

CHAPTER VIII. - USE OF HARBORS

SECTION A. - DEFINITIONS

For purposes of this chapter, the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number.

"Auxiliary Mooring Permit" means a nontransferable permit that authorizes the mooring permittee assigned to a Class A mooring to moor a second smaller boat at the same mooring.

"Beach Marker" means a floating buoy which designates the boundary of an area where boats are prohibited from entering. These markers are generally cylindrical in shape and have the following language "NO BOATS" imprinted on them.

"Boat" means any boat, motorboat, sailboat, vessel, yacht, Personal Watercraft or any other watercraft except a Dinghy.

"Buoy" means a float, generally anchored to the bottom of a waterway with a chain or rope. In the Park District Harbors, buoys are generally used for marking waterways, identifying hazardous areas, or for mooring boats.

"Commercial Permit" means a nontransferable permit that authorizes the named mooring or launch permittee to rent or lease his/her boat or to provide fishing, entertainment, cleaning or other services through use of his/her boat in exchange for consideration or the use of his/her permitted mooring for the sale or brokerage of boats for sale in a specified Harbor or Harbors for a particular Extended Harbor Season.

"Class A Mooring" means a Park District approved slip.

"Class B Mooring" means a Park District approved anchor with a buoy, finger dock space, wall space or star dock space.

"Class C Mooring" means a Park District approved land location for boat storage in or adjacent to a Harbor.

"Daily Launching Permit" means a nontransferable permit that authorizes the named permittee to move a Boat from land to waters maintained by the Park District between sunrise and sunset on a particular day during the Extended Harbor Season.

"Daily Mooring Permit" means a nontransferable permit that authorizes the named permittee to use a specific mooring within a Harbor operated by the Park District for a twenty-four hour period beginning at noon and ending at noon the following day.

"Dinghy" means a watercraft that does not exceed eight feet in length used for service between landing places and the Boat it serves.

"Assignment" authorizes the named mooring permittee to fasten a Dinghy to a specific rack or clasp on land in or adjacent to a Harbor during the Harbor Season.

"Extended Harbor Season" means May 1 through November 15.

"Harbor" means one of the boating harbors maintained by the Park District including the water and land area of each of those harbors.

"Harbor Can" means a buoy to which a boat is moored. Harbor Cans are also referred to as Mooring Cans or Mooring Buoys.

"Harbor Manager" means the Harbor master, Harbor manager, Harbor captain or Harbor foreman.

"Harbor Rules" means collectively Group One Harbor Rules and Group Two Harbor Rules, as defined below.

"Harbor Season" means May 1 through October 31

"Harbor System" means:

- a. the waters of any Harbor maintained by the Park District pursuant to the Chicago Park District Act;
- b. all launch ramps on Park District property adjoining Lake Michigan or the waters described above; and
- c. all building, structures, facilities connections, equipment, parking areas, and adjacent land used in connection with a Harbor.

"Impoundment" means the taking of control of a Boat by the Park District or other governmental authority so as to prevent the use of the Boat during the period of impoundment.

"Late Leaver Mooring Permit" means a nontransferable permit that authorizes the named permittee to use an unspecified mooring and an unspecified dinghy rack or clasp from November 1 to November 15 in Harbors and areas within the specified harbor designated by the Park District.

"Mooring Permit" means a Seasonal Mooring Permit, Dinghy Permit, Auxiliary Mooring Permit, Daily Mooring Permit or Late Leaver Mooring Permit.

"Operate" means to drive, sail or propel.

"Owner" means all persons, corporations, partnerships or other legal entities in whose name or names title to a particular Boat is held.

"Personal Watercraft" means any motorized watercraft, less than 12 feet long, with a jet drive and a capacity of no more than three people.

"Pump Out Areas or Docks" means those locations designated by the Director of Park Services, as defined below, for boaters to discharge septic waste from their Boats into Park District pump out facilities.

"Seasonal Mooring Permit" means a nontransferable permit that authorizes the use of a specific mooring or mooring to be designated by the Director of Park Services within a Harbor operated by the Park District for a particular Harbor Season.

"Seasonal Launching Permit" means a nontransferable permit that authorizes the permittee to move a Boat from land to water maintained by the Park District between sunrise and sunset any day during the Extended Harbor Season.

"Touch and Go Areas or Docks" means those locations designated by the Director of Park Services for Seasonal Mooring Permittees to load or unload passengers and/or supplies.

SECTION B - THE DIRECTOR OF PARK SERVICES

1. Position Established

The Director of Park Services shall be an Employee of the Park District. The Director of Park Services may designate a person or persons who may act on behalf of the Director of Park Services. When used in this chapter the term Director of Park Services shall include a designee of the Director.

2. Powers and Duties of the Director of Park Services

The powers and duties of the Director of Park Services shall be as follows:

- a.** assign moorings and stalls in accordance with approved ordinances; insure staff adherence to all rules and regulations relative to Harbor services;
- b.** collect and account for all fees and monies related to Harbor services;
- c.** oversee the operation of all launch ramps, crane launching facilities and other Harbor related facilities;
- d.** develop and oversee the implementation of various Harbor-related programs;
- e.** develop short and long range plans for new Harbor and service organizations associated with marine and Harbor services; integrate Harbor functions with various other lakefront functions sponsored by the Park District as well as with other governmental agencies involved in the monitoring and maintenance of the Chicago lakefront;
- f.** perform various public relations functions as necessary;
- g.** develop rules and regulations for the handling of matters by the Director of Park Services, subject to the approval of the General Superintendent; and
- h.** perform such other duties and be subject to such other rules and regulations as the General Superintendent or the Board may from time to time prescribe.

