

Chapter 12

Recreational Use of Inland Waters

12.1. Purpose:

The rules contained herein are enacted for the purpose of guiding those who utilize for recreation the inland waters of the Town of Holland, by establishing regulations in order to ensure safety and to maintain the integrity of the water and its surroundings.

12.2. Authority:

In addition to the ordinances contained within this document, regulations are established and enforced pursuant the General Laws [G.L.], Code of Massachusetts Regulations [CMR], Federal Navigation Rules for Inland Waters [CFR], and Title 36 of U.S. Army Corps of Engineers Rules and Regulations.

12.3. Definitions:

12.3.1 Narrow - A narrow channel connecting two larger areas of water.

12.3.2 Cove - A small sheltered inlet.

12.3.3 Vessel - Watercraft of every description that is used or capable of being used as a means of transportation on water, whether in motion or at rest.

12.3.4 Power-driven Vessel - Any vessel propelled by machinery.

12.3.5 Personal Watercraft [PWC] - A vessel propelled by a water jet pump or other machinery as its primary source of motor propulsion which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than being operated in the conventional manner by a person sitting or standing inside the vessel.

12.3.6 Headway Speed - The minimum speed at which a vessel may be operated and maintain steerage way, but not to exceed six [6] MPH, except in the case of a personal watercraft [PWC], which shall mean the slowest speed at which the watercraft may be operated and maintain steerage way and the operator shall be either kneeling or sitting.

12.4. General Guidelines:

12.4.1 All vessels shall be operated in a safe and courteous manner while maintaining safe speeds and distances which depend on the conditions at the time of operation. Conditions include but are not limited to, wind, water, visibility, traffic density, maneuverability and the proximity of navigational hazards, shorelines, swimming areas, docks, ramps, and other vessels.

12.4.2 No person shall operate any vessel or PWC in a manner which fails to exercise the degree of care necessary to prevent the endangering of life, limb, or property of any

person. Any individual who is in violation may be considered to be operating in a negligent manner, regardless of it being a result of operator ignorance, inattention, indifference, or carelessness. Negligent operation includes but is not limited to, those who operate at a speed of greater than 45 mph, those who operate erratically or at a high speed in a congested area, in fog or stormy conditions, while under the influence of alcohol or drugs, and near or through areas that are being utilized by swimmers or divers.

12.5 Regulations:

- 12.5.1 All power-driven vessels shall travel in a counter clockwise direction while operating on the waters of the Hamilton Reservoir.
- 12.5.2 All power-driven vessels shall yield right of way and allow proceeding with precedence, all swimmers and non power-driven vessels.
- 12.5.3 No power-driven vessel shall exceed headway speed while operating in narrows, coves, and in the area of the outlet of the Quinebaug river, except in the case of a PWC, which shall be operated at the slowest speed possible to maintain steerage way while the operator is either kneeling or sitting.
- 12.5.4 On the waters of the Hamilton Reservoir, all power-driven vessel speed shall be limited to no greater than headway speed from sunset until sunrise, and shall be limited to no greater than 6 MPH until 11:00 am on Saturdays, Sundays, and on those days which are defined as a legal holiday by G.L.
- 12.5.5 On the waters of Holland Pond, also referred to as Lake Siog, all power-driven vessel speed shall be limited to no greater than headway speed at all times.
- 12.5.6 No vessel shall tow more than two [2] persons simultaneously who are engaged in water skiing or who are in tow in any other manner.
- 12.5.7 All vessels engaged in towing persons who are water skiing or who are in tow in any other manner shall be occupied by an observer, other than the operator, at least 12 years of age, who shall be constantly observing the persons being towed.
- 12.5.8 All persons, to include Marina operators, who permit the launching of vessels from their property, shall provide refuse barrels or containers and sanitary toilet facilities for those who utilize their property for such purpose.

12.6. Restrictions:

- 12.6.1 No power-driven vessel shall engage in any type of racing activity.
- 12.6.2 No person operating a Personal Watercraft [PWC] shall tow any person in any manner.
- 12.6.3 No person shall discharge or dispose of raw sewage, garbage or any other debris into or upon inland waters.
- 12.6.4 No Personal Watercraft [PWC] shall be operated on the waters of Holland Pond, also referred to as Lake Siog.

