

## ARTICLE IV. LAKE TUSCALOOSA\*

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**\*Editor's note:** Ord. No. 3275, adopted June 11, 1991, amended Ch. 18, Art. IV in its entirety as set out above. Prior to this amendment, Art. IV pertained to Lake Nicol and Lake Harris and was derived from Code 1962, §§ 33-132--33-134, 33-136, 33-137; Ord. No. 2334, adopted April 30, 1985; and Ord. No. 2782, adopted March 29, 1988.

At the editor's discretion, provisions enacted by Ord. No. 3275 as § 18-86, pertaining to severability of the provisions of Arts. III and IV, have been redesignated by editor as § 18-70.1 in order to provide for better classification.

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### DIVISION 1. GENERALLY

Sec. 18-60. Lake declared public waters for certain purposes.

(a) It shall be unlawful for any person to commit any offense, which is declared to be a misdemeanor in the state water safety laws and regulations, which have the force and effect of law when duly adopted by the State Department of Conservation, on any of that area of land, or on the water thereover, acquired by the city for its north river water supply project and named Lake Tuscaloosa.

(b) For the purpose of control and enforcement of the state laws and regulations by enforcement officers of the state water safety division, said lake is hereby declared to be public waters.

(Ord. No. 3275, 6-11-91)

**State law references:** Boat safety, Code of Ala. 1975, § 33-5-21 et seq.

Sec. 18-61. Application of city ordinances and regulations and state laws.

All ordinances and regulations of the city are expressly made applicable to that land owned by the city under and surrounding Lake Tuscaloosa, and it shall be unlawful for any person to commit any offense on such city-owned lands which is declared by any existing or future law of the state (expressly including any rules of the State Health Department which has the force and effect of law) to be a misdemeanor.

(Ord. No. 3275, 6-11-91)

Sec. 18-62. Denial of access to and use of lake for violation of rules.

(a) In any case where the rules, regulations or ordinances apply to areas beyond that owned by the city, such rules may be enforced by the denial of access to the lake and denial of the use of the lake to any person violating the same.

(b) It shall be unlawful for any person to enter onto the lake area after having been denied access thereto by the city for violating any of the rules.

(Ord. No. 3275, 6-11-91)

Sec. 18-63. Health and sanitation requirements.

(a) *Sanitary facilities defined; privy or dry closet receptacles and cesspools regulated.*

"Sanitary facilities," as used herein, shall mean a facility of a type prescribed and accepted by the county health department for the purpose for which it is intended. It is provided, however, that

privy or dry closet type receptacles and cesspool type sewage disposal facilities, as defined in the rules and regulations promulgated by the State Board of Health, shall not be considered sanitary facilities for the purpose of this article, and privy or dry closet receptacles and cesspools shall not be permitted on land bordering or adjacent to the lake, unless such installation is:

(1) Sufficient distance from the lake as to prevent lake pollution; and

(2) Expressly permitted at such location by written permission of the county health officer.

(b) *Sanitary facilities required for recreational areas.* Sanitary facilities will be required for all recreational areas either public or private. A pier or landing which normally has moored to it five (5) or more boats, or one (1) where there will normally be five (5) or more boats kept or launched, will be considered a recreation area whether the same be public or private and sanitary facilities shall be provided.

(c) *Sanitary facilities required for structures and lots used for habitation.* All houses, cabins, clubhouses, trailers or any building or structure used for, or suitable for, habitation constructed on the watershed of the reservoir shall be provided with sanitary facilities, and any lot used for habitation, such as camping, picnicking or gatherings, whether in daytime or overnight, shall be provided with or have immediate access to onsite sanitary facilities.

(d) *Toilets or sanitary systems on vessels prohibited.* It shall be unlawful for any vessel or boat on the lake to be equipped with a toilet or sanitary system of any type whatsoever. Any such vessel shall be removed immediately from the lake.

(e) *Construction of installations by private individuals; location in relation to normal pool elevation.* No part of any septic tank or conventional on site wastewater system as defined in chapter 13 of this Code (including field lines) shall be constructed by private individuals on property which is owned by the city, and no part of any such installation shall be located closer than three hundred (300) feet horizontally from the normal pool elevation. The city council may grant a variance from this provision to the property owner after an investigation and recommendation by the engineering department, the water and sewer department and the Tuscaloosa County Health Department. The property owner shall give to the city written assurances that the design and construction will prevent any public health danger by pollution of Lake Tuscaloosa from said sanitary facilities.

