapons on a skeet range solely on the area designated by Northwest Missouri State University and in accordance with all rules and regulations promulgated for the use of said skeet range.
- C. *Archery Equipment*. Nothing in this Section shall prevent the firing of any crossbow or longbow in designated areas at Mozingo Lake Recreation Park and in accordance with the applicable regulations thereof.
- D. *Shooting into Park*. No person shall discharge a firearm or other weapon into the park from outside park boundaries.

Section 212.100 Hunting.

[R.O. 2008 §212.100; Ord. No. 5448 §1, 7-29-1996; Ord. No. 5520 §1, 4-21-1997; Ord. No. 6485 §1, 7-15-2002; Ord. No. 6873 §§1 — 2, 10-23-2006; Ord. No. 7087 §1, 2-9-2009; Ord. No. 7158 §1, 10-12-2009]

- A. Hunting, under Statewide permits, seasons, methods, and limits, is permitted in Mozingo Lake Recreation Park in accordance with the provisions of *Chapter 12 of the Wildlife Code of Missouri* except as further restricted below.
 - 1. Hunting is restricted only to the designated areas of Mozingo Lake Recreation Park. That area is generally described as the area of Mozingo Lake Recreation Park located north of 245th Street on the west side of the lake and north of 230th Street on the east side of the lake.
 - A. *Single-Projectile Firearms Prohibited*. Subject to the provisions of Section 212.090(A), it shall be unlawful for any person to use, carry, possess or discharge a single-projectile firearm anywhere in Mozingo Lake Recreation Park.
 - B. *Shotguns*. Hunters may not use any weapon other than a shotgun or bow to hunt upon the property at Mozingo Lake Recreation Park. It shall be unlawful to use any single-projectile weapon or single-projectile ammunition at Mozingo Lake Recreation Park.
 - C. *Trapping*. It shall be unlawful for any person to set or possess in Mozingo Lake Recreation Park any metal, plastic or wooden traps unless authorized by the City Manager or his/her designee through a trapping permit. The applicant shall provide a copy of his/her Missouri trapping license, photo identification, and must agree to a hold harmless agreement, releasing the City of any liability. The City reserves the right to limit the number of permits approved, the time period of trapping and number of animals trapped. If trapping is authorized, trappers must comply with *Chapter 8 of the Wildlife Code of Missouri*.
 - D. *Tree Stands*. Portable tree stands may be placed at Mozingo Lake Recreation Park only from (September 1 — January 31). The stands must be identified with the full name and address of the owner and shall be removed from Mozingo Lake Recreation Park by the first day of February. The use of any item which will damage the ground, trees or foliage of Mozingo Lake Recreation Park is prohibited.

Section 212.110 Feeding or Baiting of Wildlife — Prohibited.

[R.O. 2008 §212.110; Ord. No. 5448 §1, 7-29-1996]

- A. No person shall feed or bait any wildlife, including all mammals, birds, migratory waterfowl, deer, raccoons and other species of wildlife.
- B. *Non-Game Fish*. Except at designated fish feeding stations, no person shall feed non-game fish.

Section 212.120 Domestic Animal and Horse Regulations.

[R.O. 2008 §212.120; Ord. No. 5448 §1, 7-29-1996]

- A. *Domestic Animals*. No person shall bring or keep any domestic animal into Mozingo Lake Recreation Park, unless such animal be under the immediate and direct control of such person

and is on a leash not exceeding six (6) feet in length. This restriction applies to cats, dogs and other domestic animals.

- B. *Horseback Riding.* No person shall engage in horseback riding in Mozingo Lake Recreation Park, except on designated paths or in designated areas.
- C. *Livestock.* No person shall graze any livestock in or on Mozingo Lake Recreation Park except by written permission from the City Manager or his/her designee.

Section 212.140 Fishing.

[R.O. 2008 §212.140; Ord. No. 5448 §1, 7-29-1996; Ord. No. 7087 §1, 2-9-2009; Ord. No. 7158 §1, 10-12-2009]

- A. Fish may be taken from Mozingo Lake Recreation Park in accordance with the provisions of *Chapter 12 of the Wildlife Code of Missouri.*
- B. Accessing Mozingo Lake while ice covered is at your own risk.