SECTION C. - PERMITS

1. Permit Requirement

- a. No person shall moor or store any Boat within the Harbor System without obtaining a Mooring Permit.
- b. No person shall use, have, operate or store a Dinghy within the Harbor System without obtaining a Dinghy Assignment or Auxiliary Mooring Permit.
- c. No person shall conduct within the Harbor System any commercial activity, including but not limited to renting or leasing a Boat to any other person or providing fishing, entertainment, cleaning service or other services through use of his/her Boat for monetary or other consideration without obtaining a Commercial Permit unless otherwise approved by the Director of Park Services or the General Superintendent.
- d. No person shall launch a Boat within the Harbor System without obtaining a Daily or Seasonal Launching Permit.
- e. Fees charged to non-residents of the city of Chicago need not be the same as fees charged to residents of the city of Chicago.

2. Seasonal Mooring Permit and Transfer Applications

The Owner of a Boat desiring a permit to moor a Boat within the Harbor System or desiring a transfer to another mooring within the Harbor System other than the one the Owner is currently permitted to use, shall sign and file an application with the Director of Park Services. The applicant shall provide the Director of Park Services with proof of ownership of said Boat, including registration of said Boat with the State of Illinois and/or the United States Government; and shall deposit with the Director of Park Services by cash, check money order or credit card the required filing fees.

- a. Applicants may specify up to three Harbors in which they will consider accepting permits. Applicants who specify Harbors will be considered only for the specified Harbors, pursuant to the terms of this chapter, Section C.3., below. Applicants who do not specify Harbors will be considered for a permit in any Harbor pursuant to the terms of this chapter, Section C.3., below.
- b. Every application must include the name, home address, home and work phone numbers for each Owner of the Boat and a description of the Boat, including overall length, draft, beam, type and name.

- c. Every application must specify the class (Class A, Class B or Class C) or classes of mooring for which a permit is sought.

3. Granting Requests for Seasonal Permits and Transfers

a. The Transfer Register.

The Director of Park Services shall maintain a Transfer Register of Transfer Applicants. This Transfer Register shall be kept in chronological order by date the application was received by the Director of Park Services. The Transfer Register shall specify the class of mooring (Class A, Class B or Class C) for which the applicant seeks a permit. The Transfer Register shall indicate the Harbor or Harbors, if any, which the applicant has specified in the application. The Transfer Register shall specify the length, beam, and the type of Boat covered by the application. The Transfer Register shall specify whether the applicant is a Commercial Permittee. The Transfer Register shall be available for public inspection in the Marine Department during regular Park District business hours. The Transfer Register shall be used as specified in this chapter in offering Seasonal Mooring Permits.

b. The New Applicant Register.

The Director of Park Services shall maintain a New Applicant Register of New Applicants. This New Applicant Register shall be kept in chronological order by date the application was received by the Director of Park Services. The New Applicant Register shall specify the class or classes of mooring (Class A, Class B or Class C) for which the applicant seeks a permit. The New Applicant Register shall indicate the Harbor or Harbors, if any, which the applicant has specified in the application. The New Applicant Register shall specify the length, beam, and the type of Boat covered by the application. The New Applicant Register shall specify whether the applicant is a Commercial Permittee. The New Applicant Register shall be available for public inspection in the Marine Department during regular Park District business hours. The New Applicant Register shall be used as specified in this chapter in offering Seasonal Mooring Permits.

c. Procedure for Assigning Seasonal Mooring Permits.

(1) Renewals of Seasonal Mooring Permits.

Prior to January 10 of each year, the Director of Park Services shall mail an invoice for renewal of permit to all persons who held a Seasonal Mooring Permit at the end of the preceding Harbor Season. If such prior permittee properly pays the necessary fee within the time specified on the invoice for renewal, such prior

permittee shall be granted a renewal for the prior permit. The renewed permit ordinarily will be for the permittee's prior assigned harbor, and for the permittee's prior assigned mooring. Seasonal Mooring Permittees that were not assigned a specific mooring in the preceding season because there were not available moorings in the size or class requested, shall ordinarily be granted a renewal for the size slip requested, but shall not be given an assigned mooring until the Director of Park Services makes assignments of remaining Seasonal Mooring Permits pursuant to Section C.3.c(3), below. If a Seasonal Mooring Permittee fails to renew a permit within the time specified for renewal, but seeks reinstatement and pays all fees prior to May 15 of the same year, he/she shall be reinstated and assigned to his/her mooring, if that space has not been reassigned. In the event the mooring has been reassigned, to an available mooring as near as possible to the original mooring. The Director of Park Services, in renewing the permit and at any time after issuance of a permit, may change the permittee's assigned harbor and/or mooring if, in the exercise of his/her discretion, he/she determines that such change is needed because of efficiency, safety, construction, repair, or other reasonable circumstances. The permittee will be informed of the reason for any such change. The Director of Park Services may make assignment transfers between or among permittees for any reason provided that all affected permittees consent to the transfer.

- (a) Notwithstanding the foregoing, the Director of Park Services, at His/her discretion, may allow harbor permittees who have been Reassigned by the Federal Government due to military service or Other official duties, for a period not to exceed three years, to re-Enter the harbor system without reapplying as New Applicants And reassign them to moorings as near as possible to their original Mooring upon their return from government service.

(2) Determination of Availability of Remaining Moorings for Seasonal Mooring Permits Assignments.

