

## **Chapter 10 Harbor and Boating Safety**

Secs.

- 1000 General Provisions
- 1001 Registration of Vessels
- 1002 Registration Procedures and Fees
- 1003 Notification of Changes in Ownership and Status
- 1004 Numbering of Vessels
- 1005 Invalid Certificates
- 1006 Certificate of Title
- 1007 Certificate of Title Fees: Title Tax
- 1008 Application for Certificate of Title
- 1009 Duplicate Certificate of Title if Original is Missing or Damaged
- 1010 Acquiring Title to an Abandoned Vessel
- 1011 Processing a Certificate of Title
- 1012 Previously Issued Certificate of Title: Liens
- 1013 Outstanding Certificates of Title: Liens
- 1014 Priority of Liens
- 1015 Assignment of Lien
- 1016 Priority of Unsatisfied Liens
- 1017 Satisfied Liens
- 1018 Fee for Recording Liens
- 1019 Manufacturer's or Dealer's License

- 1020 Bonds for Manufacturers or Dealers
- 1021 Penalty
- 1022 Enforcement
- 1023 Impoundment of Vessels
- 1024 Civil Liability
- 1025 [Reserved]
- 1026 Operation of Vessels
- 1027 Speed Limits
- 1028 Anchoring and Mooring
- 1029 Entering Designated or Restricted Areas
- 1030 Obstructing Docks, Channels, or Other Vessels
- 1031 Collisions, Accidents, and Casualties
- 1032 Explosives, Gasoline, and Volatile Liquids
- 1033 Prevention of Water Pollution
- 1034 Equipment Standards
- 1035 Mufflers and Noise Control
- 1036 Boat Liveries
- 1037 [Reserved]
- 1038 Advertising
- 1039 Water Sports
- 1040 Regattas, Races, and Other Aquatic Events
- 1041 Show Boats, Floating Night Clubs, and Use of Vessels for Housing
- 1042 Amphibian Aircraft

1043 Anacostia River Drawbridge

1099 Definitions

## **1000 GENERAL PROVISIONS**

1000.1 It is the policy of the District of Columbia to promote safety for persons and property in connection with the use and operation of vessels in District waters.

1000.2 The District's Harbor Master shall regulate the operation, navigation, mooring, and anchoring of all vessels and amphibian aircraft in the District waters, and shall enforce all laws and regulations relating to those waters.

1000.3 The Mayor is authorized to conduct a boating safety and education program.

1000.4 Any person who violates any provision of this chapter for which no specific penalty is otherwise provided, or who violates any provision of the regulations promulgated pursuant to this chapter, shall, upon conviction, be punished by a fine of not more than three hundred dollars (\$300) or by imprisonment for not more than ten (10) days, or both.

1000.5 Any person who violates any provision of this Article for which no specific penalty is otherwise provided or who violates any provision of the regulations promulgated pursuant to this Article shall, upon conviction, be punished by a fine of not more than \$300.00 or by imprisonment for not more than ten days, or both. The penalties imposed by this chapter shall be in addition to, and not in lieu of, any penalties imposed by any other law or regulation.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is an Act to amend section 895 of the Code of Law of the District of Columbia, 48 Stat. 963 (July 15, 1934).

**SOURCE:** Article 29 §§ 1, 3, 22, 26 of the Police Regulations of the District of Columbia (January 1983).

## **1001 REGISTRATION OF VESSELS**

1001.1 The owner of each vessel using District Waters, unless specifically exempted under §§ 1001.2 or 1001.5, shall register with the Harbor Master in the manner provided in § 1002.

1001.2 The following vessels shall be exempt from registration while they are temporarily using District waters, in accordance with §§ 1001.3 and 1001.4:

(a) Vessels that are covered by a Certificate of Number and Registration, in full force and effect, issued by the Coast Guard or by a state or United States territory with a federally approved numbering system;

(b) Vessels that are from a country other than the United States; and

(c) Vessels documented by the Coast Guard.

1001.3 Use of a vessel listed in § 1001.2 in District Waters for a period in excess of fifty (50) consecutive days shall create a rebuttable presumption that the use is no longer temporary, and that the vessel should be registered in the District.

1001.4 Use of a vessel listed in §1001.2 in District waters for a period of one hundred and eighty-three (183) days or more during any calendar year shall be *prima facie* evidence that the use is no longer temporary and that the vessel should be registered in the District of Columbia.

1001.5 The following vessels shall be exempt from registration:

(a) A military or public vessel of the U.S. government, other than a recreational type public vessel;

(b) A vessel owned by a state, or any subdivision of a state, which is used principally for governmental purposes, and which is clearly identifiable as such;

(c) A vessel's lifeboat, if the lifeboat is used solely for lifesaving purposes;

(d) A vessel used exclusively for racing; and

(e) A vessel operating during the period, not to exceed thirty (30) days, following the filing of an application for a Certificate of Number; provided, that visible evidence of the application shall be present on the vessel.

SOURCE: Article 29 § 4(a)(1)-4(a)(2) of the Police Regulations of the District of Columbia (January 1983).

## **1002 REGISTRATION PROCEDURES AND FEES**

1002.1 The owner(s) of each vessel required to be registered under this chapter shall annually file an application for registration with the Harbor Master on forms approved by the Chief of Police.

1002.2 Each application shall be signed by the owner(s), and shall be accompanied by the fee specified in this section.

1002.3 Upon the filing of a proper registration application, the Harbor Master shall record the application.

1002.4 Each applicant for registration of an undocumented vessel shall be issued a Certificate of Number and two (2) annual validation stickers.

1002.5 The Certificate of Number for an undocumented vessel shall contain the identification number assigned to the vessel, the name(s) and address(es) of the owner(s), and any additional information that the Mayor may prescribe.

1002.6 Each applicant for registration of a documented vessel shall be issued a Certificate of Registration and two (2) annual validation stickers for documented vessels.

1002.7 The Certificate of Registration for a documented vessel shall contain the name(s) and address(es) of the owner(s), and any additional information that the Mayor may prescribe.

1002.8 No identification number shall be issued for a documented vessel.

1002.9 Annual validation stickers for documented vessels shall meet the specifications set forth in 33 CFR § 174.15.

1002.10 The annual validation stickers for documented vessels shall be separate and distinct from the annual validation stickers for undocumented vessels.

1002.11 The registration year for vessels shall extend from January 1st to December 31st of each year.

1002.12 Certificates of Number and Registration issued pursuant to this chapter shall expire on December 31st of the year of issue, unless the owner renews the vessel's registration for an additional year, or unless the registration is terminated or discontinued prior to December 31st in accordance with § 1005.

1002.13 The owners of all vessels required to be registered under this chapter, other than recreational-type public vessels of the United States government, shall remit with their applications for registration or registration renewal the following fees:

(a) For each vessel equipped with propulsion machinery of any type, and the length of which is under sixteen feet (16 ft.), fifteen dollars (\$15.00) per registration year or fraction thereof;

(b) For each vessel not equipped with propulsion machinery of any type, and the length of which is at least sixteen feet (16 ft.), but no greater than twenty-six feet (26 ft.), twenty-five dollars (\$25.00) per registration year or fraction thereof;

(c) For each vessel equipped with propulsion machinery of any type and the length of which is over twenty-six feet (26 ft.) but no greater than forty feet (40 ft.), thirty-five dollars (\$35.00) per registration year or fraction thereof;

(d) For each vessel equipped with propulsion machinery of any type and the length of which is over forty feet (40 ft.), forty-five dollars (\$45.00) per registration year or fraction thereof;

(e) For each vessel not equipped with propulsion machinery of any type, ten dollars (\$10.00) per registration year or fraction thereof; or

(f) For replacement of a lost or destroyed certificate, five dollars (\$5.00).

SOURCE: Article 29 § 4(a)(3)(A), 4(a)(3)(B) and 4(a)(4) of the Police Regulations of the District of Columbia (January 1983); as amended by section 2(b) of D.C. Law 5-58, the District of Columbia Boat Titling Act of 1983, and section 8(b) of D.C. Law 11-248, the "Boating while Intoxicated Act of 1996".

## **1003 NOTIFICATION OF CHANGES IN OWNERSHIP AND STATUS**

1003.1 If the ownership of a registered vessel changes, a new application form, accompanied by the appropriate registration fee, shall be filed with the Harbor Master by the new owner(s), and a new Certificate of Number and Registration shall be issued to the applicant.

1003.2 The identification number assigned to the vessel may be identical to the identification number previously assigned.

1003.3 A person whose name appears as the owner of a vessel on a Certificate of Number shall notify the Harbor Master in writing within fifteen (15) days of the occurrence of any of the following events:

- (a) Any change in the person's name or address;
- (b) The theft or recovery of the vessel;
- (c) The loss or destruction of a valid Certificate of Number;
- (d) The transfer of all or part of the person's interest in the vessel, other than the creation of a security interest in the District of Columbia;
- (e) The destruction or abandonment of the vessel; or
- (f) The documentation of the vessel.