Section 212.150 Fishing Tournaments.

[R.O. 2008 §212.150; Ord. No. 6058 §§1 — 4, 4-27-1998; Ord. No. 7311 §1, 3-28-2011]

- A. *Fishing Tournaments Permitted.* Fishing tournaments, in which a group of persons participate in a competition to catch fish from boats, are hereby permitted at Mozingo Lake Recreation Park.
- B. *Tournament Rules and Regulations.* The following rules and regulations shall apply to all groups and persons participating in fishing tournaments at Mozingo Lake Recreation Park:
 - 1. No more than one (1) fishing tournament per day is permitted at Mozingo Lake Recreation Park.
 - 2. Fishing tournaments may begin no earlier than thirty (30) minutes prior to sunrise and must be concluded within eight (8) hours of starting time.
 - A. Fishing tournaments during the period of July 1 to August 31, must be concluded no later than 1:30 p.m.
 - 3. Fishing tournaments must be scheduled a minimum of ninety (90) days in advance through the designated staff at Mozingo Lake Recreation Park.
 - 4. Persons participating in fishing tournaments shall maintain and use a livewell for the keeping of fish on their boats.
 - 5. Tournament participants shall return to the lake all fish that are caught.
 - 6. The City reserves the right to cancel a fishing tournament with limited notice.
 - 7. Additional tournament regulations may be applied to fishing tournaments as deemed necessary by the Missouri Department of Conservation.
 - 8. Each boat participating in a fishing tournament must display an appropriate Mozingo Lake Recreation Park access permit sticker.

Section 212.160 Natural Terrain Maintained.

[R.O. 2008 §212.160; Ord. No. 5448 §1, 7-29-1996]

The natural terrain, plants and animals shall not be disturbed in any way. No person shall collect, destroy or remove any tree, plant or other vegetation from Mozingo Lake Recreation Park or its waterways. However, this provision shall not prohibit the harvesting of mushrooms and berries.

Dead, fallen wood may be collected for use as firewood at park campgrounds and picnic areas. However, no person shall collect standing timber for use as firewood.

Section 212.170 Swimming Regulations.

[R.O. 2008 §212.170; Ord. No. 5448 §1, 7-29-1996]

- A. *Swimming.* No person shall swim, bathe or wade, nor shall any person float in or on any non-

licensed device in Mozingo Lake Recreation Park, except in specifically designated areas. No person shall swim in the area of any boat ramp.

- B. *Designated Beaches.* Persons may swim at designated Mozingo Lake Recreation Park beach areas during the hours established and subject to the rules promulgated and posted at beach areas.
- C. *Diving or Jumping from Bridge.* No person shall dive or jump from any bridge or natural structure into the Mozingo Lake or any waterway thereof.
- D. *Glass Bottles and Cans.* No glass containers or cans of any type shall be possessed on the designated beach or where such prohibition is designated.
- E. *Domestic Animals.* No domestic animals are permitted within the designated beach areas.

Section 212.220 Mozingo Lake Recreation Park Fee Structure.

[R.O. 2008 §212.220; Ord. No. 5521 §1, 4-28-1997; Ord. No. 6078 §1, 6-22-1998; Ord. No. 6272 §1, 4-10-2000; Ord. No. 6470 §1, 6-10-2002; Ord. No. 6743 §§1 — 2, 4-11-2005; Ord. No. 6872 §§1 — 2, 10-23-2006; Ord. No. 6887 §§1 — 2, 12-11-2006; Ord. No. 6920 §1, 7-9-2007; Ord. No. 7349 §1, 8-8-2011; Ord. No. 7397 §§1 — 2, 2-13-2012; Ord. No. 7586 §1, 12-23-2013; Ord. No. 7802 §1, 10-26-2015; 10-26-2015; Ord. No. 8007A, 9-25-2017]

- A. The City Council of the City of Maryville shall have authority to set fees, rental rates, and expense charges for certain activities, or the use of certain park areas, amenities, facilities or equipment. Such fees will be regularly reviewed by the Mozingo Advisory Board and changes will be submitted in writing to the City Manager or his/her designee and approved by City Council.
 - 1. Marketing events, programs, and charity donations as approved by the City Manager or his/her designee may be conducted periodically by Mozingo Lake Recreation Park to provide incentives for use of the recreational facilities and participation in recreational programs.