After completing the process of renewing Seasonal Mooring Permits, the Director of Park Services, as to each Harbor, shall identify all specific moorings as to which a Seasonal Mooring Permit has not been awarded. The Director of Park Services shall then determine which of those identified moorings shall be assigned to Commercial Permittees and which shall be assigned to non-Commercial Permittees. The Director of Park Services may, in his/her discretion, decline to assign certain moorings to any Seasonal Mooring Permit, for reasons that promote the efficient or safe operation of the Harbor System, including, but not limited to, the maintenance of mooring space for visiting or disabled Boats.

(3) Assignment of Remaining Seasonal Mooring Permits.

After completing the process of renewing Seasonal Mooring Permits, the Director of Park Services shall offer Seasonal Mooring Permits for the remaining available commercial and non-commercial moorings, assigning one Harbor at a time, in the following order:

- (a)** to "Temporary Permittees": persons who held Seasonal Mooring Permits for the preceding Harbor Season in that Harbor that were issued renewals for unspecified moorings pursuant to Section C.3.c(1), above, whose boats are appropriate for the mooring in question, giving preference to those who received their Seasonal Mooring Permit earlier in time.
- (b)** to "Outsized Boaters": persons who held Seasonal Mooring Permits for the preceding Harbor Season in that Harbor for the class of mooring in question who purchased larger Boats during the off season, giving preference to those who received their Seasonal Mooring Permit earlier in time.
- (c)** to "Transfers in the same Harbor,": persons on the Transfer Register who held Seasonal Mooring Permits for the preceding Harbor Season within the Harbor in question whose Boats are appropriate for the mooring in question, giving preference to those whose date of transfer application is earlier in time;
- (d)** to "Transfers in other Harbors": persons on the Transfer Register who held Seasonal Mooring Permits for the preceding Harbor in other Harbors whose Boats are appropriate for the mooring in question, giving preference to the first choice of those whose date of transfer application is earlier in time;
- (e)** to "New Applicants who specified harbor choices": applicants listed on the New Applicant Register who have applied for the class of mooring in that Harbor and whose Boats are appropriate for the mooring in question, giving preference to those whose date of application for such class of mooring is earlier in time; and
- (f)** to "New Applicants who did not specify harbor choices": applicants listed on the New Applicant Register who have applied for the class of mooring in question but who have not specified any particular Harbor, and whose

and whose Boats are appropriate for the mooring in question, giving preference to those whose applications for that class of mooring are earlier in time.

Provided, however that applications that were placed on the Register of New and Transfer Applicants kept by the Park District prior to February 13, 1997 shall be assigned priority under the procedures in effect as of January 1, 1997. If any dispute arises over the procedures for assigning Seasonal Mooring Permits, the General Superintendent or his/her designee shall resolve such dispute in his/her sole discretion and such result shall be final and binding.

(4) The Director of Park Services may reassign Seasonal Mooring Permits during the Harbor Season as he/she deems necessary for permittees who purchase a Boat that is not appropriate for the mooring to which the permittee is assigned under his/her current Mooring Permit.

(5) **Determination of Whether a Boat Is Appropriate For A Particular Mooring**

The appropriate length for a Boat to be considered for assignment to a specific Class A Mooring shall be determined by the Director of Park Services. Only sailboats under twenty-two feet in length and under 2,000 pounds in weight are appropriate and shall be considered for assignment to a Class C mooring. The Director of Park Services shall promulgate, and make available for public inspection, further written specifications for use in determining whether a Boat is appropriate for the various moorings in the harbor system. The Director of Park Services, in his/her discretion, may take into reasonable consideration any special characteristics of a Boat that make that Boat, notwithstanding the written specification for such mooring, appropriate or inappropriate for that mooring. Length of Boats shall be determined including swim platforms and bow pulpits.

(6) **Assignment During Harbor Season.**

During the Harbor Season, the Director of Park Services shall determine whether additional moorings for Seasonal Mooring Permits are available and shall offer any available moorings in the manner described above.

(7) **Automatic Transfer Process.**

The transfer process is automatic. Once a transfer Application has been filed, the Director of Park Services or his/her designee will assign the transfers and then reassign the applicant's former mooring assignment to another applicant. Therefore, if the applicant does not want the reassigned transfer location, his/her Original mooring assignment may not be available. In this case, the Director of

Park Services shall reassign the applicant to a mooring as near as possible to the Original mooring. It is the Transfer Applicant's responsibility to withdraw Applications that he/she does not want.

d. Acceptance of Mooring Permit Offer.

If an applicant on the New Applicant Register accepts the offer of a Seasonal Mooring Permit pursuant to this chapter, Section C.3., above, the applicant's name shall thenceforth receive no further consideration for any Seasonal Mooring Permit unless he/she files a new application or Transfer Request pursuant to this chapter, Section C.2., above. If an applicant has more than one Transfer Request pending at the time of acceptance of an offer for a Seasonal Mooring Permit, the applicant's remaining Transfer Requests shall remain pending unless withdrawn by the applicant. By acceptance of a permit, the applicant waives and releases the Park District from any and all liability or claims arising from permittee's use of the Harbor System, resulting in damage to Boats and Dinghies and personal injury to the permittee and his/her guests.

e. Refusal of Seasonal Mooring Permit Offer

If an applicant on the Transfer or New Applicant Register refuses to accept or fails to respond to the offer of a Seasonal Mooring Permit pursuant to this chapter, Section C.3., above, the applicant's name shall be placed back on the Transfer or New Applicant Register with the original date of submittal of application. An applicant on the Transfer or New Applicant Register may only refuse or fail to respond to a Seasonal Mooring Permit twice and shall thenceforth receive no further consideration for any Seasonal Mooring Permit unless he/she files a new application pursuant to this chapter, Section C.2., above. In the case of a new applicant, the deposit will be returned less a processing charge, and in the case of a transfer applicant, fees shall be forfeited.

f. New Harbors.