SOURCE: Article 29 § 4(a)(3)(c) and 4(c) of the Police Regulations of the District of Columbia (January 1983).

## **1004 NUMBERING OF VESSELS**

1004.1 Vessels, other than documented vessels, required to be registered pursuant to § 1001, shall be numbered in accordance with this section.

1004.2 No person shall operate or give permission for the operation of any vessel on District waters, unless the vessel is numbered in accordance with this section, a numbering system administered by the Coast Guard, or a federally approved numbering system of a state or a U.S. territory.

1004.3 The Certificate of Number issued to the owner of a vessel shall be available at all times for inspection on the vessel for which it is issued whenever the vessel is in use.

1004.4 The Certificate of Number for a readily identifiable livery boat of less than twenty-six feet (26 ft.) in length which is leased, rented, or chartered to another person for that person's noncommercial use for less than seven (7) days may be retained on shore by the vessel owner or the owner's representative at the place from which the vessel departs or returns to the possession of the owner or the owner's representative.

1004.5 A copy of the lease or rental agreement for a vessel that is leased, rented, or chartered under § 1004.4, that has been signed by the owner or the owner's representative and the person renting, leasing, or chartering the vessel must be in the possession of the operator on board the vessel.

1004.6 The copy of the lease or rental agreement for a vessel that is leased, rented, or chartered under § 1004.4 shall contain at least the identification number and the period of time for which the vessel is rented, leased, or chartered.

1004.7 The identification number contained in the Certificate of Number shall be displayed on each side of the forward half of the vessel in a position where the number is distinctly visible and legible.

1004.8 The identification numbers displayed on a vessel shall read from left to right, and shall be in block characters of good proportion not less than three inches (3") in height.

1004.9 The identification number shall have spaces or hyphens that are equal to the width of a letter other than "i" or the number "1" between the letter and number grouping (For example: DC 5678 EF or DC-5678-EF).

1004.10 The identification number shall be of a color that will contrast with the color of the background, and shall be maintained to be clearly visible and legible.

1004.11 When a vessel is used by a manufacturer or dealer for testing or demonstration, the identification number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

1004.12 On vessels configured so that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate attached to the forward half of the vessel so that the number is visible from each side of the vessel.

1004.13 Except on documented vessels, no number other than the current identification number validly assigned to the vessel shall be painted, attached, or otherwise displayed on each side of the forward half of the vessel.

1004.14 The annual validation sticker issued by the Harbor Master for an undocumented vessel shall be displayed on the vessel within six inches (6") of the vessel identification number.

1004.15 The annual validation sticker issued by the Harbor Master for a documented vessel shall be conspicuously displayed on the forward half of the vessel.

1004.16 Nothing in this section prohibits the registration of any vessel under this chapter upon the request of the owner, even though that vessel is exempt from registration under § 1001.2 or 1001.5 of this chapter.

1004.17 The Harbor Master is authorized to issue hull identification numbers in accordance with 33 CFR § 181.

1004.18 If a department or agency of the U.S. government has in force an overall system of numbering identification for vessels within the United States, the numbering system administered by the Harbor Master pursuant to this section shall conform to that federal numbering system.

SOURCE: Article 29 § 4(b) of the Police Regulations of the District of Columbia (January 1983).

## **1005 INVALID CERTIFICATES**

1005.1 A person whose name appears as the owner of a vessel on a Certificate of Number shall surrender the certificate to the Harbor Master within fifteen (15) days after the certificate becomes invalid.

1005.2 A Certificate of Number issued by the Harbor Master shall be invalid if the application for the Certificate of Number contains a false or fraudulent statement, or if the annual fees required by § 1002.13 have not been paid.



1005.3 A Certificate of Number which has not expired shall be invalid after the date on which the person whose name appears as the owner of the vessel on such Certificate of Number transfers all of his or her ownership in the vessel, or when the vessel is destroyed or abandoned.

1005.4 A Certificate of Number is invalid fifty (50) days after the date on which the vessel is no longer principally used in the District of Columbia waters.

1005.5 A Certificate of Number shall be invalid when the person whose name appears on the Certificate as the owner involuntarily loses his or her interest in the vessel by legal process.

1005.6 A Certificate of Number shall be invalid after the date upon which the vessel is documented or required to be documented under 45 CFR § 67.

1005.7 The person whose name appears as the owner of a vessel on the Certificate of Number shall remove the identification number displayed on the vessel and the validation stickers whenever the Certificate of Number expires or becomes invalid.

1005.8 If the vessel is re-registered in the District, the identification number assigned to the vessel may be identical to the previously assigned identification number.

SOURCE: Article 29 § 4(d) of the Police Regulations of the District of Columbia (January 1983).

## **1006 CERTIFICATE OF TITLE**

1006.1 Any vessel principally used on District Waters and required to be registered and numbered under this chapter shall have a certificate of title issued by the Harbor Master, except as provided in § 1006.2.

1006.2 A person who, on March 14, 1984, is the owner of a vessel with a valid Certificate of Number issued by the District is not required to file an application for a certificate of title for the vessel, unless the person transfers any part of his or her interest in the vessel or renews the Certificate of Number for the vessel.

1006.3 The certificate of title shall show the name and address of the holder, the trade name and engine, serial, or identification number of the vessel, and shall be signed by the parties.

1006.4 A Certificate of Number shall not be issued or renewed for any vessel required to be registered and numbered in the District unless the Harbor Master shall first have issued a certificate of title to the owner of the vessel.

1006.5 Each owner of a vessel subject to titling under the provisions of this section shall apply to the Harbor Master for issuance of a certificate of title for the vessel within thirty (30) days of acquisition of the vessel.

1006.6 A dealer who buys or acquires a used District-numbered vessel for resale shall report the acquisition to the Harbor Master on the form prescribed by the Harbor Master.

1006.7 A dealer who buys or acquires a used non-District-numbered vessel shall apply for a certificate of title in his or her name within fifteen (15) days of acquisition.

1006.8 A dealer who buys or acquires a new vessel for resale may apply for a certificate of title in his or her name.

1006.9 These transactions shall be exempt from the title tax required under § 1007.2.

1006.10 Each dealer transferring a vessel required to have a certificate of title under this section shall assign the title to the new owner, or in the case of a new vessel, assign the certificate of origin.

1006.11 Within fifteen (15) days of the transfer, the dealer shall forward all fees and applications for a title or a registration to the Harbor Master.

1006.12 No person may sell, assign, or transfer a vessel required to be titled by the District without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the name of the purchaser or the transferee.

1006.13 No person shall purchase or acquire a vessel required to be titled by the District without obtaining a certificate for it in his or her name.

1006.14 If ownership of a vessel is transferred by operation of law, such as inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee shall, within thirty (30) days after he or she has acquired the right to possession of the vessel, deliver to the Harbor Master the proof of ownership which the Harbor Master may require, together with the application for a new certificate of title and the required fees.

1006.15 If a lien holder repossesses a vessel by operation of law and holds it for resale, he or she shall secure a new certificate of title and shall pay the required fees.

1006.16 Each certificate of title shall contain the information and shall be issued in the form as the Harbor Master shall prescribe.

**AUTHORITY:** The authority for this section is D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”.

SOURCE: Section 2(c) of D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”, 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6295-97 (December 9, 1983).

## **1007 CERTIFICATE OF TITLE FEES: TITLE TAX**

1007.1 The Harbor Master shall charge a fee of two dollars (\$2.00) to issue a certificate of title, a duplicate, a corrected certificate of title, or a transfer of title.

1007.2 Except as provided in §§ 1006.6 and 1007.3, a title tax shall be levied on the issuance of every original certificate of title required for a vessel under § 1006 and on the issuance of every subsequent certificate of title following the sale, resale, or transfer of the vessel as follows:

(a) The Harbor Master shall collect the title tax at the rate of six percent (6%) of the gross sales price of the vessel or, if no sale immediately precedes the application for a certificate of title, the fair market value of the vessel for which a certificate of title is applied for and issued. The Harbor Master may require the applicant to submit satisfactory proof of the vessel’s gross sales price or fair market value in order to establish the tax due.

(b) The tax imposed by this subsection is in lieu of collecting any tax which may have been due as a result of a sale required under the District of Columbia Revenue Act of 1949, approved May 27, 1949 (63 Stat. 115; D.C. Code §§ 47-2001 (1997 Repl.) et seq.); and

(c) Any person aggrieved by the assessment established by this section may, within six (6) months after payment of the tax, appeal from the assessment to the Superior Court of the District of Columbia in the same manner as set forth in § 3 of title 9 of the District of Columbia Revenue Act of 1937, approved May 16, 1938 (52 Stat. 371; D.C. Code § 47-3303 (1997 Repl.)).