Section 212.230 Camping.

[R.O. 2008 §212.230; Ord. No. 5448 §1, 7-29-1996; Ord. No. 6765 §§1 — 2, 7-11-2005; Ord. No. 7348 §§1 — 2, 8-8-2011; Ord. No. 7354 §§1 — 2, 8-22-2011]

- A. The following regulations shall apply to camping at Mozingo Park:
 - 1. *General.* No person shall engage in camping or the overnight use of the Mozingo Lake Recreation Park lands except in areas as shall be designated and in accordance with the promulgated rules and regulations. Such rules and regulations shall be posted at park camping areas.
 - 2. *Time limit.* Camping at one (1) or more campsites in the Reserved RV section or Tent Camping section at Mozingo Lake Recreation Park for a period in excess of fourteen (14) consecutive days is prohibited without written permission from the City Manager or his/her designee.
 - 3. *Limit.* There shall be no more than two (2) camping units per campsite.
 - a. No more than two (2) tents per site or no more than one (1) recreational vehicle and one (1) tent per site.
 - 4. *Check-out time.* RV and primitive campsites must be vacated not later than 1:00 P.M. on the date the campsite rental period concludes. [Ord. No. 7361 §1, 9-26-2011]
 - 5. *Payment of camping fees.* Upon arrival and selecting a camping site, all campers shall pay camping fees. Failure to submit payment for campsite fees within forty-eight (48) hours of arrival on-site at Mozingo Lake Recreation Park will result in a one-hundred-dollar (\$100.00) assessment. Failure to pay after seventy-two (72) hours will result in removal from Mozingo Lake Recreation Park per section 212.080.
 - 6. *Blocking.* Blocking of RV sites by placing a vehicle or camping unit directly upon the

campsite is not permitted without prior payment.

Section 212.250 Wastewater.

[R.O. 2008 §212.250; Ord. No. 5448 §1, 7-29-1996]

- A. No person shall dump wastewater or greywater within Mozingo Lake Recreation Park.
1. Violators of the wastewater requirements will first receive a warning from park staff. Failure to cease prohibited wastewater dumping activities within 2-hours or any subsequent occurrences will result in removal from Mozingo Lake Recreation Park per Section 212.080.

Section 212.260 Fire Regulations.

[R.O. 2008 §212.260; Ord. No. 5448 §1, 7-29-1996]

- A. *Fire Danger.* When necessary for public safety, and/or protection of lands, structures or wildlife, the City Manager and his/her designee may prohibit all fires on the Mozingo Park land by the posting of signs to that effect. During said prohibition, no person shall ignite or maintain any fire at Mozingo Park.
- B. It shall be unlawful for any person to start a fire in any area of the park except in fire rings, fireplaces, or a suitable container adapted to the use of containing a fire for the purpose of cooking foods thereon, and it shall be unlawful for any person to leave the area of such fire before the same is completely extinguished.

Section 212.270 Fireworks.

[R.O. 2008 §212.270; Ord. No. 5448 §1, 7-29-1996]

No person shall use, ignite or possess fireworks of any kind at the Mozingo Lake Recreation Park except when authorized by the City Council of the City of Maryville. The City Council may authorize the use of fireworks as a special event.

Section 212.280 Watercraft Regulations.