If the Park District creates or acquires additional Harbors, the Director of Park Services shall recommend to the General Superintendent a procedure for assignment of Seasonal Mooring Permits for any additional Harbor.

g. New Moorings.

If the Park District constructs new moorings within one or more of the Harbors, the Director of Park Services shall recommend to the General Superintendent a procedure for assignment of Seasonal Mooring Permits for any additional or replacement moorings.

h. Daily Mooring Permits.

An Owner of a Boat desiring to moor his/her Boat in the Harbor System on a daily basis shall sign and file an application with the Director of Park Services, Harbor Manager or other authorized employee. The application shall include the make of the Boat and a description of the Boat, including overall length. The applicant shall deposit with the Director of Park Services, Harbor Manager or other authorized Employee the required fees.

4. Commercial Permits

a. Applying for a Commercial Permit.

All persons seeking a Commercial Permit shall sign and file an application with the Director of Park Services on a prescribed form. The applicant shall provide the Director of Park Services with proof of ownership of said Boat, including registration of said Boat with the State of Illinois and/or United States Government; shall provide information on the proposed commercial activity for which the Commercial Permit is sought; and shall deposit with the Director of Park Services by cash, check, money order or credit card the required filing fees. Every application must include the name, home address, and home and work phone numbers of all Owners of the Boat; a description of the Boat, including overall length, draft, beam, type, and name; and the launching or mooring permit number, where available. The applicant shall also submit copies of all required state and federal licenses and certificates.

b. Procedures for Review of Applications for New or Existing Commercial Permit Opportunities.

All applications for existing and proposed new Commercial Permit opportunities shall be reviewed by the General Superintendent or his/her designee. The General Superintendent or his/her designee may request additional information from applicants and also conduct discussions with applicants. In determining whether to give approval of a Commercial Permit application, the General Superintendent or his/her designee shall consider the following:

- (1) the qualifications of the applicant, including the applicant's professional qualifications, skills, experience and financial ability;
- (2) the quality, including the creative or innovative nature, of the proposed services;
- (3) revenue to be received by the Park District from the proposed Commercial Permit;
- (4) the extent to which the proposed commercial services would not interfere with and would enhance Park District recreational activities in the area;

- (5) the extent to which the proposed commercial services would not interfere with the management of the Park District Harbor System;
- (6) the willingness of the applicant to make a good faith effort to encourage the participation of Women Business Enterprises and Minority Business Enterprises in the commercial service operations; and
- (7) any other factor that the General Superintendent or his/her designee may deem relevant.

c. Insurance Requirements for a Commercial Permit.

The Owner shall deposit with the Park District prior to issuance of the Commercial Permit a public liability insurance policy naming the Park District and its agents as additional insured, or a certificate evidencing the issuance of such policy, insuring against injury to persons and property from the operation of said commercial service Boats. The policy shall be obtained from a company or companies acceptable to the General Superintendent, which conform with policy standards to be determined by the Board. The General Superintendent shall from time to time prescribe the liability limits required for such insurance policies based upon the nature of the proposed activities.

5. Other Permits

a. Late Leaver Mooring Permit.

A person desiring a Late Leaver Mooring Permit shall sign and file an application on a prescribed form and deposit with the Director of Park Services the required filing fees at the time of application. If the applicant is not a current Mooring Permittee, the applicant shall provide the Director of Park Services with proof of ownership of said Boat, including registration of said Boat with the State of Illinois and/or United States Government.

Every application must include the name, home address, and home and work phone numbers of all Owners of the Boat, and a description of the Boat, including overall length, draft, beam, type and name. Every application must specify the class (Class A, Class B or Class C) of mooring for which a permit is sought. An applicant may designate more than one class. In granting such permit, the Director of Park Services may specify the Harbors, class of moorings and/or dinghy rack to be used during the period of said permit.

b. Launching Permit.

An Owner of a Boat desiring to launch his/her Boat in the Harbor System shall sign and file an application with the Director of Park Services, Harbor Manager, ramp attendant, or other authorized Employee. The application shall include the name of the Boat and a description of the Boat, including overall length, draft, beam and type. The applicant must designate whether the Boat is to be used to provide commercial services and, where available, the Commercial Permit Number. The applicant shall deposit with the Director of Park Services, Harbor Manager or other authorized Employee the required filing fees. A Launching Permit will only be issued to Owners of trailerable Boats, which shall include Personal Watercraft.

c. Auxiliary Mooring Permit.

A mooring permittee assigned to a Class A mooring desiring an auxiliary permit for a smaller Boat to be moored at the assigned mooring shall sign and file an application with the Director of Park Services. The applicant shall provide the Director of Park Services with proof of ownership of said Boat, including registration of said Boat with the State of Illinois and/or the United States Government; and shall deposit with the Director of Park Services by cash, check, money order or credit card the required filing fees at the time of application. Every application must include the name, home address, and work and home phone numbers of all Owners of the Boat, and a description of the Boat including overall length draft, beam, type and name. Owners of Personal Watercraft must obtain an Auxiliary Mooring Permit to keep Personal Watercraft at the mooring for a larger boat.