1007.3 In the following instances, a person obtaining a certificate of title shall not be required to pay the tax provided for in § 1007.2:

(a) Resulting from a transfer between spouses or between parent and child;

(b) Resulting from a transfer between licensed dealers in vessels for resale;

(c) Resulting from ownership of a vessel for which a certificate of title was sought prior to the date of enactment of the Act, and if the applicant paid District sales tax on the vessel as required by law at the time of acquisition. The Harbor Master may require the applicant for titling to submit satisfactory proof that he or she owned the vessel prior to the date of enactment of the Act.

- (d) Resulting from the repossession of a vessel by a lien holder; and
- (e) Resulting from the transfer of ownership by operation of law.

1007.4 If the Harbor Master determines there has been an overpayment of the title tax on a vessel, the overpayment shall be refunded if an application under oath is filed with the Harbor Master within one (1) year from the overpayment.

**AUTHORITY:** The Authority for this section is D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”.

**SOURCE:** Section 2(c) of D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”, 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6297-99 (December 9, 1983).

## **1008 APPLICATION FOR CERTIFICATE OF TITLE**

1008.1 The application shall be on the forms prescribed by the Harbor Master, and shall be accompanied by the fee and title tax required by § 1007.

1008.2 The application shall be signed and sworn to before a notary public or any person who administers oaths, or shall be certified in writing that the statements made are true and correct to the best of the applicant’s knowledge under penalty of perjury.

1008.3 The application shall contain the date of sale and the gross price of the vessel or the fair market value if no sale immediately preceded the transfer.

1008.4 If the application is made for a vessel last registered or titled in another jurisdiction, the application shall contain the information required in § 1008.3 and any other information the Harbor Master may require.

1008.5 The application shall show whether or not there are any liens against the vessel or any of the equipment or the accessories affixed to the vessel.

1008.6 If there are liens against the vessel, the application shall list the lien holders in the order of their priority and shall be accompanied by written instruments or any other papers necessary to entitle the liens to be entered on the certificate of title.

**AUTHORITY:** The Authority for this section is D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”.

**SOURCE:** Section 2(c) of D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”, 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6299-300 (December 9, 1983).

## **1009 DUPLICATE CERTIFICATE OF TITLE**

1009.1 If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lien holder or, if there is no lien holder, the owner named in the certificate as shown by the Harbor Master's records shall, within thirty (30) days, obtain a duplicate by applying to the Harbor Master.

1009.2 The applicant shall furnish information concerning the original certificate of title and the circumstances of its loss, mutilation, or destruction as the Harbor Master may require.

1009.3 Mutilated or illegible certificates of title shall be returned to the Harbor Master with the application for a duplicate.

1009.4 The duplicate certificate of title shall be marked "duplicate" across its face and shall be delivered to the applicant.

1009.5 If a lost or stolen original certificate of title for which a duplicate has been issued is recovered, the original shall be surrendered promptly to the Harbor Master for cancellation.

AUTHORITY: The Authority for this section is D.C. Law 5-58, the "District of Columbia Boat Titling Act of 1983".

SOURCE: Section 2(c) of D.C. Law 5-58, the "District of Columbia Boat Titling Act of 1983", 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6300 (December 9, 1983).

## **1010 ACQUIRING TITLE TO AN ABANDONED VESSEL**

1010.1 This section applies only to vessels apparently abandoned for over six (6) months.

1010.2 Subject to the provisions of this section, a landowner, his or her lessee or agent, may acquire title to any vessel apparently abandoned on the landowner's land or on the waters immediately adjacent to the landowner's land.

1010.3 Acquisition of title of a vessel apparently abandoned shall divest any other person of any interest in the vessel.

1010.4 If a vessel has an identification number or other means of identifying its owner, the landowner desiring to acquire a title shall secure, if possible, the last known address of the owner and of the lien holder, if any, appearing on the Harbor Master's records.

1010.5 The landowner shall notify the owner and the lien holder by registered letter to their last known addresses that, unless their ownership is claimed and the vessel removed within thirty (30) days, the landowner shall apply for title to the vessel in his or her name.

1010.6 If the vessel's owner or lien holder cannot be identified or address ascertained from the Harbor Master's records, it is not necessary to send the letter.

1010.7 The landowner desiring to acquire title shall also place in a newspaper of general circulation published in the District a notice describing the vessel, the vessel's location, and any identifying number.

1010.8 The landowner shall state in the notice that unless the vessel is claimed and removed within thirty (30) days after the publication date of the paper, the landowner will apply for title to the vessel in his or her name.

1010.9 At the end of the thirty-day (30) period the person desiring to acquire title shall apply to the Harbor Master for title to the vessel in his or her name on forms approved by the Harbor Master, and the landowner shall provide the Harbor Master the following affidavits:

(a) A statement that the vessel apparently has been abandoned for at least six (6) months:

(b) Proof that the registered letter was mailed at least thirty (30) days before the application or a detailed explanation of the unsuccessful steps taken to identify the owner or lien holder and secure his or her address; and

(c) Proof that a notice was published in a newspaper as required in § 1010.7.

1010.10 Upon receipt of the material required in § 1010.9 and payment of any fees and taxes due, the Harbor Master shall issue title to the vessel to the applicant.

1010.11 The applicant shall be responsible for any costs incurred in receiving title to a vessel under this section.

1010.12 After receiving title, if the applicant destroys or disposes of the vessel, the applicant shall report this information to the Harbor Master within fifteen (15) days and describe in detail the destruction of the vessel.

1010.13 The Harbor Master may receive title to any vessel apparently abandoned on District Waters or on any land owned by the District by proceeding in the same manner as described in this section.

1010.14 A person shall not obtain title to a vessel under the provisions of this section through any fraudulent means.

**AUTHORITY:** The Authority for this section is D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”.

**SOURCE:** Section 2(c) of D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”, 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6300-03 (December 9, 1983).

## **1011 PROCESSING A CERTIFICATE OF TITLE**

1011.1 A lien shall not be entered upon a certificate of title unless:

(a) The vessel has been previously titled or registered in the District or some other jurisdiction and the lien is shown upon such previous certificate, title, registry, or proof of ownership;

(b) An instrument is presented in writing for recording pursuant to this chapter; or

(c) The lien is shown on the application for a certificate of title and was created prior to the date of enactment of the Act, or was created while the vessel was titled or registered in some other jurisdiction.

1011.2 Upon receipt of an application for a certificate of title and accompanying documents, if any, or upon receipt of an application for a duplicate certificate, the Harbor Master shall compare the statements as to liens in the application with his or her records and the documents and instruments accompanying the application.

1011.3 If the statements are incorrect or incomplete or if any of the liens shown on the application are not entitled to be entered on the certificate in the same order as they appear on the application, the Harbor Master shall return all of the papers to the applicant and advise the applicant of the reasons for their return.

1011.4 If the statements as to liens are found to be accurate and complete and all liens shown on the application are found to be entitled to entry upon the certificate of title in the same order as they appear on the application, the Harbor Master shall do the following:

(a) Stamp on the application the words “Statements as to liens in accordance with records,” facsimile of his or her signature, and the date;

(b) Accept all instruments accompanying the application for recording and assign a record number to each instrument;

(c) Stamp the record number of the lien on the application for certificate of title;

(d) Stamp the reverse side of that portion of the application for a certificate of registration known as “Collector’s Coupon” with the words “lien recorded”;

(e) Enter the lien information on the face of certificate of title in the space so provided and on the lien card; and

(f) Collect from the applicant or his or her representative all fees and charges in connection with the issuance of the certificate of title.

1011.5 If the application for certificate of title shows no liens, and if this is found to be accurate, the Harbor Master shall stamp on the certificate of title and on the Collector's Coupon the words "No Liens Shown By Records," and the date.

1011.6 The Harbor Master shall deliver the certificate of title to the record holder of the first lien shown on the certificate of title or to his or her representative or if there are no liens, to the owner or his or her representative.

**AUTHORITY:** The Authority for this section is D.C. Law 5-58, the "District of Columbia Boat Titling Act of 1983".

**SOURCE:** Section 2(c) of D.C. Law 5-58, the "District of Columbia Boat Titling Act of 1983", 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6303-05 (December 9, 1983).

## **1012 PREVIOUSLY ISSUED CERTIFICATE OF TITLE: LIENS**

1012.1 Before a lien is entered on a certificate of title previously issued, the lien instrument and the certificate of title shall be presented to the Harbor Master.

1012.2 Upon receiving the fees for recording liens on vessels, the Harbor Master shall accept the lien instrument for recording and, unless there is a lien card covering the vessel, the Harbor Master shall stamp the lien card pursuant to § 1011.

1012.3 The Harbor Master shall enter the lien information on the certificate of title in the space provided on the lien card and shall deliver the certificate of title to the record holder of the first unsatisfied lien shown thereon or to his or her representative.

1012.4 Whenever it is desired to enter a lien or an assignment upon a previously issued certificate of title and the certificate of title is not available, the Harbor Master, upon the delivery of the instrument of assignment, shall demand that the person possessing the certificate of title surrender it for the purpose of entering the lien or the assignment on the certificate of title.