[R.O. 2008 §212.280; Ord. No. 5448 §1, 7-29-1996; Ord. No. 6031 §1, 2-23-1998; Ord. No. 6472 §1, 6-10-2002]

- A. *Boating and Watercraft.*
1. The use and operation of all boats, motors and watercraft on all Mozingo Lake and waterways shall be in accordance with the laws of the State of Missouri, the Missouri Watercraft Manual and such rules and regulations as may be enacted by the Council of the City of Maryville, Missouri. Wherever there is a conflict between the requirements of any of the foregoing, the more restrictive regulation shall apply.
 2. It shall be unlawful for any individual to operate any boat or watercraft on Mozingo Lake and waterways unless the boat or watercraft is validly licensed and marked pursuant to Missouri law.
- B. *Age Limits.*
1. The minimum age for operating a vessel in the State of Missouri is fourteen (14) years of age. No person under age fourteen (14) years of age shall operate any vessel unless such person is in the direct, on-board, visual and audible supervision of a parent, guardian or other person sixteen (16) years or older. No parent, guardian or authorized person shall knowingly permit a child under the minimum age to operate any vessel in violation of this law. Parents and guardians are legally responsible for the underage operator and their actions.
 2. Effective September 1, 1997, no person shall operate a personal watercraft unless age fourteen (14) or under the direct "on-board" supervision of a parent, guardian or other person at least sixteen (16) years of age.
- C. *Swimming.* Swimming from a boat or watercraft shall be permitted within the "no-wake

zones" of the lake. Swimming from a boat or watercraft shall not be permitted at any other location on Mozingo Lake.

1. All swimmers under the age of twelve (12) years must be accompanied by the swimmer's parent or guardian or accompanied by a person at least twenty-one (21) years of age.
2. All swimmers under the age of twelve (12) years must wear an approved life jacket.

D. *Direction and Speed.* Watercraft channels and "Slow, No Wake Zones" shall be complied with as designated on the Official Map on file in the City offices.

Section 212.290 Size and Type.

[R.O. 2008 §212.290; Ord. No. 5448 §1, 7-29-1996; Ord. No. 6473 §1, 6-10-2002; Ord. No. 6744 §§1 — 2, 4-11-2005]

A. The following shall apply to the size and types of watercraft permitted at Mozingo Lake Recreation Park:

1. *Length of boats permitted.* No person shall operate a watercraft in excess of twenty-six (26) feet in length.
2. *Sound level.* The maximum sound level of a watercraft on any area of Mozingo Lake shall not exceed eight-six (86) decibels on an "A" weighted scale, when measured from a distance of fifty (50) or more feet from the vessel. The owner must provide proof of the above upon request by a Park Security Officer or Public Safety Officer.
3. *Speed limit.* No person shall operate a boat, jet ski or other similar item in excess of forty (40) miles per hour from thirty (30) minutes before sunrise until thirty (30) minutes after sunset. No person shall operate a boat, jet ski or other similar item in excess of twenty (20) miles per hour from thirty (30) minutes past sunset until thirty (30) minutes before sunrise.

Section 212.310 Parasailing.

[R.O. 2008 §212.310; Ord. No. 5448 §1, 7-29-1996]

No person shall operate any parasailing equipment or device on any portion of Mozingo Lake.

Section 212.320 Personal Watercraft.

[R.O. 2008 §212.320; Ord. No. 5448 §1, 7-29-1996]

Wet bikes, jet boats, jet skis, jet mates, water scooters, surf jets, wave jammers, wave runners, wet jets, surfjets and hydroskis will be allowed on Mozingo Lake and waterways, between sunrise and sunset. Personal watercraft shall follow all rules and regulations set forth by this Chapter. Occupancy shall not exceed the manufacturer's specifications.

Section 212.330 Sailboards.

[R.O. 2008 §212.330; Ord. No. 5448 §1, 7-29-1996]

A. No person shall operate a sailboard, windsurfer or other similarly designed craft on Mozingo Lake or waterways except in designated areas and in accordance with this Section.

1. *One occupant.* Only one (1) person may occupy the sailboard during its operation.
2. *Flotation devices.* 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 United State Coast Guard.
3. *Windsurfing.* Windsurfing shall be allowed on the Mozingo Lake and waterways without restriction as to location, but shall follow all rules and regulations for the operation of sailboards concerning flotation devices and wet suits.

Section 212.340 Skiing Regulations.