(f) *Authority of county health officer.* The county health officer, or duly authorized agent, shall have access to the lake area and to areas immediately surrounding the lake area at all reasonable times for the purpose of inspecting any sanitary facilities and shall be afforded the right to make such inspection.

(g) *Accumulation of garbage, trash, etc.* The accumulation of debris, garbage, trash or unsightly conditions will not be permitted on any area adjacent to the reservoir and all such conditions shall be abated on notice from the city or the county health department. It shall be unlawful for any person to permit or allow any such accumulation of garbage, trash or debris on the lake or on any of the land owned by the city, and it shall be unlawful for any person to fail to abate such condition on receiving notice to abate.

(h) *Littering prohibited.* It shall be unlawful for any person to litter Lake Tuscaloosa or the shores thereof, with any cans, food, paper, bottles, or trash as defined in chapter 13 of this Code. Violation of this provision shall be punishable by fine as provided in section 1-8 of this Code.

(Ord. No. 3275, 6-11-91; Ord. No. 3796, 12-23-93; Ord. No. 5459, 12-10-96; Ord. No. 6822, 10-25-05)

Sec. 18-64. Platting and recording of lake site lots.

(a) All lakefront lots must have a lake frontage width on the lake of not less than fifty (50) feet, measured on tangent, and a minimum area of twenty thousand (20,000) square feet, excluding any area of the lot that is within fifty (50) feet horizontally of the boundary of the pool at normal elevation.

(b) All plats of land adjacent to the lake area shall contain a line indicating the contour which designates the normal pool elevation, as well as the line to which the city acquired.

(c) All plats or subdivisions of land adjacent to the lake area shall not be recorded in the probate office of the county, and lots shall not be sold from such plats until provisions of section 23 of the rules and regulations promulgated by the State Board of Health pursuant to section 22-2-2(6), of the Code of Alabama, 1975, have been complied with. Such section 23 requires that a study be made of the area to determine a proper and adequate method of sewage disposal, including percolation tests and soil suitability where septic tank systems are to be used, and such survey and report shall be reviewed and approved by the county health officer and the State Health Officer, or their duly authorized representatives, prior to developing such subdivision either by sale or lease.

(Ord. No. 3275, 6-11-91)

#### Sec. 18-65. Sunken vessels.

It shall be unlawful for any person to leave a sunken boat or vessel in the water for more than two (2) weeks. Any such sunken boat or vessel which has been in the water for longer than two (2) weeks may be removed by the city at the owner's expense. Any sunken boat or vessel which poses a hazard to the public health, safety or welfare or to navigation may be removed immediately by the city at the owner's expense.

(Ord. No. 3275, 6-11-91; Ord. No. 3885, § 13, 6-2-94)

#### Sec. 18-66. Keeping of animals on land surrounding the lake.

The normal pasturing or keeping of animals and fowl on privately owned land adjoining the reservoir area will be permitted. Fencing over land owned by the city to the normal pool elevation will be allowed only by permission. To receive a permit to construct such a fence, a sketch shall be presented to the city showing the kind and location of the fence proposed to be constructed and number and kind of animals proposed to be confined. The heavy concentration of animals on any land adjoining the lake area or which immediately drains into the lake area, is prohibited and shall be unlawful.

(Ord. No. 3275, 6-11-91)

**Cross references:** Animal and fowl, Ch. 4.

#### Sec. 18-67. Regulation of traffic and parking at lake.

(a) The chief of police is authorized to direct, by appropriate signs, areas where vehicles or vehicles with trailers may be taken and parked on all of the land adjacent to Lake Tuscaloosa which is owned by or under the control of the city and shall be authorized to post signs designating the speed and direction of traffic on and through all such land.

(b) It shall be unlawful for any person to operate any vehicle, or to park any vehicle or any vehicle with boat trailer attached, at any place or in any manner contrary to the duly established signs provided and posted for the purpose of regulating or controlling such traffic or parking.

(c) Any unattended vehicle in a place or manner not in accordance with posted signs regulating such parking may be towed away and impounded at the expense of the owner or person parking the same in violation of said regulations.