1012.5 Upon receiving the certificate of title, the Harbor Master shall perform the same acts as in cases where the certificate of title was presented with the instrument.



1012.6 This section shall not be deemed to affect the priority given under § 1014 to a lien where the instrument is presented together with the certificate.

**AUTHORITY:** The Authority for this section is D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”.

**SOURCE:** Section 2(c) of D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”, 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6305-06 (December 9, 1983).

## **1013 OUTSTANDING CERTIFICATES OF TITLE: LIENS**

1013.1 During the time a certificate of title is outstanding for any vessel, no lien against the vessel or any equipment or accessories affixed or sold to be affixed to the vessel shall be valid except as between the parties and as to other persons having actual notice, unless the lien is entered on the certificate of title.

1013.2 Subsection 1013.1 shall not apply under the following conditions:

- (a) To liens in existence on the date of enactment of the Act;
- (b) To a vessel for which a certificate of title is outstanding at the effective date of the Act; or
- (c) To any equipment or accessories affixed to the vessel.

1013.3 The filing provisions of D.C. Code §§ 28:9-101 to 9:507 (1996 Repl. & 1999 Supp.) do not apply to liens recorded pursuant to this article, and a lien accrues no greater validity from the fact that the lien has been filed in accordance with D.C. Code §§ 28:9-101 to 9:507 (1996 Repl and 1999 Supp.).

**AUTHORITY:** The Authority for this section is D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”.

**SOURCE:** Section 2(c) of D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”, 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6306 (December 9, 1983).

## **1014 PRIORITY OF LIENS**

1014.1 In the absence of agreement of all parties affected and in the absence of circumstances estopping a lien holder from establishing the priority of his or her security interest, liens shall be entered on the certificate of title and shall have priority among themselves in the following order:

(a) If the vessel has been previously titled or registered in the District or some other jurisdiction, unsatisfied liens shown by a previous certificate of title, by a registry, or by other proofs of ownership shall be entered in the order in which they appear on the previous certificate, title, registry, or proof of their listing;

(b) Liens for which lien instruments are presented for recording together with the certificate of title, irrespective of the fact that one (1) or more instruments not entered on the certificate of title may have been previously presented for recording without the certificate of title, shall have priority in the order of their presentment; and

(c) Liens where the instruments are presented for recording without the certificate of title shall have priority in the order of their presentment.

**AUTHORITY:** The Authority for this section is D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”.

**SOURCE:** Section 2(c) of D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”, 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6306-07 (December 9, 1983).

## **1015 ASSIGNMENT OF LIEN**

1015.1 The rights of the holder of an unsatisfied lien shown on a certificate of title may be assigned by an assignment in writing which shall show the following:

- (a) The name and address of the assignee;
- (b) The trade name of the vessel;
- (c) The engine number of the vessel;
- (d) The serial number or identification number of the vessel; and
- (e) The Harbor Master’s record number of the instrument or, if none, a brief description sufficient to identify the lien.

1015.2 The assignment in writing shall also be signed by the holder of the lien.

1015.3 When an assignee of a lien on a vessel presents to the Harbor Master the written assignment of the lien, the certificate of title, and the fee for recording the lien, the Harbor Master shall mark upon the certificate of title and upon the lien card the record number of the lien on the vessel.

1015.4 If the Harbor Master has the lien instrument in the Harbor Master records, he or she shall attach the lien instrument to the written assignment.

1015.5 If the Harbor Master does not have the lien instrument in the Harbor Master records, he or she shall do the following:

- (a) Briefly describe the lien in a separate memorandum;
- (b) Mark on the memorandum the date of the assignment of the lien;
- (c) Mark on the memorandum the words “Assigned to” and alongside the words “Assigned to” the name and the address of the assignee; and
- (d) Mark on the memorandum the date that the Harbor Master recorded the lien.

1015.6 If the Harbor Master does not have records of the lien instrument, he or she shall mark the record number of the lien on the following:

- (a) On the written assignment of the lien;
- (b) On the certificate of title; and
- (c) On the lien card in the space next to the information concerning the written assignment of the lien.

1015.7 The certificate of title shall be delivered to the record holder of the first unsatisfied lien shown thereon or to his or her representative.

**AUTHORITY:** The Authority for this section is D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”.

**SOURCE:** Section 2(c) of D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”, 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6307-09 (December 9, 1983).

## **1016 PRIORITY OF UNSATISFIED LIENS**

1016.1 The record holder of the first unsatisfied lien shown on a certificate of title shall be entitled to possess the certificate of title.

1016.2 If the lien becomes satisfied, the record holder shall mark on the certificate of title as follows:

- (a) The record number of the lien;
- (a) Either the word “satisfied” or a synonym of “satisfied”; and
- (c) The record holder’s signature.

1016.3 If the Harbor Master does not have the lien instrument in the Harbor Master records, the record holder shall do the following:

- (a) Briefly describe the lien in a separate memorandum;
- (b) Mark either the work “satisfied” or a synonym of “satisfied” on the memorandum describing the lien; and
- (c) Sign the memorandum.

1016.4 If the lien becomes satisfied, the record holder of the lien shall swear or affirm before a notary public that the lien has been satisfied, and shall deliver the certificate of title to the holder of the lien next in priority.

1016.5 If after satisfaction of a lien there is no unsatisfied lien lower in priority than the satisfied lien, the record holder of the satisfied lien shall deliver the certificate of title to the owner of the vessel or to the person designated in writing by the owner of the vessel.

1016.6 Upon the satisfaction of any lien other than the first unsatisfied lien shown on the certificate of title, the record holder of the satisfied lien shall, within seventy-two (72) hours, make the entries described in this section on the certificate of title.

1016.7 It shall be the duty of the person in possession of the certificate of title, upon demand, to permit the lien holder to make these entries.

SOURCE: Final Rulemaking published at 31 DCR 1459 (March 30, 1984) incorporating by reference 30 DCR 6293, 6309-10 (December 9, 1983).

## **1017 SATISFIED LIENS**

1017.1 When the Harbor Master receives a certificate of title marked “satisfied” according to § 1016, the Harbor Master shall mark on both the certificate of title and the lien instrument the following;

- (a) The lien’s record number;
- (b) The word “released”;
- (c) The Harbor Master’s signature; and
- (d) The date.

1017.2 If the Harbor Master does not have the lien instrument in the Harbor Master records, the record holder shall do the following:

- (a) Briefly describe the lien in a separate memorandum;
- (b) Mark on both the certificate of title and the memorandum describing the lien the record number of the lien and the word “released”;
- (c) Sign both the memorandum and the certificate of title; and
- (d) Mark on both the memorandum and the certificate of title the date of the Harbor Master’s signature.

1017.3 If for any reason a lien holder, upon satisfaction of his or her lien, has failed to mark the certificate of title as provided in § 1015 and 1016 and the lien holder cannot be located, or if the certificate of title after being so marked has been lost or destroyed and a duplicate certificate issued, the Harbor Master, upon receipt of evidence satisfactory to him or her that the lien has been satisfied, shall indicate in the manner described in this section the satisfaction of the lien.

1017.4 If a lien has been released as provided in this section for a period of more than three (3) years, the Mayor may destroy the instrument which created the lien.

SOURCE: Final Rulemaking published at 31 DCR 1459 (March 30, 1984) incorporating by reference 30 DCR 6293, 6310-11 (December 9, 1983).

## **1018 FEE FOR RECORDING LIENS**

1018.1 The fee for recording liens or assignments of liens upon a certificate of title shall be one dollar (\$1.00) for each lien or for each assignment of a lien on each vessel contained in the lien instrument. This fee shall include the charge for recording the release of the lien.

SOURCE: Final Rulemaking published at 31 DCR 1459 (March 30, 1984) incorporating by reference 30 DCR 6293, 6311 (December 9, 1983).

## **1019 MANUFACTURER’S OR DEALER’S LICENSE**

1019.1 No manufacturer or dealer may conduct business in the District unless licensed as a manufacturer or dealer pursuant to the provisions of this section.

1019.2 Application for a manufacturer’s or dealer’s license shall be made on the form prescribed by the Mayor and shall contain the name and address of the applicant.

1019.3 If the applicant is a partnership, the applicant shall include the name and address of each partner.

1019.4 If the applicant is a corporation, the application shall contain the following:

- (a) The names of the principal officers of the corporation;
- (b) The state of incorporation;
- (c) The address of every place where business is conducted;
- (d) The nature of the business; and
- (e) Any other information the Mayor may require.

1019.5 If the applicant is a partnership or corporation, his or her application shall be verified by oath or affirmation.

1019.6 A fee of twenty-five dollars (\$25.00) shall accompany every application for a new or renewed license.

1019.7 After receiving the required application fee, the Mayor may issue a license to the applicant which entitles the applicant to conduct business as a manufacturer or dealer during the calendar year in which the license is issued.