SECTION D - HARBOR RULES

1. Group One Harbor Rules

- a.** No permittee shall moor his/her Boat at any mooring other than the mooring authorized by the permit or by a duly authorized Harbor Manager.
- b.** No permittee shall allow any other Boat to moor at his/her assigned mooring except as authorized by the Harbor Manager.
- c.** No permittee shall transfer his/her permit, or his/her ownership interest in the Boat that is the subject of the permit, in violation of this chapter, Section H.1., below.
- d.** No applicant for any permit in the Harbor System shall intentionally furnish false or misleading information in connection with the application.
- e.** No permittee shall sell, offer for sale, advertise for sale, or accept anything of value for his/her permit or the right to use a mooring covered by that permit.
- f.** No permittee shall refuse to allow any duly authorized employee of the Park District to board his/her Boat while within the Harbor System to conduct reasonable inspections of the Boat to determine compliance with the terms of this Code or with state or federal law or regulations. All employees or designees authorized to board Boats for inspection purposes shall carry appropriate identification signed by the Director of Park Services indicating such authorization.
- g.** No permittee shall fail to comply with all city, federal and state law and regulation governing ownership, mooring and operation of a Boat.
- h.** No permittee shall fail to notify the Director of Park Services in writing of any change (whether partial or total) in the ownership of his/her Boat within fourteen working days after said change of ownership.
- i.** Except as to fees and other payments specifically authorized by law, no permittee shall offer or cause to be offered anything of value to any person or entity with the intent of causing, preventing or influencing any action relating to the issuance, transfer, modification, or revocation of a permit, the assignment of a mooring, or the enforcement of Harbor Rules.
- j.** No permittee shall fail to comply with the terms and conditions set forth in his or her permit.

2. Group Two Harbor Rules

a. Mooring Permittee.

- (1) A mooring permittee shall notify the Harbor Manager for the Harbor to which the permittee is assigned if the permittee's Boat will be absent from the assigned mooring for more than twenty-four consecutive hours during the Harbor Season. The Harbor Manager has the right to allow the use of assigned moorings as transient moorings when the permittee's boat is not present.
- (2) A mooring permittee assigned to an anchor with buoy shall provide adequate mooring tackle, including a swivel shackle to secure the mooring line to the buoy.
- (3) A permittee shall display on his/her Boat the decal issued by the Park District in connection with the permit. The decal shall be affixed to the stern (transom) of the vessel. All decals shall be permanently affixed.
- (4) A mooring permittee shall submit his/her permit to the Harbor Manager for his/her signature within seventy-two hours after initially mooring the Boat in the Harbor at the beginning of the Harbor Season.
- (5) A mooring permittee shall paint or otherwise permanently mark his/her Boat in a conspicuous manner, in characters at least three inches in height, the name of the Boat as shown on his/her permit.
- (6) Except in emergency circumstances, no mooring permittee shall conduct or allow to be conducted any substantial repair on his/her Boat while in the Harbor System.

b. Launching Permittee.

- (1) Launching permittees shall remove vehicles and trailers used for launching a Boat from the launch ramp areas immediately after the Boat is launched.
- (2) No launching permittee shall leave his/her Boat trailer or Boat between 11:00 p.m. and 6:00 a.m. the following day without receiving prior approval by the Harbor Manager.
- (3) No launching permittee shall launch his/her Boat at any area within the Harbor System not approved by the Park District.

c. Dinghy Assignments.

- (1) No Mooring Permittee with a Dinghy Assignment shall allow a motor greater than 10 horsepower or a sail to be attached to his/her Dinghy while in use in the Harbor System.
- (2) No Mooring Permittee with a Dinghy Assignment may store any motor, gas tank or gasoline in the Harbor System other than on the Permittee's Boat.
- (3) A Mooring Permittee with a Dinghy Assignment must display on the Dinghy the name of the Boat it services and the dinghy assignment number.

d. Commercial Permittees.

- (1) A commercial permittee shall display his/her Commercial Permit decal in the same manner provided in this chapter, Section D.2.(a)(3), above.
- (2) No commercial permittee shall operate a commercial service Boat within the Harbor System between the hours of 11 p.m. and 6 a.m., the following day.
- (3) No commercial permittee shall sell or permit to be sold or used upon a commercial service Boat any intoxicating or alcoholic beverages, permit any gambling on the commercial service Boat, or permit any other violation of city, state or federal law while the commercial service Boat is in the Harbor System. However, unopened intoxicating or alcoholic beverages may be brought on the commercial service Boat.
- (4) No commercial permittee shall, in offering or selling his/her commercial services, discriminate against any person on the basis of race, color, sex, ancestry, sexual orientation, parental status, marital status, religion, national origin, physical or mental handicap or age.

e. All Permittees.

- (1) No permittee shall Operate or allow his/her Boat to be Operated within the Harbor System in a manner which presents an unreasonable danger of injury or damage to himself/herself or to other persons or to property.
- (2) No permittee shall have on his/her Boat any toilet system that is or can be connected to a through-hull fitting in a manner that would permit the

disposal of waste materials into the waters of the Harbor System or Lake Michigan.