(Ord. No. 3275, 6-11-91)

**Cross references:** Traffic, Ch. 22.

Sec. 18-68. Engaging in commercial enterprise or constructing buildings or structures for commercial purposes.

No person, firm or corporation (hereinafter "person") shall engage in any business or commercial enterprise on Lake Tuscaloosa or on the land owned by the city surrounding Lake Tuscaloosa, nor shall any such person construct any building, structure or fixture on the city's land bordering Lake Tuscaloosa for or associated with a commercial enterprise or purpose, until a permit is first given by resolution duly adopted by the governing body. Such permit shall be requested in writing and approved by the city council in the following manner:

(1) The applicant shall first make application in writing to the office of the director of the water and sewer department or his designated representative. Such application shall set out the exact area to be occupied, the type and kind of commercial or business enterprise proposed to be engaged in, and a detailed drawing of the type and kind of structure proposed to be constructed.

(2) The applicant shall also furnish to the director of the water and sewer department or his designated representative the name and address of all the persons owning property or lots adjoining the area of land on which the proposed structure is to be constructed or the proposed business is to be conducted.

(3) On filing such application, the applicant shall pay to the director of the water and sewer department or his designated representative a filing fee of two hundred dollars (\$200.00), or if the commercial enterprise is a marina, boat dock or boathouse facility, twenty-five dollars (\$25.00) per boat slip or boat storage area, whichever is greater, to defray the cost of processing such application.

(4) The director of the water and sewer department or his designated representative shall review the application and cause an on-site inspection to be made of the proposed area and shall prepare recommendations to the governing body as to the feasibility of the proposed activity and the compatibility of the proposed activity with the use of the lake by the city and others. The director of the water and sewer department or his designated representative shall also to the extent applicable utilize the review standards as set forth in section 18-87(b) and (c).

(5) With the consent of the governing body, a date shall be set for the governing body to examine the application and notice shall be sent by ordinary mail to all adjoining property owners identified by the applicant at least five (5) days prior to the date set forth for the consideration thereof by the governing body. After a hearing thereon and due consideration thereof, in open meeting, such application may be approved or denied as the governing body may so determine.

(6) The procedure as set forth herein for the requirement of a permit shall not apply to commercial enterprises or structures operated and/or constructed under permit from the city and in continuous operation prior to the eighteenth day of April, 1973. Provided, however, new structures shall meet the criteria of section 18-87(c) and existing structures shall meet the criteria of section 18-87(d).

(7) No commercial activity shall be conducted upon Lake Tuscaloosa or its boat landings unless a permit is authorized by the City Council of Tuscaloosa.

(8) No commercial enterprise, permitted pursuant to this section, shall rent or lease personal watercraft, which are defined as **vessels** that use an inboard motor powering a waterjet pump as the primary source or mode of power and which are designed to be operated by a person sitting, standing, or kneeling on the **vessel**, rather than the conventional manner of sitting or standing inside the **vessel**. A commercial enterprise is further prohibited from renting or leasing **vessels** equipped to engage in the activity of parasailing or any equipment related to such activity. (Ord. No. 3275, 6-11-91; Ord. No. 5065, 5-11-95; Ord. No. 5330, 5-21-96; Ord. No. 6308, 3-5-02; Ord. No. 6317, 3-26-02)

Sec. 18-69. Trespassing on certain portions of Lake Tuscaloosa prohibited.

(a) It shall be unlawful for any person, not on official business of or for the city, to enter upon or remain in or upon the premises of the Lake Tuscaloosa Dam, including the following:

(1) The spillway and/or spillway wingwall, being that area beyond the fence at the parking lot and public observation area north and east of the new Watermelon Road, as it traverses the dam and spillway.

(2) Under either side of the bridge on the new Watermelon Road, which spans the Lake Tuscaloosa Dam spillway.

(3) North of the guardrail on the new Watermelon Road as it traverses Lake Tuscaloosa Dam, being that area which is the north face or water impoundment side of the dam.

(4) South of the guardrail on the new Watermelon road as it traverses Lake Tuscaloosa Dam, being that area which is not the water impoundment side of the dam, but the escarpment south of the dam covered with riprap, extending throughout the property south of the guardrails and posted with no trespassing signs.

(5) Beyond the unpaved road on the northeast of the spillway, spillway race, tail race, and pool of the Lake Tuscaloosa Dam facility.

(6) Upon the spillway, spillway race, tail race and pool of the Lake Tuscaloosa Dam facility.