1019.8 The license shall expire on December 31st of the year in which it is issued.

1019.9 Licenses may be renewed upon annual application and payment of the required fee.

1019.10 The Mayor may refuse to issue a license or, after written notice to the licensee and a hearing, may cancel a license when it is determined that the applicant or licensee has failed to comply with the provisions of this section.

1019.11 If, during the period for which a dealer's or manufacturer's license is issued, there is any change in the factual information furnished to the Mayor by the licensee in connection with obtaining, retaining, or renewing the license, the change shall be promptly communicated in writing to the Mayor on the form prescribed by the Mayor. The applicant shall sign the form and certify that the information given is correct.

1019.12 A manufacturer or dealer may not transfer ownership of a new vessel without supplying the transferee with the manufacturer's or importer's certificate of origin signed by the manufacturer's or importer's authorized agent. The certificate shall contain any information the Mayor may require.

1019.13 A dealer shall maintain for three (3) years a record of any vessel he or she bought, sold, exchanged, or received for sale or exchange.

1019.14 The record shall be open to inspection by the Mayor or his or her designee during reasonable business hours.

SOURCE: Final Rulemaking published at 31 DCR 1459 (March 30, 1984) incorporating by reference 30 DCR 6293, 6311-13 (December 9, 1983).

## **1020 BONDS FOR MANUFACTURERS OR DEALERS**

1020.1 Prior to the issuance of a dealer's or manufacturer's license, each applicant shall file with the Mayor acceptable evidence of a bond or other security deemed sufficient by the Mayor for the payment of fees and taxes received.

1020.2 The bond shall be based upon the volume of sales and the class of dealer's or manufacturer's license which the applicant has requested.

1020.3 The bond shall also be for the use and benefit of the Mayor and any member of the public who suffers any loss by reason of any violation of these rules by the licensee, his or her agents or employees.

1020.4 If a licensee under these rules fails to file acceptable evidence that the bond required by this section has been extended prior to the expiration of the bond, the license shall automatically be suspended upon expiration of the bond.

1020.5 The license shall be reinstated when the licensee files with the Mayor acceptable evidence of a bond or other security that would be adequate under the standards described in § 1021.1.

AUTHORITY: The Authority for this section is D.C. Law 5-58, the "District of Columbia Boat Titling Act of 1983".

SOURCE: Section 2(c) of D.C. Law 5-58, the "District of Columbia Boat Titling Act of 1983", 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6313-14 (December 9, 1983).

## **1021 PENALTY**

1021.1 Any person intentionally making a false statement with respect to liens in an application for a certificate of title or willfully violating any of the provisions of §§ 1006 through 1021 shall upon conviction be punished by a fine of not more than five hundred dollars (\$500) or be imprisoned for not more than one (1) year, or both.

1021.2 Prosecutions for violations of §§ 1006 through 1021 shall be by the Corporation Counsel of the District of Columbia or his or her assistant(s), and in the name of the District of Columbia.

**AUTHORITY:** The Authority for this section is D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”.

**SOURCE:** Section 2(c) of D.C. Law 5-58, the “District of Columbia Boat Titling Act of 1983”, 31 DCR 1459 (March 30, 1984) incorporating by reference the text of D.C. Act 5-86, 30 DCR 6293, 6314 (December 9, 1983).

## **1022 ENFORCEMENT**

1022.1 The Harbor Master is authorized to stop and board any vessel subject to the provisions of this chapter for the purpose of inspecting or determining compliance with this chapter.

1022.2 The Harbor Master is empowered to make a summary arrest, or to issue a summons for appearance in court, for all violations of this chapter.

1022.3 Law enforcement vessels shall be marked so as to identify them as law enforcement vessels.

1022.4 While underway and upon being hailed by the Harbor Master or Fire Chief, each vessel subject to the provisions of this chapter shall stop immediately and lay to, or shall maneuver in such a way as to, permit the Harbor Master or Fire Chief to come aboard. All vessels shall yield and lay to any emergency law enforcement or fire vessel.

1022.5 Upon observing any vessel being used in violation of this chapter in any of the following ways, the Harbor Master may order the operator to take any immediate reasonable steps that may be necessary for the safety of those aboard the vessel, including ordering the operator to proceed at a location designated by the Harbor Master, and to remain there until the situation creating the hazard is remedied or ended;

- (a) Without sufficient lifesaving equipment;
- (b) With improper navigation light display;
- (c) In an overloaded condition;
- (d) With an accumulation of fuel in the bilge compartment;
- (e) With leaky fuel lines;
- (f) Without sufficient firefighting equipment;
- (g) Without a Coast Guard-approved backflame arrester;
- (h) With inadequate ventilation; or



(i) With any other unsafe condition, and when, in his judgment, such use creates a hazardous condition, may order the operator to take such immediate reasonable steps as may be necessary for the safety of those aboard the vessel, including ordering the operator to proceed to a location designated by him and to remain there until the situation creating the hazard is remedied or ended.

1022.6 Upon observing any vessel being used in violation of this chapter in any of the following ways, the Fire Chief may order the operator to take any immediate reasonable steps that may be necessary for the safety of those aboard the vessel, including ordering the operator to proceed to a location designated by the Fire Chief, and to remain there until the situation creating the hazard is remedied or ended:

- (a) With an accumulation of fuel in the bilge compartment;
- (b) With leaky fuel lines;
- (c) Without sufficient firefighting equipment;
- (d) Without a Coast Guard-approved backflame arrester;
- (e) With inadequate ventilation; or
- (f) With any other unsafe condition that, in the Fire Chief's judgment, created a hazardous condition.

SOURCE: Article 29 § 24 of the Police Regulations of the District of Columbia (January 1983).

## **1023 IMPOUNDMENT OF VESSELS**

1023.1 Any unattended vessel found in District waters at any time under the following circumstances may, by or under the direction of the Harbor Master, either by towing or otherwise, be removed or conveyed to and impounded at any place designated by the Chief of Police:

- (a) Any unattended vessel that is not properly registered or numbered in compliance with § 1004 of this chapter;
- (b) Any unattended vessel against which there are two (2) or more outstanding or otherwise unsettled violation notices, or against which there have been issued two (2) or more warrants;
- (c) Any unattended vessel that is anchored, moored, or tied up in violation of §§ 1028, 1030.16 through 1030.17, or 1041;

(d) Any unattended vessel that is sunken, beached, or abandoned, and that is not removed within the time specified by § 1030.9, or that creates an obstruction or other hazardous condition;

(e) Any unattended vessel that has been willfully cast adrift;

(f) Any unattended vessel that remains in a restricted area in violation of § 1029;

(g) Any vessel that becomes unattended as a result of the arrest of the operator of that vessel; and

(h) Any other unattended vessel that, in the judgment of the Harbor Master, poses an immediate hazard to life or property.

1023.2 The Harbor Master, as soon as practicable, shall inform the owner or other person in charge or control of an impounded vessel of the circumstances under which, or on account of which, the vessel was impounded.

1023.3 The owner of an impounded vessel, or the owner's duly authorized representative, shall be permitted to repossess or secure the release of the vessel upon:

(a) Posting of the collateral required for his or her appearance in the D.C. Superior Court to answer for the violation or violations on account of which the vessel was impounded; and

(b) Payment of the fees required by this section.

1023.4 The owner of an impounded vessel shall be subject to a towing or removal fee of fifty dollars (\$50.00) plus a reasonable fee for the cost of storing the impounded vessel. The storage fee shall be established by the Mayor.

1023.5 In lieu of the towing or removal fee, the owner of the sunken, beached, or abandoned vessel which is removed and conveyed by or under the direction of the Harbor Master pursuant to §§ 1030.8 through 1030.14 shall be subject to a fee equivalent to the costs of removing and conveying the vessel. This fee shall not be less than fifty dollars (\$50.00).

1023.6 Impounded vessels that are not repossessed as provided in this section shall be sold or disposed of in accordance with D.C. Code, § 4-160 (1994 Repl.) as it relates to the sale or disposition of motor vehicles.

SOURCE: Article 29 § 25 of the Police Regulations of the District of Columbia (January 1983).

## **1024 CIVIL LIABILITY**

1024.1 Whenever any vessel is operated in District of Columbia waters by any person other than the owner, with the expressed or implied consent of the owner, the operator of the vessel shall be deemed to be the agent of the owner of the vessel in the case of a collision, accident, or other casualty.

1024.2 The proof of ownership of the vessel shall be *prima facie* evidence that the person operated the vessel with the consent of the owner.

SOURCE: Article 29 § 23 of the Police Regulations of the District of Columbia (January 1983).

## **1025 [RESERVED]**

## **1026 OPERATION OF VESSELS**

1026.1 All vessels shall be operated in compliance with the Navigation Rules (as defined in § 1099 of this chapter).

1026.2 No person shall operate or use any vessel in a negligent manner so as to endanger the life, limb, or property of any person.

1026.3 No person shall operate or use any vessel, or use any water skis, aquaplane, surfboard, or similar device, while under the influence of alcohol, marijuana, or any narcotic drug, barbiturate, or hallucinogen.