- 12.6.5 No vessel equipped with toilets, cooking facilities or laundry facilities shall be authorized to be on inland waters. No Chlorinators of any kind shall be used.
- 12.6.6 No person shall carry or transport on any vessel, any open container as defined in G.L. c. 90 § 24, which contains an alcoholic beverage.
- 12.6.7 No person shall utilize the beach located on Pond Bridge Rd, [Parcel #15-G-1], for the purpose of launching a vessel, fishing in a designated swimming area, camping, to place camping equipment or to create any type of fire, to include fire for cooking, heating, or to dispose of material.
- 12.6.8 No person shall willfully deface, injure, move, alter, obstruct or interfere with any officially posted sign, signal, device or marking.
- 12.6.9 No person shall place, maintain or display upon or in view of inland waters any sign, signal, device or marking, which attempts to direct, alter or monitor the movement or speed of vessels, or which attempts to alter the regulations contained herein, to include the regulations referenced in section 12, subsection 12.2 of this document.
- 12.7. Exemptions:
- 12.7.1 The provisions outlined in Section 12.5, subsection [12.5.1, 12.5.4 and 12.5.5] and section 12.6, subsection [12.6.4] of this document shall not apply to public safety personnel, to include authorized Army Corps of Engineers employees, who are engaged in the performance of their duties during situations which require a deviation from those regulations in order to safely and successfully complete their mission.
- 12.7.2 The Board of Selectmen shall be empowered to amend the provisions outlined in this document for the purpose of allowing authorized clubs to participate in and to practice for water ski shows.
- 12.7.3 The Board of Selectmen shall be authorized to place or cause to be placed signs, signals, devices and markings in the waters of and upon the lands surrounding the Hamilton Reservoir for the purpose of displaying ordinances pertaining to the utilization of such waterway.
- 12.7.4 Public safety personnel shall be authorized to place or cause to be placed signs, signals, devices and markings in the waters of and upon the lands surrounding the Hamilton Reservoir during situations deemed as an emergency, and in order to alert individuals to a potential hazard.
- 12.7.5 Pursuant to Title 36, Chapter 111, Part 327, the U.S. Army Corps of Engineers shall be authorized to place or cause to be placed, signs, signals, devices and markings in the waters of and upon the lands surrounding Holland Pond, also referred to as Lake Siog.
- 12.7.6 The placement of signs, signals, devices and markings upon the lands surrounding the Hamilton Reservoir for the purpose of deterring access and use prior to and during times of chemical treatment in order to ensure that the application of such chemical is successful, shall be authorized.

12.7.7 The placement of signs, signals, devices and markings upon the lands surrounding The Hamilton Reservoir and Holland Pond for the purpose of restricting access and use during times that the condition of the water may endanger public health, shall be authorized.

12.7.8 The provisions outlined in this section shall not apply to those waters which are less than 10 acres and privately owned.

12.8. Enforcement:

12.8.1 It shall be the responsibility of the Police Department and authorized police employees to conduct enforcement with impartiality and reasonableness, while taking into account safety, precedence of their assignment and the scope of resources at the time of enforcement.

12.8.2 Police employees shall be authorized to issue a non-criminal citation pursuant to G.L. c. 40 § 21D in the amount of twenty five dollars [\$25.00], to those who violate the regulations outlined in section 12.5, subsection [12.5.1 thru 12.5.6, and 12.5.8], and the restrictions outlined in section 12.6, subsection [12.6.3 thru 12.6.9].

12.8.3 Police employees shall be authorized to inspect any vessel at any stage of or during the initiation of a voyage for the purposes of ensuring said vessel contains the proper equipment and is properly registered.

12.8.4 In addition to a non-criminal citation, The Chief of Police or his/her designee shall be authorized to remove or cause to be removed every sign, signal, device or marking which is in violation of section 12.6, subsection 12.6.9, without notice and at the expense of the violator for any cost incurred for the process of removing such sign.