(b) It shall be unlawful for any person to deface, tamper with, damage or interfere with the property of the city, including, but not limited to, the following: Fences, guardrails, signs, and lights.

(Ord. No. 3275, 6-11-91)

Sec. 18-70. Jumping from bridges and structures and swimming or boating in certain areas prohibited.

It shall be unlawful for any person to swim or boat in Lake Tuscaloosa immediately above the spillway, or to swim or boat in the spillway race below the dam on Lake Tuscaloosa; and it shall be unlawful for any swimmer or other person to jump, dive or purposely allow such person's self to fall from any of the public bridges crossing Lake Tuscaloosa, from the spillway or spillway embankments of Lake Tuscaloosa, or from any cliffs or rocks on Lake Tuscaloosa.

(Ord. No. 3275, 6-11-91)

Sec. 18-70.1. Severability.

The provisions of this article are declared to be severable. If any portion of this article shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portions of this article nor the remaining portions of article III.

(Ord. No. 3275, 6-11-91)

**Note:** See the editor's note to Art. IV.

## DIVISION 2. VESSEL REGULATIONS

### Sec. 18-71. Definitions.

The following definitions shall apply to this division:

*Houseboat:* A vessel fitted for use as a dwelling with conventional overnight accommodations without sanitary facilities.

*Owner:* A person, other than a lienholder, having the property and/or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

*Parasailing:* Any vessel that tows a person or persons who has attached a parachute or kite-like device that lifts or is capable of lifting the person into the air.

*Pontoon boat:* A flat bottom boat supported by pontoons or a deck boat with a hull.

*Seaplane:* An airplane designed to take off from and land on the water.

*Sport boat:* Any vessel or boat other than a pontoon boat or houseboat.

*Vessel:* Every description of watercraft, other than a seaplane, capable of being used as a means of transportation on the water.

(Ord. No. 3275, 6-11-91; Ord. No. 5884, § 1, 4-13-99)

### Sec. 18-72. Rules of traffic.

The following rules shall govern traffic on Lake Tuscaloosa:

- (1) Vessels passing head-on shall keep to the right.
- (2) Vessels overtaking another vessel may do so on either side, but must grant the right-of-way to the vessel being overtaken.
- (3) When vessels are passing at right angles, the vessel on the left will yield right-of-way to the vessel on the right.
- (4) Motor boats shall yield right-of-way to nonmotor power boats except as follows:
  - a. When being overtaken by nonpowered vessels.
  - b. For deep draft vessels that have to remain in narrow channels.
  - c. When vessel is towing another vessel.
- (5) Motor vessels must maintain a direct course when passing sail boats.
- (6) Any vessel departing shoreline or tributary shall yield right-of-way to through traffic and vessels approaching shoreline or tributary.
- (7) Vessels will not abruptly change course without first determining that it can be safely done without risk of collision with another vessel.
- (8) If an operator of a vessel fails to fully understand the course of an approaching vessel, he must slow down immediately to a speed barely sufficient for steerageway until the other vessel has passed.
- (9) Vessels yielding right-of-way shall reduce speed, stop, reverse or alter course to avoid collision. Vessels with right-of-way shall hold course and speed. If there is danger of collision, all vessels will slow down, stop or reverse until danger is averted.
- (10) Vessels will issue warning signals in fog or thick weather.
- (11) No mechanically propelled vessel shall be operated in a circular course around any other vessel or any person swimming.
- (12) In a narrow channel, vessels will keep to the right of mid-channel.