1026.4 No person, or agent or employee of a person, who owns, leases, or controls any wharf, pier, bulkhead; or structure on a wharf, pier, or bulkhead; or waters adjacent to a wharf, pier, or bulkhead; or any basin, slip, dock, waterfront, land under water; or any structure on any of these places shall rent, lease, or hire any vessel to a person who is under eighteen (18) years of age, unless the person under eighteen (18) years of age has successfully completed a boating safety course approved by the Harbor Master, or unless the person will be under the constant supervision of a person at least eighteen (18) years of age who has successfully completed a boating safety course.

1026.5 No person under eighteen (18) years of age shall operate or navigate any vessel sixteen feet (16 ft.) or more in length of any kind in District of Columbia waters, unless the person has successfully completed a boating safety course approved by the Harbor Master, or unless the person under eighteen (18) years of age is under the supervision of a person who has reached eighteen (18) years of age and who has successfully completed a boating safety course.

1026.6 Any person who is operating or navigating any vessel shall have in his or her possession satisfactory evidence of having completed an approved boating safety course, or the person shall make evidence of having completed a boating safety course available

to the Harbor Master at the vessel's launching or berthing point on the shore adjacent to District of Columbia waters.

1026.7 When the operator of a vessel sixteen feet (16 ft.) or more in length is under eighteen (18) years of age, the operator and all other persons aboard the vessel who are under eighteen (18) years of age shall wear a Coast Guard approved personal floatation device of the proper size.

1026.8 No person shall use, operate, or permit to be operated any vessel on District of Columbia waters, unless the vessel is of sound construction and in a good, seaworthy condition.

1026.9 No person shall loan, rent, lease, chart, hire, or offer for those purposes any vessel owned by him or her, or subject to his or her control, unless the vessel is of sound construction and in a good, seaworthy condition.

1026.10 All persons aboard any vessel in the area from the southernmost point of the cove commonly known as Fletcher's Cove in the Georgetown Channel of the Potomac River upstream to the District of Columbia boundary line at Little Falls shall wear a Coast Guard-approved personal floatation device at all times.

SOURCE: Article 29 § 12 of the Police Regulations of the District of Columbia (January 1983).

## **1027 SPEED LIMITS**

1027.1 The Mayor is authorized to establish speed limits for vessels using District of Columbia waters.

1027.2 Except for police and fire vessels responding to an emergency, the speed of all power vessels shall be regulated to avoid danger or injury, either directly or by the effect of the wash or wake the vessels raise through their speed or otherwise, to persons or to other vessels, whether these vessels are floating, anchored, or underway to piers, wharves, bulkheads, bridges, or other waterfront construction.

1027.3 The speed limits specified in this section shall not apply to vessels of the D.C. government or U.S. government that are responding to or engaging in any emergency condition, or to hydrofoil or air cushion vessels or vehicles that are operated for demonstration or experimentation purposes under the authority of a permit issued by the Chief of Police.

1027.4 Except in the case of an emergency, or except as otherwise provided by the Mayor pursuant to § 1027.1, no power-driven vessel shall be propelled or operated at a rate greater than six (6) statute miles per hour in the Potomac River upstream from Arlington Memorial Bridge, in the Washington Channel upstream from Hains Point, in the Anacostia River upstream from Green Leaf Point to the Benning Road Bridge; or at a

rate greater than ten (10) statute miles per hour when passing the wharf area of Alexandria, Virginia.

1027.5 No operator of any personal watercraft while underway and within one hundred (100) yards of another vessel shall jump any other vessel's wake while operating or in physical control of watercraft while on the District of Columbia's waterway.

1027.6 When two (2) or more personal water operators are operating at a speed greater than ten (10) miles per hour, the operators shall steer their craft so as to be at least twenty-five (25) yards apart from any vessel to include any other personal watercraft.

1027.7 Except in the case of an emergency or except as otherwise provided by the Mayor, no operator of any personal watercraft shall operate or be in physical control of watercraft at a rate greater than six (6) statute miles per hour between the hours of 4:00 p.m. and

12:00 p.m. on the date of the annual Independence Day fireworks display while on the Potomac River between the Arlington Memorial Bridge to the 14th Street Bridge, in the Washington Channel from Hains Point, or in the Anacostia River from Green Leaf Point to the Benning Road Bridge.

1027.8 No hydrofoil or air cushion vessel or vehicle shall exceed a speed of ten (10) statute miles per hour in the area between the westerly shore line of the Potomac River and a line one hundred (100) yards east of the parallel to the pierhead line, between Jones Point and First Street, in the City of Alexandria, Virginia.

1027.9 No hydrofoil or air cushion vessel or vehicle shall exceed a speed of six (6) statute miles per hour in any of the following areas:

- (a) Upstream of the Arlington Memorial Bridge;
- (b) In the Washington Channel; or
- (c) Within the area of the Potomac River west of a line between Hunter Point and Daingerfield Island.

1027.10 Reserved for Speed Limits set by the Mayor in accordance with § 1027.1.

SOURCE: Article 29 § 5 of the Police Regulations of the District of Columbia (January 1983), as amended by section 8(b)(2) of D.C. Law 11-248, the "Boating While Intoxicated Act of 1996 (44 DCR 2606) incorporating by reference the text of D.C. Act

## **1028 ANCHORING AND MOORING**

1028.1 The Mayor is authorized to abolish existing anchorage areas in District of Columbia waters, whether established by law in the D.C. Code or by local regulation, and

to establish new anchorage areas in such locations as the Mayor shall determine pursuant to section 895 of An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Code § 22-1701 (1996 Repl.)).

1028.2 In abolishing or establishing anchorage and mooring areas, the Mayor shall comply with section 105 of the D.C. Administrative Procedure Act (D.C. Code § 1-1505 (1999 Repl. Vol.)).

1028.3 The Mayor is authorized to promulgate regulations relating to the proper use of anchorage areas in District of Columbia waters.

1028.4 No vessel or amphibian aircraft shall be anchored in a manner or location that obstructs channels in District of Columbia waters, or in portions of District of Columbia waters designated by the Harbor Master as areas where anchorage is prohibited.

1028.5 No vessel or amphibian aircraft shall be anchored in District of Columbia waters, other than in established anchorage areas, in excess of twenty-four (24) hours without the prior approval of the Harbor Master.

1028.6 No vessel or amphibian aircraft shall be anchored in portions of the District of Columbia waters designated by the Harbor Master as areas where anchorage is prohibited.

1028.7 Vessels coming up to anchor within District of Columbia waters shall comply with applicable federal laws and regulations requiring anchor lights on vessels at anchor on navigable waters of the United States.

1028.8 No person other than the Harbor Master shall place mooring buoys in District of Columbia waters; provided, that nothing contained in this subsection shall be construed as prohibiting the continued use and maintenance of mooring buoys placed prior to the effective date of the "Harbor and Boating Safety Emergency Act of 1979," subject to regulations that the Mayor may prescribe.

1028.9 The Harbor Master is authorized to remove any mooring buoy that is placed, used, and maintained in violation of § 1028.8 or any regulations promulgated under that subsection.

SOURCE: Article 29 § 8 of the Police Regulations of the District of Columbia (January 1983).

## **1029 ENTERING DESIGNATED OR RESTRICTED AREAS**

1029.1 Except with the permission of the Harbor Master, no owner, operator, or person otherwise in charge or control of any vessel shall allow that vessel to enter into or remain

in any area in District of Columbia waters designated by the Mayor or other proper authority as a restricted area for use for a regatta, race, marine parade, marine tournament, marine exhibition, or similar organized aquatic event, or designated by the Harbor Master or other proper authority as a restricted area in the vicinity of an emergency.

1029.2 The Harbor Master shall remove, or cause to be removed, and may impound any vessel entering into or remaining in any restricted area without his or her permission.

1029.3 Any owner, operator, or person otherwise in charge or control of a vessel who enters into a restricted area, or fails or refuses to remove the vessel from a restricted area, shall be in violation of this section.

1029.4 Nothing contained in this section shall be construed as prohibiting the passage through restricted areas of vessels operated by the governments of the United States or District of Columbia.

1029.5 This section and other applicable provisions of this chapter shall be controlling as to any aquatic event held in District of Columbia waters, except to the extent that they are inconsistent or in conflict with any laws or regulations administered by the Coast Guard relating to a particular aquatic event held under the supervision of the Coast Guard.

1029.6 Whether using self-contained or surface-supplied air or engaged in mixed gas diving within the meaning of 29 CFR § 1910.402, a person diving in District of Columbia waters shall display, in the manner provided by the Mayor by regulation, a diving flag of a type approved by the Mayor. The flag shall be red in color with a white diagonal stripe.

1029.7 No vessel, except for the vessel or vessels attending the diver, shall operate within one hundred fifty feet (150 ft.) of any flag displayed in accordance with § 1029.6.

1029.8 Nothing contained in this section shall be construed as amending, superseding, or in any way changing the prohibition against diving contained in 21 DCMR § 530.