[R.O. 2008 §212.340; Ord. No. 5448 §1, 7-29-1996]

A. *Waterskiing.* The operating of any vessel being used to tow a person on water skis or other appropriate device approved for use on Mozingo Lake and waterways must have, in addition

to himself/herself, at least one (1) other person on board seated as to observe the progress of the person being towed or the vessel must be equipped with an approved ski mirror. All waterskiing and other approved activity shall be conducted only from sunrise to sunset.

- B. *Direction of Skiing.* Both the operator of the towing vessel and the person or persons being towed will maneuver counter-clockwise so that the skis or other device of any person will not strike or collide with another object or person.
- C. *Waterskiing Conduct.* No person will manipulate water skis or other device in a reckless or negligent manner endangering the life or property of any other person. No person shall manipulate water skis or other devices while intoxicated or under the influence of any alcohol, narcotic drug, barbiturate, marijuana or other controlled substance.
- D. *Flotation Device for Waterskiing.* Any person involved in waterskiing or other approved similar activity must wear a Type I, II or III approved personal flotation device approved by the United States Coast Guard. Ski belts and other inflatables do not qualify as approved personal flotation devices.
- E. *Skier Down Flag.* A flag indicating a "skier down/person in the water" is required equipment for towing a skier. This flag is to be displayed any time a person is in the water (including swimmers) and the engine of the vessel is running. Displaying of the flag is required from 11:00 A.M. to sunset, at which time it becomes illegal to ski.
 - 1. *Flag requirements.* The color of the flag must be either red or bright orange. The flag must be square in design and measure at least twelve (12) inches on each side. When displayed, the flag must be visible for three hundred sixty degrees (360°).
 - 2. *Operation near flag.* All boat operators in the vicinity of a displayed ski flag will be required to operate at idle speed if closer than fifty (50) yards to watercraft displaying the flag.

Section 212.370 Other Boating and Watercraft Regulations.

[R.O. 2008 §212.370; Ord. No. 5448 §1, 7-29-1996]

- A. *Loading Restrictions.* Watercraft may not be loaded beyond the capacity or number of persons recommended by the manufacturer. Loading restrictions shall not be construed to permit the loading of boats in excess of a maximum safe load for existing weather, operating conditions or type and condition of the boat.
- B. *Flotation System.* To license a rubber, plastic or other similar constructed air chamber craft for operation on any Mazingo Park lake, waterway or creek, such craft shall have at least three (3) separate air chambers and solid bottoms and transoms.

Section 212.390 Personal Flotation Devices.

[R.O. 2008 §212.390; Ord. No. 5448 §1, 7-29-1996]

- A. *Class 1 And Class 2 Watercraft.* No person shall operate or in otherwise ride as a passenger in any Class 1 or Class 2 watercraft unless such vessel shall have on board at least one (1) 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 watercraft and for each person being towed by said watercraft who is not wearing such device, plus one (1) extra approved Type IV throwable personal flotation device. Ski belts and inflatables do not qualify as approved personal flotation devices.
- B. *Class A Watercraft.* No person shall operate or otherwise ride as a passenger in a Class A watercraft unless such boat shall have on board at least one (1) 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 watercraft and for each person being towed by said watercraft who is not wearing said device. Ski belts and inflatables do not qualify as approved personal flotation devices.
- C. *Personal Flotation Devices — Children.* No person shall operate or otherwise ride as a

passenger in a vessel, 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.

Section 212.400 Launching Area.

[R.O. 2008 §212.400; Ord. No. 5448 §1, 7-29-1996]

No person shall launch a boat, raft or other watercraft from any area except the areas designated and maintained by the City of Maryville for such purpose. All watercraft which are transported by trailer must be launched from the designated boat ramp area.

Section 212.410 Public Courtesy Dock Time Limits.

[R.O. 2008 §212.410; Ord. No. 5448 §1, 7-29-1996]

No person shall exceed ten (10) minutes docking time for loading or unloading passengers or materials within the public docks and ramp areas within the park lands.

Section 212.420 Lighting.