- (13) Vessels approaching or passing another vessel shall not be operated in such manner and at such rate of speed as will create a hazardous wash or wake.
  - (14) No vessel shall obstruct or interfere with takeoff, landing, or taxiing of aircraft.
  - (15) All vessels shall be operated at reasonable and prudent speeds for certain situations; however, there is established a maximum speed of fifty (50) miles per hour unless a permit is issued for special organized events by the governing body of the city and all vessels shall be under the complete control of the operator at all times.
  - (16) No vessel or person shall obstruct or block navigation channels, entrance to channels, mooring slips, landing docks, launching ramps, piers or tributaries.
  - (17) Vessels shall keep at least one hundred (100) feet clearance of displayed diver's flag.
  - (18) No vessel shall exceed thirty (30) miles per hour on any area of Lake Tuscaloosa between sunset and sunrise.
  - (19) It shall be unlawful for any person to operate a vessel at a speed in excess of five (5) miles per hour in any area within one hundred (100) yards of a marina or public boat landing.
  - (20) It shall be unlawful to operate a boat at a speed in excess of five (5) miles per hour within twenty-five (25) yards of the lake shore with a private boat landing, pier, boathouse or a moored boat.
  - (21) It shall be unlawful for any person operating a vessel to enter an area which has been properly designated and identified as one in which a rescue operation or other emergency operation is being conducted unless authorized by the officer or official in charge of such rescue or emergency operation. For the purpose of this section, an area shall be deemed to be properly identified and designated where the area is defined by buoys, or where vessels are stationed flying warning flags, or where police or patrol boats are stationed to warn other vessels away from restricted areas.
  - (22) Vessels will operate to the right of the lake or channel, except in emergency conditions, trolling speeds only when fishing, or when circling to pick up skiers.
- (Ord. No. 3275, 6-11-91; Ord. No. 5884, §§ 2--5, 4-13-99)

#### Sec. 18-73. Reckless driving.

- (a) It is unlawful to operate a vessel in a reckless manner upon Lake Tuscaloosa. A person is guilty of reckless operation of a vessel who operates any vessel or manipulates any water skis, aquaplane or other marine transportation device upon Lake Tuscaloosa at a speed, or in a manner to endanger, or likely to endanger the life, limb or damage the property of or any person.
  - (b) Any person operating a vessel upon Lake Tuscaloosa shall operate the vessel in a reasonable and prudent manner so as not to endanger the life, limb or property of any person. The endangerment of life, limb or property through the negligence, carelessness, or inattention of any person operating a vessel on Lake Tuscaloosa shall constitute careless operation. Vessel, wake and shore line wash resulting from the reasonable and prudent operation of a vessel, absence negligence or reckless driving, shall not constitute damage or endangerment to property.
- (Ord. No. 3275, 6-11-91; Ord. No. 5884, § 6, 4-13-99)

#### Sec. 18-74. Requirement of approved flotation devices.

- (a) Every vessel operated on Lake Tuscaloosa is required to have on board at least one (1) U.S. Coast Guard-approved personal flotation device (PFD) for each occupant aboard the vessel as specified below:  
Class I (less than 16 feet): a Type I, II, III or IV.

Class II (16 feet but less than 26 feet): a Type I, II or III.

Class III (26 feet but less than 40 feet): a Type I, II or III.

Class IV (40 feet and over): a Type I, II, or III.

(b) In addition to the above requirements for personal flotation devices, all recreational boats sixteen (16) feet and over in length operated on Lake Tuscaloosa shall carry at least one (1) Type IV PFD (cushion or ring buoy) as a throwable device. Such PFD's must be placed or stored on the vessel in such manner as to be readily available for use in case of emergency.

(c) Such PFDs that are torn, rotted or damaged lose their U.S. Coast Guard approval. In addition, all PFD's shall be proper size for occupants on board.

(d) The city through the city's police department police officers shall have the right to board and inspect any vessel operated on Lake Tuscaloosa for required safety equipment.

(e) Any safety equipment found to be in an unserviceable condition may be marked as unserviceable equipment and its use prohibited.

(f) Nothing herein shall be interpreted so as to mean that marking shall be a prerequisite for prosecuting a person who violates any provisions of this section.

(Ord. No. 3275, 6-11-91; Ord. No. 5884, § 7, 4-13-99)

Sec. 18-75. Requirement of approved flotation device of persons being towed.

(a) No person shall operate or give permission to operate any vessel on Lake Tuscaloosa towing a person or persons on water skis, surfboards, spinners or other similar devices unless such person or persons being towed are wearing a U.S. Coast Guard-approved type I, II, III or V personal flotation device (PFD).

(b) No person shall engage in that certain aquatic sport known as water skiing, including the use of surfboards, discs, spinners, knee boards or other similar devices, without wearing a U.S. Coast Guard approved type I, II, III or V personal flotation device (PFD).

(c) Any person being towed on skis, aquaplane, surfboard, spinner, knee boards or other similar devices shall be considered an occupant of the towing vessel.

(Ord. No. 3275, 6-11-91; Ord. No. 3309, § 1, 10-1-91)

Sec. 18-76. Requirement of signal devices for use during nighttime operations.

