

## **ARTICLE V. BOATER USE OF DESIGNATED CITY ELECTRICAL HOOK-UPS AT HADDAD RIVERFRONT PARK EVENTS**

### **Sec. 82-128. Purpose; Definitions.**

(a) Purpose. The City from time to time holds or permits events at Haddad Riverfront Park for the purpose of providing wholesome entertainment, to attract tourism, and to generally provide opportunities for people to take advantage of the great resource which is our downtown riverfront area. Making the area accessible to boaters attending such events promotes and furthers these purposes. This ordinance sets forth guidelines and conditions for the permitting and licensing of boaters to safely utilize designated electric power sources which may, at the City's discretion, be made available to boaters attending these events.

(b) Definitions. For the purpose of and wherever used in this Article, the following terms shall be defined and have the meanings as set forth herein:

*"Approved Cord"* means any cord and plug which meet the specifications set by City Regulations to be used by Boaters for purposes of connecting to and using any designated power source provided by the City;

*"Boater"* means any individual utilizing a watercraft on the Kanawha River.

*"Daisy-chain"* means extending electric power via cords or connections to one or more end-user(s) other than an intended licensee's watercraft.

*"Dock"* means any structure or platform, whether temporary or permanent, erected or placed at Haddad Riverfront Park for the purpose of securing or mooring watercraft during any Event(s).

*"Event"* means any gathering or activity authorized by the City which is held at Haddad Riverfront Park and the surrounding area, including, but not limited to, such things as Live at the Levee concerts, FestivAll, Fourth of July fireworks celebrations, or other such events held at Haddad Riverfront Park.

*"Watercraft"* means any vessel being used or capable of being used for transportation on the water, including but not limited to:

- (a) A vessel operated by machinery either permanently or temporarily affixed, including motorboats, speedboats, sternwheelers, or other vessels intended to be used as boats;
- (b) A sailboat other than a sailboard;
- (c) An inflatable, manually propelled boat that is required by federal law to have a hull identification number meeting the requirement of the United States Coast Guard; or
- (d) A canoe, rowboat, or other such manually propelled boat.

## **Sec. 82-129. Event Electricity Hook-up; License for Hook-up**

(a) The City may provide access to power sources for Boaters attending certain or all Events at Haddad Riverfront Park to allow Boaters to energize electrical systems or devices on their Watercraft while moored or secured at a Dock. The City shall have full discretion for the manner, timing, location, and placement of any and all designated power sources made available for such Events, and reserves the right to limit or shut-off the power at any time for any reason.

(b) Access to land-based electrical power sources during Events by Boaters shall be by means of an Approved Cord. No Boater shall access or connect to such power sources by any other means.

(c) Daisy-chains being fed power from land-based electrical power sources during Events are strictly prohibited. No Boater shall cause, construct, or allow such daisy-chains.

(d) Permission to access land-based electrical power sources by Boaters during Events shall be by license issued by the City Manger or his/her designee. No Boater shall access or connect to such power sources without a license.

(e) The City may charge an administrative fee for licenses not to exceed \$100 per license. Licenses shall be non-transferable and may be issued for periods not exceeding one year.

(f) The City Manager is hereby authorized to promulgate reasonable rules and regulations for the administration of this Article, which may include (i) the setting of fees, (ii) the application process, requirements, and qualifying criteria; (iii) manner, timing, location, and placement of power source access, including the designation of Events subject to be licensed; (iv) insurance requirements and indemnity provisions to protect the City's interests; (v) establishing classes or categories of licenses based upon an Event, a group of Events, size of watercraft, or other criteria; (vi) any other provisions, conditions, or limitations which may be appropriate to carry out the intent of this Article; Provided, that the City Manager shall retain the right to revoke or suspend any license, with or without cause, at any time.

(e) Any Boater licensed pursuant to this Article shall carry valid photo identification and a copy of the City license at all times when he or she is connected to any power source provided by the City, and shall present them to any City official or law enforcement officer upon request.

**Sec. 82-130. Violations, Enforcement, and Penalties.**

(a) In addition to immediate revocation and forfeiture of a Boater's license, and immediate confiscation of any improper or unauthorized cord, any violation of subsection (b), (c), or (d) of the preceding section [§ 82-129] shall be considered a misdemeanor punishable by a fine not in excess of \$500.00 per offense.

(b) Any law enforcement officer, within the scope of his authority, may enforce the provisions of this Article, and any rules and regulations promulgated by the City Manager pursuant hereto, and in the exercise thereof may board any vessel which is in any way connected to any City provided power source for purposes of enforcing this Article and its applicable rules and regulations.

(c) Nothing in this Article shall be deemed to exempt any licensed Boater from any other or additional applicable permit and licensing requirements or any other laws of this State or of the City of Charleston. Further, any violation of any such permit, requirement, or laws of this State or of the City shall be grounds for immediate revocation of any license issued hereunder.