SOURCE: Article 29 § 9 of the Police Regulations of the District of Columbia (January 1983).

## **1030 OBSTRUCTING DOCKS, CHANNELS, OR OTHER VESSELS**

1030.1 No person shall operate, or cause to be operated, any vessel in a manner that obstructs, hinders, or impedes the movement or progress of any other vessel when that other vessel is turning, docking, or getting underway from or to any dock or anchorage.

1030.2 No person owning, operating, or otherwise in charge or control of any vessel occupying any dock or slip at any wharf or pier under the District's jurisdiction, shall place, or cause to be placed, or allow to remain, on the wharf or pier adjacent to that dock or slip any box, barrel, metal container, lumber, crate, basket, bucket, tub, keg, carton, bottle, garbage, paper, rubbish, or any other material of any kind whatsoever.

1030.3 Nothing contained in this section shall be construed as prohibiting the use of any wharf or pier for a period not to exceed two (2) hours during business hours for the customary and necessary handling of goods, wares, and merchandise in transit from a vessel to a location elsewhere than on the wharf or pier.

1030.4 The permissible use of a wharf or pier under § 1030.3 shall not be construed as authorizing the use of space on a wharf or pier for storage purposes, or for the crating or uncrating, boxing or unboxing, or packing or unpacking of goods and materials being shipped or received.

1030.5 The owner, operator, or other person in charge or control of a vessel may place one well-constructed and well-maintained box on that portion of the wharf or pier immediately adjacent to the dock or slip occupied by the vessel for the purpose of storing non-flammable gear and other non-flammable property pertaining to the vessel.

1030.6 The box allowed under § 1030.5 shall occupy not more than twelve square feet of space on the wharf or pier, and shall be no more than thirty-six inches (36") in width.

1030.7 The box allowed under § 1030.5 shall not be placed on or over the outside edge of the wharf or pier, shall not extend toward the center of the wharf or pier more than one-fourth (1/4) of the full width of the wharf or pier so as to leave a clear passageway of at least two feet (2 ft.) in width, shall be equipped with an adequate locking device, and shall be placed at a height of two inches (2 in.) above the floor level of the wharf or pier.

1030.8 No person owning, operating, or otherwise in charge or control of any vessel shall sink, beach, or abandon the vessel in District of Columbia waters, or upon any shore adjacent to those waters, except in case of an emergency.

1030.9 In the case of an emergency, the person sinking, beaching, or abandoning a vessel shall notify the Harbor Master immediately, and shall remove the vessel within five (5) days, unless the Harbor Master grants, in writing, that person an extension of time to remove the vessel.

1030.10 When no emergency exists, or when the Harbor Master is not notified immediately, each day that a vessel remains sunken, beached, or abandoned in District of Columbia waters or upon any shore adjacent to the District of Columbia waters shall constitute a separate offense.

1030.11 In the case of an emergency, each day that a vessel remains sunken, beached, or abandoned in District of Columbia waters, or upon any shore adjacent to those waters,



after the fifth day following that sinking, beaching, or abandonment, or after the expiration of any extension of time pursuant to this section, shall constitute a separate offense.

1030.12 The Harbor Master is authorized to remove any sunken, beached, or abandoned vessel that is not removed by the owner, operator, or person otherwise in charge or control of the vessel within the time specified by this section, or that creates an obstruction or other hazardous condition irrespective of the time allowed in this section for the removal of the vessel.

1030.13 The Harbor Master's exercise of, or failure to exercise, authority to remove a vessel under § 1030.12 shall not constitute a waiver of any violation of this section.

1030.14 If the Harbor Master exercises authority to remove a vessel, the owner, operator, or other person in charge or control of the vessel shall be liable for the costs of removing the vessel, in addition to any other penalties imposed by this chapter.

1030.15 No operator or person otherwise in charge or control of any vessel shall tie the vessel to any seawall or bridge in District of Columbia waters, except in the case of an emergency.

1030.16 No vessel shall be tied to any buoy, structure, or aid to navigation maintained by the Coast Guard or the District, or to any privately maintained buoy, structure, or aid to navigation.

1030.17 No person owning or in charge or control of a vessel within the jurisdiction of the District shall moor the vessel or extend a line or lines from the vessel in a manner that interferes with the use of or obstructs the passage to any dock or slip of any wharf or pier.

1030.18 Nothing contained in this section shall be construed as applying to that part of the District of Columbia water frontage lying south of Maine Avenue, between Eleventh and Twelfth Streets, S.W., including the buildings and wharves on that frontage.

1030.19 Nothing contained in this chapter shall be construed as amending, superseding, or in any way changing 24 DCMR § 405.

1030.20 Nothing contained in this chapter shall be construed as amending, superseding, or in any way changing 21 DCMR § 503.6.

SOURCE: Article 29 §§ 16 and 21 of the Police Regulations of the District of Columbia (January 1983).

## **1031 COLLISIONS, ACCIDENTS, AND CASUALTIES**

1031.1 To the extent that he or she can do so without serious danger to his or her own vessel or persons aboard, the operator of a vessel involved in a collision, accident, or other casualty shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from or minimize any danger caused by the collision, accident, or casualty.

1031.2 An operator of a vessel involved in a collision, accident, or other casualty shall give, in writing, his or her name, address, and the identification of his or her vessel to any person injured and to the owner of any property damaged.

1031.3 The duties imposed by this section shall be in addition to any duties otherwise imposed by other law or regulation.

1031.4 The operator (or the owner if the operator is incapable or unavailable) of a vessel shall file a written accident or casualty report with the Metropolitan Police Department on the form prescribed by the Chief of Police when, as a result of an incident that involves the vessel or its equipment, one of the following occurs:

- (a) A person dies;
- (b) A person is injured and requires medical treatment beyond first aid;
- (c) Damage to the vessel and other property totals more than two hundred dollars (\$200), or there is a complete loss of a vessel; or
- (d) A person disappears from the vessel under circumstances that indicate death or injury.

1031.5 Accident or casualty reports required by § 1031.4 shall be filed within ten (10) days of the incident or death, except in the following instances:

- (a) If a person dies within twenty-four (24) hours of the incident, the report shall be filed within forty-eight (48) hours of the incident; or
- (b) If a person is injured and requires medical treatment beyond first aid, or disappears from a vessel, the report shall be filed within forty-eight (48) hours of the incident.

1031.6 Notwithstanding the provisions of § 1031.5, if a person dies or disappears from a vessel as a result of an incident that involves the vessel or its equipment, the operator (or the owner if the operator is incapable) of the vessel shall immediately notify the Harbor Master.

1031.7 Accident or casualty reports filed under this section shall not be open to public inspection or release; provided, that nothing contained in this subsection shall be construed as prohibiting the inspection of a report by any person named in the report or

his or her designated representative, or the furnishing of copies of the report to those persons upon the payment of the costs of furnishing the copies.

1031.8 Nothing contained in this section shall be construed as prohibiting the disclosure of accident or casualty reports to officials of the governments of the United States, the District of Columbia, or any state or subdivision of a state, for official purposes, or the use of those reports by those officials in any administrative or judicial proceeding in which such governments are interested.

SOURCE: Article 29 § 14 of the Police Regulations of the District of Columbia (January 1983).

## **1032 EXPLOSIVES, GASOLINE, AND VOLATILE LIQUIDS**

1032.1 No vessel without a power unit permanently installed within its hull shall dispense gasoline, fuel oil, or any other flammable oils or petroleum products in District of Columbia waters without a special permit issued by the District of Columbia.

1032.2 Nothing contained in this section shall apply to an oil company licensed to do business in the District of Columbia that is transferring gasoline, fuel oil, or other flammable oils or petroleum products to a public utility or government agency.

1032.3 No gasoline or other similar volatile liquid shall be kept for sale on board any vessel in District of Columbia waters without a permit or license issued by the Fire Chief.

1032.4 Prior to issuing a permit or license under § 1032.3, the Fire Chief shall require an applicant to furnish a valid certificate of inspection issued by the Coast Guard as evidence that the vessel is suitable for its intended use.

1032.5 All rules and regulations promulgated by the Coast Guard relating to tank vessels shall be observed.

1032.6 While tied to any wharf or pier within the District of Columbia, no fuel vessel that has gasoline or oils aboard for sale shall dispense gasoline or oils for use in any motor vehicle.

1032.7 All vessels that have gasoline or oils aboard for sale shall be equipped with and use anchor and tie lines of metal, chain, or cable.

1032.8 All vessels carrying storage tanks equipped with facilities for dispensing gasoline shall empty and thoroughly purge all of these storage tanks before the vessel is laid up for storage or repairs within the District of Columbia.

1032.9 Fuel vessels shall be open to inspection by the Harbor Master and the Fire Chief.

SOURCE: Article 29 § 10 of the Police Regulations of the District of Columbia (January 1983).