(a) All vessels as hereinafter designated shall be equipped with signal devices for use during nighttime operation (sunset to sunrise) and during inclement weather where visibility is greatly reduced.

(b) All vessels sixteen (16) feet in length but less than twenty-six (26) feet are required to be equipped with an efficient whistle or other sound-producing mechanical device, whether operated by hand or power, capable of producing a blast of two (2) seconds or more duration and audible for at least one-half mile.

(c) All vessels twenty-six (26) feet in length but not exceeding forty (40) feet are required to be equipped with an efficient whistle or other sound-producing mechanical device, hand or power operated, capable of producing a blast of two (2) seconds or more duration and audible for a distance of at least one (1) mile.

(Ord. No. 3275, 6-11-91)

Sec. 18-77. Requirement of lights.

The following designated vessels shall be required to have, when under way between sunset and sunrise, the following specific lights:

(1) Manually propelled **vessels** under twenty-six (26) feet shall have readily at hand a lantern or flashlight showing a white light which shall be temporarily exhibited by the operator in sufficient time to prevent collision.

(2) All mechanically propelled **vessels** less than twenty-six (26) feet in length shall have one (1) combination light in the fore part of **vessel** showing red to port and green to starboard from right ahead to two (2) points abaft the beam, visible at least one (1) mile, along with one (1) bright, white light aft showing all around the horizon, visible at least two (2) miles.

(3) Mechanically propelled **vessels** twenty-six (26) feet or over shall have on the port side, properly screened, a red light which shall show from right ahead to two (2) points abaft the beam, visible at least one (1) mile; and on the starboard side, properly screened, a green light which shall show from right ahead to two (2) points abaft the beam, visible at least one (1) mile; on the stern, one (1) bright, white light showing all around the horizon, visible at least two (2) miles; on the bow, one (1) bright, white light in the fore part of the **vessel** showing from right ahead to two (2) points abaft the beam on both sides, visible at least two (2) miles.

(4) Combination sail and power **vessels** less than twenty-six (26) feet in length shall have a combination light forward with red to port and green to starboard, which light will show over twenty (20) points of the compass, together with one (1) white light aft, showing all around the horizon visible at least two (2) miles.

(5) Combination sail and power **vessels** twenty-six (26) feet and over shall have a white light forward, visible over twenty (20) points of the compass and an aft white light showing all around the horizon visible at least two (2) miles, together with side lights, screened, each over ten (10) points, red to port and green to starboard.

(6) Sail **vessels** less than twenty-six (26) feet shall have a combination light forward showing red and green lights over twenty (20) points with red to port and green to starboard, together with a twelve (12) point white light aft visible at least two (2) miles.

(7) Sailing **vessels** twenty-six (26) feet and over shall have side lights of green to starboard and red to port, each showing over ten (10) points, together with a 12-point white light aft visible at least two (2) miles.

(Ord. No. 3275, 6-11-91)

#### Sec. 18-78. Requirements for fire extinguishers.

All **vessels** hereinafter designated shall be equipped with fire extinguisher equipment which shall be kept in such a workable condition and location as to make it available for immediate and effective use when the **vessel** is occupied.

(1) All inboard and inboard/outboard motor **vessels**, regardless of size, shall have a hand-portable fire extinguisher or semiportable fire extinguisher using carbon dioxide (CO<sub>2</sub>), foam or other chemical ingredients such as is commonly used for extinguishing gasoline fires or petroleum product fires. Such fire extinguisher shall be approved by the U.S. Coast Guard.

(2) All **vessels** equipped with any butane gas, propane gas, kerosene, gasoline or petroleum-product-consuming device, except outboard motors, shall have a hand-portable fire extinguisher or semiportable fire extinguisher using carbon dioxide (CO<sub>2</sub>), foam, halon or other chemical ingredient such as is commonly used for extinguishing a fire produced by the use of such device. Such fire extinguisher shall be approved by the U.S. Coast Guard.

(3) All motor **vessels** having closed compartments wherein portable fuel tanks are stored or having permanently installed fuel tanks shall have a hand-portable or semiportable fire extinguisher approved by the U.S. Coast Guard.