- (3) A permittee shall display his/her State of Illinois Registration Identification Number for his/her Boat in the manner required by State law unless his/her Boat is federally documented.
- (4) No permittee shall allow his/her Boat to be Operated within the Harbor System by a person under the age of sixteen years unless such person is properly supervised by an adult, and such operation is permitted by State law.
- (5) No permittee shall allow his/her Boat to be operated within one hundred fifty feet of the shoreline of any land owned by the Park District, or within three hundred feet of the shoreline of any bathing beach or any such land except under the following circumstances:
 - (a) an emergency;
 - (b) entering or leaving a harbor;
 - (c) using a launching ramp; or
 - (d) Operating a Boat within the areas designated by the Park District for Boat mooring, anchoring or operation.
- (6) No permittee shall allow any person on his/her Boat to engage in snagging.
- (7) No permittee shall allow his/her Boat to be used for swimming, diving, or fishing or the launching of any unauthorized Boat, scow, float, raft, inflatable or sailboard within any Harbor.
- (8) No permittee shall allow any commercial sign, placard, handbill or display of any kind to be attached or placed on his/her Boat, except for Commercial Permittees, which shall be allowed one sign, no larger than 18"x24", to be displayed on the commercial service vessel after receiving written approval from the Harbor Manager.
- (9) No permittee shall allow garbage, litter, fuel, oil, refuse, sewage waste, or fish waste to be thrown or discharged from the boat into waters of the Harbor System or to be deposited on the piers, docks or land of the Harbor System other than in waste facilities specifically designated by the Park District for such purpose.

- (10) No permittee shall erect or cause to be erected any gate, fence, stairs, barricade or any modifications to the existing facilities within the Harbor System without the written permission of the Director of Park Services.
- (11) No permittee shall allow any substance containing phosphates to be in or on his/her Boat or Dinghy while Operating within the Harbor System.
- (12) No permittee shall allow fuel to be delivered to his/her Boat while within the Harbor System except in areas designated by the Chicago Park District and by vendors approved by the Director of Park Services.
- (13) No permittee shall operate the engines, generators, bilge pumps, hailers, public address system, sound system or other mechanical or electrical systems of his/her boat in a manner which substantially interferes with the use and enjoyment of the harbors by other permittees or persons.
- (14) No permittee shall moor his/her Boat at a Park District specified Touch and Go Area Dock or Pump Out Area or Dock longer than 15 minutes in a one hour period.
- (15) All Permittees shall notify the Director of Park Services or in writing of any change in home or work address or telephone numbers within thirty days of such change.
- (16) No person shall exhibit lewd, abusive, excessively loud or profane behavior which disturbs the enjoyment of the harbors by other boaters and visitors to the parks.

f. All Persons.

- (1) No person shall swim, dive, water ski or windsurf within the Harbor System, except for divers cleaning boats or retrieving lost items after receiving the approval of the Harbor Manager.
- (2) No person shall fish or snag in the Harbor System in areas that are not designated by the Park District for such activity. On an annual basis, the Director of Park Services shall publish a map designating the areas in which fishing and/or snagging are permitted.
- (3) No person shall operate or park on Park District property a motor home or other motor vehicle designed for sleeping and eating purposes.

- (4) No person shall build or create a fire or barbecue within the Harbor System except in designated areas.
- (5) No permittee shall operate his/her Boat to exceed 5mph in the Harbor System.
- (6) No permittee shall alter, counterfeit, or copy any parking card, tender pass, mooring permit or other official document issued by the Chicago Park District.

g. Additional Group Two Rules.

The Director of Park Services may promulgate and publish additional Group Two Harbor Rules not inconsistent with the provisions of this chapter, subject to the approval of the General Superintendent.

SECTION E - REVOCATION OF PERMIT OR REFUSAL TO GRANT PERMIT

1. Refusal to Renew or Revocation of Permit Based on Rule Violation

The Director of Park Services may revoke or refuse to renew the Permit of any person upon determining that he/she has violated a Group One Harbor Rule within the three years preceding the determination, or that he/she has committed two or more violations of Group Two Harbor Rules within that three-year period, or that he/she has failed to pay a fine or fee lawfully imposed pursuant to this chapter.

2. Refusal to Grant Permit to New or Transfer Applicant Based on Rule Violation, Failure to Pay Fine or Prior Revocation

The Director of Park Services may refuse to grant a Permit to a new applicant or transfer applicant if he/she determines that the applicant:

- a. has had a permit within the Harbor System revoked within three years of the date of refusal to offer the permit;
- b. has violated a Group One Harbor Rule or any predecessor rule or ordinance whose violation would be a violation of a Group One Harbor Rule under this chapter, Section D.1., within three years of the date of refusal to offer the permit;
- c. has committed two or more violations of Group Two Harbor Rules, or any predecessor rule or ordinance whose violation of a Group Two Harbor Rule under this chapter, Section D.2. within three years of the date of refusal to offer the permit; or
- d. has failed to pay a fine or fee lawfully imposed on him/her pursuant to this chapter or any predecessor rule or ordinance governing use of the Harbors.

3. Refusal to Renew or Revocation of Permit Based on Harbor System Needs

The Director of Park Services may revoke or refuse to renew a permit where necessary to facilitate harbor construction, alterations or repair, or where because of natural conditions or other reasonable factors, the Director of Park Services determines that continued use of the mooring in question is inconsistent with the safe and efficient operation of the Harbor System. Notwithstanding the provisions, Section C.3. of this chapter, above, the Director of Park Services shall make reasonable efforts to assign persons adversely affected under this subsection to alternative moorings.

SECTION F. - APPEAL PROCEDURES

1. Actions Appealable

The following actions are appealable pursuant to this chapter:

- a.** revocation or refusal to renew a permit for violation of Harbor Rules;
- b.** denial of a permit to a new applicant or transfer applicant for violation of Harbor Rules;
- c.** proposed imposition of a fine for violation of Harbor Rules; and
- d.** impoundment of a Boat.