[R.O. 2008 §212.430; Ord. No. 5448 §1, 7-29-1996]

A. No person shall operate any vessel, canoe or kayak or other watercraft between sunset and sunrise, unless such watercraft shall exhibit running lights in the following manner:

1. For the purpose of this Section, vessels shall be divided into four (4) classes as follows:

- a. Class A, less than sixteen (16) feet in length;
- b. Class 1, at least sixteen (16) and less than twenty-six (26) feet in length;
- c. Class 2, at least twenty-six (26) and less than forty (40) feet in length;

2. All vessels shall display from sunset to sunrise the following lights when under way, and during such time no other lights, continuous spotlights or docking lights, or other non-prescribed lights shall be exhibited:

a. Vessels of classes A and 1:

- (1) A bright white light aft to show all around the horizon;
- (2) A combined light in the forepart 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 (22½ degrees) abaft the beam on their respective sides;

b. Vessels of classes 2 and 3:

- (1) A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (22½ degrees) of the compass, so fixed as to throw the light ten points (112½ degrees) on each side of the vessel; namely, from right ahead to two points (22½ degrees) 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) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points (112½ degrees) of the compass, so fixed as to throw the light from right ahead to two points (22½ degrees) abaft the beam on the starboard side; on the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten

points (112½ degrees) of the compass, so fixed as to throw the light from right ahead to two points (22½ degrees) abaft the beam on the portside. The side lights shall be fitted with inboard screens so set as to prevent these

lights from being seen across the bow;

- c. Vessels of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by this section and a twelve point (135 degree) white light aft. Vessels of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened, prescribed by this section and a twelve point (135 degree) white light aft;
 - d. All vessels between the hours of sunset and sunrise that are not under way, moored at permanent dockage or attached to an immovable object on shore so that they do not extend more than fifty feet from the shore shall display one three-hundred-sixty-degree white light visible three hundred sixty degrees around the horizon;
 - e. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two (2) miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this Subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere;
 - f. When propelled by sail and machinery every vessel shall carry the lights required by this section for a motorboat propelled by machinery only.
3. Non-motorized boats or watercraft operating after sunset must carry a white light to display when another boat approaches their vicinity. Watercraft use for sport fishing, powered by trolling motor and within fifty (50) feet of the shore, it is not required to display navigational lights unless another vessel approaches within the immediate vicinity of the watercraft.

Section 212.430 Fire Extinguishers.

[R.O. 2008 §212.440; Ord. No. 5448 §1, 7-29-1996]

- A. No person shall operate any vessel unless such vessel shall carry on board, fire extinguishers approved by the United States Coast Guard for marine use, as follows:
1. Every Class A and every Class I vessel carrying or using gasoline or other flammable or toxic fluid shall carry on board one (1) B-1 type fire extinguisher.
 2. Every Class II vessel shall carry one (1) B-1 type fire extinguisher or two (2) type B-2 fire extinguishers. Any Class II vessel equipped with a fixed fire extinguishing system in the engine compartment, such as a Halon system may substitute that system for one (1) type B-1 fire extinguisher.

Section 212.440 Sounding Devices.

[R.O. 2008 §212.450; Ord. No. 5448 §1, 7-29-1996]

No person shall operate any vessel, sailboat, canoe, kayak or other watercraft sixteen (16) feet in length or greater unless such watercraft shall carry on board an operable mouth, hand or power operated sounding device audible for at least one-half (½) mile.

Section 212.450 Operation of Watercraft.

[R.O. 2008 §212.460; Ord. No. 5448 §1, 7-29-1996]

- A. No person shall:
1. Navigate a watercraft within a designated prohibited area;
 2. Operate a watercraft in any manner other than as prescribed or permitted by regulatory markers;
 3. Moor to, damage, tamper, remove or in any way interfere with any aid to navigation or regulatory marker;

4. Operate any vessel or associated device (i.e., water skis, surfboard or other waterborne device) in a reckless or negligent manner so as to endanger life or property;
5. Operate any vessel or watercraft, or manipulate any water skis, surfboard or other waterborne device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana;
6. Operate any vessel or watercraft at a rate of speed so as to endanger the property of others or the life or limb of themselves or others; or
7. Operate any motorcraft, vessel or watercraft within one hundred (100) feet of any dock, pier, occupied anchored boat or buoyed restricted area at a speed faster than a "SLOW, NO-WAKE" speed.