(4) **Vessels** requiring fire extinguishers shall carry at least the minimum number of hand-portable or semiportable fire extinguishers as follows:

**VESSELS WITHOUT FIXED EXTINGUISHER SYSTEM IN MACHINERY SPACE**  
TABLE INSET:

Class of Motor Boat	Foam (minimum gallons)	Carbon Dioxide (minimum lbs.)	Dry Chemicals (minimum lbs.)	Halon (minimum lbs.)
(Less than 16')	1 1/4	4	2	2 1/2
(16' but less than 26')	1 1/4	4	2	2 1/2
(26' but less than 40')	2 1/2	8	4	5
(40' and over)	3--3 3/4	12	6	7 1/2

**VESSELS WITH FIXED EXTINGUISHER SYSTEM IN MACHINERY SPACE**  
TABLE INSET:

Class of Motor Boat	Foam (minimum gallons)	Carbon Dioxide (minimum lbs.)	Dry Chemicals (minimum lbs.)	Halon (minimum lbs.)
(Less than 16')	None	None	None	None
(16' but less than 26')	None	None	None	None
(26' but less than 40')	1 1/4	4	2	2 1/2
(40' and over)	2 1/2	8	4	5

(Ord. No. 3275, 6-11-91; Ord. No. 3309, § 2, 10-1-91)

**Sec. 18-79. Prohibited--Overload of passengers.**

No **vessel** shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and existing operating conditions.

(Ord. No. 3275, 6-11-91; Ord. No. 3309, § 3, 10-1-91)

**Sec. 18-79.1. Horsepower limitations.**

No **vessel** shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such **vessel** and other existing operating conditions.

(Ord. No. 3309, § 3, 10-1-91)

Sec. 18-79.2. Ventilation requirements.

Every vessel except those of open construction using as fuel any inflammable or toxic fluid in any enclosure shall be provided with an efficient natural or mechanical ventilation system which is capable of removing inflammable or explosive gases.

(Ord. No. 3309, § 3, 10-1-91)

Sec. 18-79.3. Emergency shut-off switch required.

(a) It shall be unlawful for any person to operate, or give permission to another person to operate, any vessel less than eighteen (18) feet in length having an open cockpit and having more than fifty (50) horsepower, unless said vessel is equipped with an emergency engine or motor shut-off switch.

(1) Said shut-off switch referred to in paragraph (1) hereof, must be constructed and installed in such a manner so that, when in use, any removal of the operator from the normal operating station will result in the immediate shutoff of the engine or motor.

(2) For the purpose of this regulation, "open cockpit" means any vessel described herein not having a permanently affixed top or cabin over the normal operating station.

Sec. 18-79.4. Capacity plate to be affixed.

No person shall operate, give permission to operate, or offer for sale any vessel without a capacity plate affixed permanently thereto as specified by U.S. Coast Guard standards.

(Ord. No. 3309, § 3, 10-1-91)

Sec. 18-79.5. Flame arrestor.

Every motor boat using gasoline as fuel except outboard motors shall have the carburetor or carburetors of every engine therein equipped with a United States Coast Guard approved flame arrestor or backfire trap.

(Ord. No. 3309, § 3, 10-1-91)

Sec. 18-80. Prohibitions on water skiing.

(a) No person shall operate a vessel on Lake Tuscaloosa for towing a person or persons on water skis, knee boards, or an aquaplane or similar device unless there is in or on such vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed or such vessel is equipped with wide angle rear view mirror mounted in such a manner as to permit the operator of the vessel to observe the person or persons being towed.

(b) No person shall operate a vessel on Lake Tuscaloosa towing a person or persons on water skis, knee board, aquaplane or similar device, nor shall any person engage in water skiing, aquaplaning or similar activity, at any time between the hours from one (1) hour after sunset to one (1) hour before sunrise.

(c) No person except in jump buoys and like objects used normally in competitive and recreational skiing shall operate or manipulate any vessel, tow rope or other device by which the direction or location of the water skis, knee boards, aquaplane or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar device, or any person thereon, to collide with or strike against any object or person unless a permit is issued by the governing body of the city.

(Ord. No. 3275, 6-11-91; Ord. No. 5884, § 8, 4-13-99)

Sec. 18-81. Requirement of boating certification and age limit to operate a vessel.

(a) As of April 28, 1999, no person shall operate any mechanically propelled vessel on Lake Tuscaloosa without proof of a boating-safety certification in their possession at all times of operation of vessel as required by the State of Alabama.