2. Notice

The Director of Park Services shall give written notice to all affected permittees or applicants of record of his/her intent to revoke or refuse to renew a permit for violation or Transfer Application for violation of Harbor Rules, or to assess a fine for violation of Harbor Rules. Such written notice may be personally served on the permittee or applicant or on the person placed by the permittee in charge of the Boat, or may be sent by mail to the permittee or applicant at the address or addresses listed on the permit or application. The notice shall specify the actions the Director of Park Services proposes to take (including the amount of any proposed fine); shall specify the Harbor Rule or Rules allegedly violated; shall briefly state the factual basis of the alleged violation; and shall inform the permittee or applicant of the procedures and deadline for appeal.

3. Filing of Appeal

If the permittee or applicant wishes to appeal the proposed action, he/she shall file such an appeal within ten days after such notice is sent by filing with the Director of Park Services a written request for hearing. If no timely appeal is filed, the Director of Park Services may proceed to execute the action specified in the notice, and the permittee or applicant shall have no further right of appeal.

4. Hearing

Upon receipt of a timely request for hearing, the hearing will be scheduled by the Director of Park Services within thirty days after receipt by the Director of Park Services of the written request for hearing. The permittee or applicant will be notified in writing of the time and place of the hearing. The hearing will be conducted by an impartial non-Employee hearing officer appointed by the General Superintendent or his/her designee. The Park District shall have the burden of proving by a preponderance of the evidence any charge of violation of Harbor Rules.

At the hearing, the permittee or applicant shall have the right to counsel, to call witnesses and present evidence in his/her behalf, to see all evidence against him/her and to cross-examine opposing witnesses. The hearing officer shall not be bound by the technical rules of evidence but may admit such evidence as is commonly relied on by reasonable prudent persons in the conduct of their affairs. Within thirty days after completion of the hearing, the hearing officer shall submit a written recommendation to the General Superintendent sustaining, modifying, or reversing the proposed action of the Director of Park Services. Within fourteen days after receipt of the hearing officer's recommended decision is sent to the permittee or applicant, the Director of Park Services and/or the permittee or applicant may file with the General Superintendent written exception to the recommended decision. Within ten days after the last date for filing exceptions to the recommended decision, the General Superintendent, shall render a final decision in the name of the Park District accepting, modifying or reversing the recommended decision of the hearing officer. The Director of Park Services shall then promptly execute the decision of the General Superintendent.

5. Administrative Review

Once the General Superintendent has rendered a final decision, any further rights of appeal are subject to the Illinois Administrative Review Law, 735 ILCS 5/3-101.

SECTION G - IMPOUNDING

1. Impoundment Procedure

The Park District may impound a Boat or trailer by removing it to a designated impoundment area or by forbidding a Boat from being moved from its mooring during the period of impoundment.

2. Circumstances Allowing Impoundment

The Director of Park Services or Harbor Manager may impound a Boat, Dinghy, or Boat trailer, or may allow city, state or federal officials to impound a Boat or trailer, for the following reasons:

- a.** The Boat is moored to a mooring or otherwise anchored or tied up in the Harbor system without a valid permit;
- b.** The Boat is operated in such a way as to be an unreasonable hazard or impediment to navigation within the Harbor System, or in such a way as to present an unreasonable danger of injury to persons or property within the Harbor System;
- c.** Violation of this chapter, Section D.2.e.(2) of this chapter;
- d.** The Boat or trailer has been reported stolen and the owner of the Boat or trailer is not present at the location of recovery;
- e.** The Boat, Dinghy, or trailer is abandoned or left unattended in a launch ramp parking facility;
- f.** Other circumstances in which impoundment of the Boat or trailer is necessary to prevent a clear and present danger of injury or damage to the Boat or trailer, or to persons or property within the Harbor System;
- g.** Failure of the Owner of the Boat or trailer to pay fines or fees lawfully imposed by the Park District; and
- h.** Any other cause justifying impoundment under state or federal law.

3. Record of Impoundment

Upon impounding a Boat, Dinghy or Boat trailer, the Director of Park Services shall record the name and description of the impounded Boat or trailer; the circumstances under which it was

impounded; the time, method, and place of impoundment; and a description of the condition of the Boat, Dinghy or Boat trailer at the time it was impounded.

4. Notice to Owner of Impounded Boat

- a.** Whenever the Director of Park Services has impounded any Boat, Dinghy, or Boat trailer he/she shall immediately ascertain, if possible, the name of the Owners or other persons legally entitled to possession of such Boat, Dinghy or Boat trailer, and thereafter shall immediately cause a notice to be sent by certified or registered United States mail, return receipt requested, to such owners and such other persons entitled to possession, if known. Such notice shall contain a full description of where it is impounded and shall request that the recipient immediately contact the Director of Park Services. If the impoundment was based on the violation of a Harbor Rule, the notice shall specify the action (in addition to impoundment) that the compliance with the requirements of this chapter, Section F.2., above.
- b.** Whenever the Director of Park Services is unable to ascertain the name of the Owners or other persons entitled to possession of an impounded Boat, Dinghy or trailer, and therefore is not able to give notice to such person as provided above, and in the event the Boat is not delivered to such person within fifteen days after impoundment, the Director of Park Services or shall send a written report of said impoundment by mail to the Illinois Department of Natural Resources and the United States Coast Guard. Such notice shall include a complete description of the Boat, the date, time and place from which it was impounded, the reasons for such impoundment, and the place where it is impounded. Any Dinghy left in the harbor system without identification shall be disposed of pursuant to Chapter X of this Code.