Section 212.460 Riding Areas.

[R.O. 2008 §212.470; Ord. No. 5448 §1, 7-29-1996]

- A. *Riding on Bow and Gunwales Prohibited.* The operator of any vessel shall not ride or sit or allow any person to ride or sit on the gunwales (sides of the vessel), decking over bow or stern, top of any railing or seat-back, or any area "outside" the passenger area, unless there are adequate guards or railings to keep that person from falling overboard. Guards or railings must be at least six (6) inches high (not to exceed eighteen (18) inches in height) to be considered adequate.
- B. *Exemption.* The vessel operator may allow a person to temporarily occupy the decking over the bow or stern for the purpose of docking, mooring or casting off the vessel. Also, vessels propelled only by "sail" are exempt from the adequate railing regulation.

Section 212.470 Traffic Movement.

[R.O. 2008 §212.480; Ord. No. 5448 §1, 7-29-1996]

All watercraft shall stop their craft upon the signal of a Park Security Officer or Public Safety Officer and shall obey all reasonable signal direction given by any such Officer in directing the movement of traffic on any portion of the Mozingo Lake or waterway.

Section 212.480 Right-of-Way to Emergency Watercraft.

[R.O. 2008 §212.490; Ord. No. 5448 §1, 7-29-1996]

When any emergency watercraft gives an audible signal by siren or visible signal, with red or blue emergency lights, the operator of any watercraft shall immediately stop or position their watercraft in such a manner as to give the right-of-way to the emergency vehicle.

Section 212.490 Sewage Disposal.

[R.O. 2008 §212.500; Ord. No. 5448 §1, 7-29-1996]

All marine toilets on any boat, operated upon waters of this City or the State of Missouri, shall be so constructed and operated as to contain all sewage aboard the boat and not to discharge any sewage into the waters directly or indirectly. No boat shall be equipped to permit discharge from or through any marine toilet, or in any other manner, any sewage at any time into waters of the state, and all sewage when removed from any boat shall immediately be placed in an approved septic tank, sanitary lagoon or sewage treatment system. The provisions of Sections 306.250 to 306.290, RSMo., shall not apply to boats engaged in interstate commerce on the Missouri and Mississippi Rivers.

Section 212.500 Inspections.

[R.O. 2008 §212.520; Ord. No. 5448 §1, 7-29-1996]

- A. *Authority to Inspect.* Any Law Enforcement Officer shall be permitted to board any boat at the Mozingo Park lake or waterway at any time to inspect for compliance with boating regulations.
- B. *Refusal to Permit Inspection.* Refusal to permit an inspection pursuant to this Section shall be a violation of this Chapter.

Section 212.510 Written Notice of Violation.

[R.O. 2008 §212.530; Ord. No. 5448 §1, 7-29-1996]

Park Security Officers or Public Safety Officers shall have authority to issue written notice of violation of any permit holder who fails to comply with the boating or watercraft regulations of this Chapter. Said officers shall report the notice of said violation to the City Manager.

Section 212.520 Abandoned Property.

[R.O. 2008 §212.540; Ord. No. 5448 §1, 7-29-1996]

Any boat, craft or other property of value found abandoned, adrift or left unattended in the Mozingo Park may be taken by the City of Maryville.

Section 212.530 Lien for Expenses.

[R.O. 2008 §212.550; Ord. No. 5448 §1, 7-29-1996]

The City shall have a lien on such property for all expenses of taking, towing and storing that property and for all damage caused by that property to the property of the City or any other person.

Section 212.540 Procedure for Property Disposal.

[R.O. 2008 §212.560; Ord. No. 5448 §1, 7-29-1996]

If the owner of the property does not claim the property and redeem the lien within six (6) months of seizure, the property may be disposed of in the same manner as surplus City property.