(b) No person owning or having control of a mechanically propelled vessel shall permit any person under age twelve (12), unless specifically permitted by the laws of the State of Alabama, to operate such vessel on Lake Tuscaloosa. Any person between twelve (12) and fourteen (14) years of age, having turned twelve (12) after January 1, 2002, may not operate a vessel without the immediate supervision of a valid operator who is twenty-one (21) years of age or older.

(Ord. No. 3275, 6-11-91; Ord. No. 5884, § 9, 4-13-99; Ord. No. 6392, 10-15-02)

Sec. 18-82. Reserved.

**Editor's note:** Ord. No. 3309, adopted Oct. 1, 1991, repealed former § 18-82 which pertained to noise levels generated by vessels on Lake Tuscaloosa and derived from Ord. No. 3275, adopted June 11, 1991.

Sec. 18-83. Prohibited areas of water skiing.

(a) Whenever the City of Tuscaloosa Police Department Lake Patrol Division shall determine that in the best interest of public safety it is necessary to restrict the speed of boats or boating activities on, or prohibit the entrance of boats into, certain areas of Lake Tuscaloosa, or otherwise regulate or prohibit use of boats or water skis (including all devices similar to water skis) in such areas, it shall designate such restricted areas by appropriate signs, which signs shall be as follows:

(1) A symbol of a diamond shape with a cross within the diamond, colored international orange on a white background, shall mean "Boats Keep Out."

(2) A symbol of circular shape, colored international orange on white background, designates a controlled or prohibited boating activity such as limiting the speed of a vessel, prohibiting fishing or skiing or swimming, etc. In most instances, letters will be placed in the center of such circle designating the prohibited or controlled boating activity.

(b) It shall be unlawful for any person to conduct prohibited activity as so designated by the appropriate signs.

(Ord. No. 3275, 6-11-91)

Sec. 18-84. Vessels to be registered and numbered.

Every vessel on Lake Tuscaloosa shall be registered and numbered in accordance with the laws of the State of Alabama. No person shall operate or give permission for the operation of any vessel on Lake Tuscaloosa unless the vessel is registered and numbered, with the identifying number set forth in the certificate of registration displayed on each side of the bow of such vessel in accordance with the laws of the State of Alabama.

(Ord. No. 3275, 6-11-91)

Sec. 18-85. General prohibitions.

(a) *Mooring to regulatory markers or navigation aids.* No person shall anchor or moor any vessel to a regulatory marker or aid to navigation.

- (b) *Interference with markers or aids.* No person shall interfere with, destroy, submerge, climb upon, damage, move or cause to be removed from its moorings any regulatory marker or aid to navigation.
- (c) *Divers' flags.* A diver's flag shall not be less than twelve (12) inches square, colored red with a white two-inch stripe running diagonally from the top staff corner to the bottom fly corner and shall be prominently displayed and visible from all directions and kept within a fifty-foot radius of divers when such divers are in the water.
- (d) *Boat races.* Public boat races will not be allowed on the lake unless a permit is issued by the governing body of the city.
- (e) *Discharging firearms.* The discharging of firearms on the lake or on city property is prohibited.
- (f) *Activities close to spillway.* No boating, skiing, swimming or fishing will be allowed within one thousand (1,000) feet of the spillway or the intake tower.
- (g) [Left blank intentionally.]
- (h) *Type and size.* No vessel shall be allowed on the lake that is larger than the following type and size:
- (1) Sport boat--Twenty-four (24) feet by eight and one-half (8 1/2) feet.
  - (2) Pontoon boat--Thirty-eight (38) feet by fourteen (14) feet.
  - (3) Sail boat--Twenty-six (26) feet by eight and one-half (8 1/2) feet.
  - (4) Notwithstanding vessel size, no vessel which due to the configuration of its hull and/or propulsion system which would pose a hazard to persons and property on Lake Tuscaloosa will be allowed on the lake.
- (i) *Landing or take off of seaplanes.* No person shall land or take off a seaplane on or from the lake unless said person has a permit approved by the governing body of the city.  
(Ord. No. 3275, 6-11-91; Ord. No. 3474, 9-8-92; Ord. No. 5450, 11-21-96; Ord. No. 5884, § 10, 4-13-99; Ord. No. 6039, § 1, 3-7-00; Ord. No. 6891, 4-27-06)