5. Meeting of Director of Park Services with Owner

The Director of Park Services shall personally meet with the person or persons notified under this chapter, Section G.4.a., above, as soon after the sending of such notice as can be arranged. The purpose of such meeting is to explain the circumstances of the impoundment and receive from the Owner any information bearing on whether the impoundment shall be continued. Upon conclusion of this meeting, the Director of Park Services may:

- a.** Determine that the Boat, Dinghy or trailer was improperly impounded, in which case he/she immediately release the Boat, Dinghy or trailer to any authorized person without charge;
- b.** Determine that the Boat, Dinghy or trailer was properly impounded. In such case, the Director of Park Services shall determine whether it should remain impounded pending proceedings, if any, on the charges that led to the impoundment. If the Director of Park

Services allows the Boat or trailer to be released, he/she shall do so upon payment of the reasonable charges incurred by the Park District in towing and may order the impoundment continued pending such further proceedings if he/she finds probable cause to believe that:

- (1) the Boat or trailer, if released to its Owner, would pose a clear and present danger to the safety of persons or property within the Harbor System;
- (2) the continued impoundment of the Boat or trailer is necessary in connection with state or federal legal proceedings; or
- (3) the Owner has failed or refused to correct an existing violation of this chapter, Section D.2.e.(2), above.

c. Release the impounded Boat or trailer to the custody of federal, state, or city authorities.

6. Subsequent Proceedings

If the Owner, in the notice of impoundment, was notified of charges of violation of Harbor Rules, the Owner shall have the right to appeal such charges and receive a hearing thereon according to the proceedings. The General Superintendent shall, upon conclusion of those proceedings, make such disposition of the impounded Boat, Dinghy or trailer as may be appropriate in compliance with law.

7. Disposition of Unclaimed Impounded Boat, Dinghy or Trailer

If any impounded Boat, Dinghy or trailer remains unclaimed by the Owner or person legally entitled to possession thereof for a period of thirty days or more after the date the notice of impoundment was sent to the Owner or person entitled to possession of said Boat, Dinghy or trailer, the Director of Park Services may cause the Boat, Dinghy or trailer to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place in the Park District Administration Building, and on the premises where the impounded Boat or trailer is stored. At least ten days prior to the sale, the Director of Park Services shall cause a notice of the time and place of the sale to be sent by certified mail, return receipt requested, to the registered Owner or other persons entitled to possession, if known. Notice of the sale shall also be given by publishing the same once each week for three consecutive weeks in some newspaper of general circulation. Such notice shall contain a complete description of the Boat, Dinghy or trailer to be sold and what steps must be taken by any legally entitled person to reclaim the Boat, Dinghy or trailer. Out of the proceeds of the sale, all costs and charges of the impoundment and sale shall be paid to the Park District. The remainder, if any shall be paid to the Owner of the property or disposed of as unclaimed property as provided by law.

SECTION H. - CHANGE IN OWNERSHIP & ACQUISITION OF ANOTHER BOAT

1. Change of Ownership of Boat after Granting of Permit

Any change in the ownership of a Boat for which a permit has been granted shall cause the revocation of the permit, except that:

- a.** If the Boat is owned by multiple Owners, individual Owners may be deleted without loss of the permit. Owners may be added, provided that the ownership interest of all additional Owners not named on the original permit does not exceed 50% of the total interest in the Boat . If the ownership interest of the additional Owners exceeds 50% interest in the Boat, the permit shall be revoked, unless the additional Owners are the legal spouse or child of an Owner. And individual Owner may add his/her legal spouse and children to the ownership of a Boat.
- b.** If by operation of law title to the Boat changes as a result of a court order or upon death or divorce, said change of ownership shall not affect the permit.

2. Acquiring Another Boat

- a.** If a seasonal mooring permittee acquires a different Boat than is designated on the Permit, the Director of Park Services, upon payment of the required fee shall substitute the new Boat for the old on the permit if the Director of Park Services determines that the new Boat is appropriate for the mooring assignment or kind of mooring assignment granted by the permit.
- b.** A Seasonal Mooring Permittee who intends to acquire a Boat that is not appropriate for the mooring covered by the existing permit may, prior to acquiring the new Boat, apply for a transfer to an appropriate class of mooring. The transfer application shall be filed and processed as provided in this chapter, Section C.2., above, except that proof of ownership need not be filed with the Director of Park Services until a new mooring assignment has been offered to the permittee.

SECTION I. - FEES AND FINES

1. Fees for Permits

The Board shall establish from time to time the fees to be charged pursuant to this chapter, including the conditions for any refunds and any non-resident fee surcharged imposed pursuant to 70 Illinois Compiled Statutes 1505/26.3(g). Fees for permits must be paid when an application is filed with the Director of Park Services. A permittee who desires to forfeit by written notice to the Director of Park Services his/her current permit during the Harbor Season shall be entitled to a full refund of such fee if such forfeiture occurs prior to May 15 and to one-half refund of such fee if said forfeiture occurs prior to July 15.

2. Fines for Violation

- a.** Each violation of a Group 1 Harbor Rules shall subject the permittee or operator of the Boat to a civil fine of up to \$500.00.
- b.** Each violation of a Group 2 Harbor Rule shall subject the violator to a civil fine of up to \$500.00.
- c.** Any fine imposed on a permittee for violation of a Harbor Rule shall, unless the Director of Park Services or the General Superintendent orders otherwise, be imposed jointly and severally on all Owners of the Boat covered by the permit.