Section 212.550 Alcohol Provisions.

[R.O. 2008 §212.570; Ord. No. 5448 §1, 7-29-1996]

- A. *Alcoholic Beverage.* Alcohol may not be possessed or consumed in Mozingo Lake Recreation Park at the swimming/beach area, roadways, and trails.
- B. *Mozingo Golf Course/Event Center.* Alcohol at the Mozingo Golf Course, or the Mozingo clubhouse, or Event Center shall be limited to alcohol legally purchased from said facility.
- C. *Open Container Provision.* No person shall operate any boat, vessel, ski or watercraft while in possession of an open alcohol container.
- D. *Removal of Intoxicated Person.* Any person in the state of intoxication or under the influence of alcohol at Mozingo Lake Recreation Park property may be removed from the park property.

Section 212.560 Boating While Intoxicated.

[R.O. 2008 §212.580; Ord. No. 5448 §1, 7-29-1996; Ord. No. 6474 §1, 6-10-2002]

No person shall operate any boat or watercraft or manipulate any waterski, surf board or other waterborne device or vessel while under the influence of alcohol and/or a controlled substance as defined by State law.

Section 212.570 Careless or Reckless Operation of a Watercraft.

[R.O. 2008 §212.590; Ord. No. 5448 §1, 7-29-1996]

It shall be unlawful for any person to operate any vessel or watercraft or manipulate any water skis, surfboard or other waterborne device in a reckless or careless manner so as to endanger the life or property of any person, including that of the operator. It is negligent to operate a vessel within one hundred (100) feet of any dock, pier, buoy, restricted area or occupied anchored boat in excess of "Slow No-Wake" speed. Operating speeds for vessels must also be reasonable for the conditions that exist on the water.

Section 212.580 Artifacts and Items of Antiquity.

[R.O. 2008 §212.620; Ord. No. 5448 §1, 7-29-1996]

All items of antiquity at Mozingo Lake Recreation Park are protected. No person shall collect artifacts or items of antiquity from park land, except as approved by the City Council.

Section 212.590 Removal of Park Patrons.

[R.O. 2008 §212.630; Ord. No. 5448 §1, 7-29-1996]

- A. A Park Security Officer or Public Safety Officer shall have the authority to remove any person from Mozingo Lake Recreation Park and waterways for the following:

1. Severe weather conditions;
2. Other dangerous conditions where personal safety or property is endangered;
3. Violations of the park regulations as set forth in this Chapter.

Section 212.600 Expulsion from the Park.

[R.O. 2008 §212.640; Ord. No. 5448 §1, 7-29-1996]

Any person in violation of any law, ordinance or the rules and regulations of the City of Maryville, or in any other way endangering the safety or property of others, may be required to immediately leave the park.

Section 212.610 Actions Not to Abate.

[R.O. 2008 §212.650; Ord. No. 5448 §1, 7-29-1996]

This Chapter shall not be construed as abating any action nor pending under or by virtue of prior existing regulations. Nor shall it be understood to discontinue, abate, modify or alter any penalty accruing or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City of Maryville under any existing Section or provision or regulation existing at the time of the adoption of this Chapter. Nor shall this Chapter be construed to vacate or annul any rights obtained by any person, firm or corporation by lawful action of the City of Maryville, except as expressly provided for in this Chapter.

Section 212.620 Penalty.

[R.O. 2008 §212.660; Ord. No. 5448 §1, 7-29-1996]

It shall be unlawful for any person to violate any provision of this Chapter. Upon conviction thereof, such person shall be judged guilty of an ordinance violation and punished by a fine not exceeding five hundred dollars (\$500.00) or be punished by incarceration for a period not to exceed ninety (90) days, or by both such fine and incarceration. Each day's violation of, or failure, refusal, or neglect to comply with any provision of this Chapter shall constitute a separate and distinct offense.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 22nd day of March, 2021.



Benjamin Lipiec, Mayor

ATTEST:



Stacy Wood, City Clerk