## **1033 PREVENTION OF WATER POLLUTION**

1033.1 Discharging, depositing, throwing, or spilling any crude petroleum, gasoline, or other similar volatile liquids, or any waste, whether solid or liquid, in District of Columbia waters from a vessel is prohibited.

1033.2 No person shall pump or empty the bilge water or any bilge residue from the bilges of any steamship, tugboat, tanker, oil barge, or other vessel that burns or conveys oil or distillates while the vessel is in District of Columbia waters.

SOURCE: Article 29 § 11 of the Police Regulations of the District of Columbia (January 1983).

## **1034 EQUIPMENT STANDARDS**

1034.1 No owner, operator, or other person having charge or control of any vessel shall permit or cause that vessel to be underway in District of Columbia waters, unless the vessel has on board the requisite number and type of approved personal floatation devices for each person on board for that type of vessel, as determined by the Coast Guard.

1034.2 All vessels and associated equipment on all vessels shall comply with the requirements and standards promulgated pursuant to the "Federal Boat Safety Act of 1971" (46 U.S.C. §§ 1451 et seq.) and the "Motorboat Act of 1940" (46 U.S.C. §§ 526 et seq.).

1034.3 Each vessel carrying passengers for hire, and all commercial vessels forty feet (40 ft.) and over not carrying passengers for hire, shall have at least one type I Coast Guard-approved personal floatation device of a suitable size for each person on board.

1034.4 Each commercial vessel not hired for the purpose of carrying passengers that is less than forty feet (40 ft.) in length shall have at least one type I, II, or III Coast Guard-approved personal floatation device of a suitable size for each person on board.

1034.5 Except as specifically provided in §§ 1034.3 and 1034.4, all vessels shall have on board the requisite number and type of approved personal floatation devices for each person on board for the type of vessel underway, as determined by the Coast Guard.

1034.6 All vessels and associated equipment on all vessels shall comply with boat and safety equipment standards promulgated pursuant to the “Federal Boat Safety Act of 1971” (45 U.S.C. §§ 1451 et seq.).

1034.7 The Mayor may promulgate additional regulations, not inconsistent with § 10 of the “Federal Boating Safety Act of 1971” (46 U.S.C. § 1459) and the regulations promulgated under that statute, relating to requirements for associated equipment on vessels.

1034.8 Coast Guard-approved personal floatation devices designed to be worn shall be in good and serviceable condition and readily accessible at all times to each person on board a vessel.

1034.9 Coast Guard-approved personal floatation devices designed to be thrown shall be in good and serviceable condition and placed on board so as to be immediately available at all times.

SOURCE: Article 29 § 6 of the Police Regulations of the District of Columbia (January 1983).

## **1035 MUFFLERS AND NOISE CONTROL**

1035.1 A vessel that is propelled by internal combustion engines shall be equipped with mufflers constructed and maintained to prevent any unnecessary, intense, or prolonged noise in the operation or management of the vessel.

1035.2 Mufflers shall not be removed or rendered inoperative for any purpose whatsoever; provided, that during regattas, races, or similar events subject to regulation under § 1039 of this chapter, a participating vessel shall be exempt from the requirements of this section.

1035.3 Nothing contained in this section shall apply to vessels equipped with underwater exhaust systems, or to vessels discharging water through open exhaust pipes, so long as these methods of silencing the exhaust are effective.

1035.4 It shall be unlawful for any person to use any horn, bell, siren, or compression or exhaust whistle upon any vessel in District of Columbia waters, except as follows:

- (a) When the uses are required or permitted by the Navigation Rules; or
- (b) During public ceremonies or similar festive occasions.

1035.5 Owners or operators of vessels using District of Columbia waters shall not operate generators, pumps, or other noisemaking devices so as to create a nuisance.

SOURCE: Article 29 § 19 of the Police Regulations of the District of Columbia (January 1983).

## **1036 BOAT LIVERIES**

1036.1 The owner of a boat livery shall cause to be kept a record of the name and addresses of each person renting, leasing, or chartering any vessel; the name and addresses of all persons to be carried on the vessel; the identification number of the vessel; the date and time of departure; and the expected date and time of return.

1036.2 The record required by § 1036.1 shall be preserved for at least six (6) months, and shall be subject to inspection by the Harbor Master or his or her authorized representatives.

1036.3 Neither the owner of a boat livery nor his or her agent or employee shall permit any vessel to depart from his or her possession, unless it has been provided, either by the owner or the leasee, with the equipment required by § 1034 and any regulations promulgated under that section.

1036.4 No person engaged or employed in the business of renting canoes in the District of Columbia shall rent any canoe without first instructing the person or persons renting the canoe in its operation and in the use of the personal floatation devices with which it is equipped.

1036.5 Instructions under § 1036.4 may be either oral or written, and shall include instructions substantially equivalent to those prescribed by the Mayor pursuant to § 1036.6 of this section.

1036.6 The Mayor is authorized to prescribe minimum standards for canoe safety instructions, including standards relating to the need for warning persons renting canoes to avoid standing up in them while underway; and an explanation of basic canoe strokes, rules of the road for vessels, the meaning of channel marker buoys, and the meaning of distress signals for small boats.

SOURCE: Article 29 § 7 of the Police Regulations of the District of Columbia (January 1983).

## **1037 [RESERVED]**

## **1038 ADVERTISING**

1038.1 No word, letters, or characters which advertise, in any manner, any activity, event, location, business, commodity, or product not existing, maintained, located, conducted, or sold on a vessel shall be placed on, attached to, or maintained on the

exterior of that vessel, or any part or appurtenance of that vessel, without a permit issued by the Mayor.

1038.2 No sign, banner, or flag advertising a business conducted on, or commodities or products sold on, any vessel of a size greater than ten square feet in area shall be painted on, printed on, placed on, attached to, or maintained on the exterior of the vessel.

1038.3 No more than two (2) signs, ten square feet or less in area, may be used on any vessel. The signs shall be displayed with one (1) sign on the port side and one (1) sign on the starboard side of the vessel.

SOURCE: Article 29 § 20 of the Police Regulations of the District of Columbia (January 1983).

## **1039 WATER SPORTS**

1039.1 When water contact sports are allowed under District of Columbia laws and regulations, no person shall operate a vessel on any District of Columbia waters for towing a person or persons on water skis, aquaplanes, surfboards, or similar devices, nor shall any person engage in water skiing, aquaplaning, surfboarding, or other similar activities, unless there is in that vessel a person, in addition to the operator, of not less than twelve (12) years of age who is in a position to observe the progress of the person or persons being towed.

1039.2 No person shall operate a vessel on any District of Columbia waters for towing a person or persons on water skis, aquaplanes, surfboards, or similar devices, nor shall any person engage in water skiing, aquaplaning, surfboarding, or other similar activities, at any time during the night.

1039.3 The provisions of §§ 1039.1 and 1039.2 shall not apply to a performer engaged in a professional exhibition authorized under a permit issued by the Mayor pursuant to § 1040.

1039.4 No person shall swim or dive from any vessel that is turning into or from any anchorage or docking, or getting underway from any anchorage.

1039.5 No person shall swim or dive in the marked channels of the harbor, or from any bridge, wharves, or piers in or adjacent to those channels.

1039.6 No person shall swim or dive within one hundred (100) yards of any vessel that is loading or discharging passengers or freight.

1039.7 Except as permitted by the Harbor Master under safe conditions, no person shall engage in any recreational activities that include, or may result in, direct physical contact with ice on District of Columbia waters. These activities shall include, but not be

limited to, walking on the ice, ice skating, ice sledding, ice boating, ice fishing, and the use of a vehicle or other device on the ice.

1039.8 Activities prohibited under § 1039.7 shall not include the use of vessels, diving for non-recreational purposes as governed by Title 24 of the District of Columbia Municipal Regulations, or fishing from the shore or any structurally sound piers, wharves, bulkheads, or other works located in District of Columbia waters.

1039.9 No person shall throw, push, or drop any vehicle, animal, device, debris, waste, or matter onto the ice on District of Columbia waters; nor shall any person permit or cause any matter to come into contact with the ice on District of Columbia waters.

1039.10 Nothing contained in this section shall be construed as amending, superseding, or in any way changing the prohibition against water contact, recreational activity, or animal contact with the Potomac River, the Anacostia River, the Washington Ship Channel, Rock Creek, or Oxon Run as specified in 21 DCMR § 508.

SOURCE: Article 29 § 13 of the Police Regulations of the District of Columbia (January 1983).

## **1040 REGATTAS, RACES, AND OTHER AQUATIC EVENTS**

1040.1 The Mayor is authorized to regulate the holding of regattas, races, marine parades, marine tournaments, marine exhibitions, and similar aquatic events which by their nature, circumstance, or location will introduce extra or unusual hazards to the safety of life on any District of Columbia waters; and to promulgate regulations relating to the safety of vessels, any persons on vessels, either participating in or observing those activities.

1040.2 No regatta, race, marine parade, marine tournament, marine exhibition, or similar aquatic event shall be held in District of Columbia waters without a permit issued by the Mayor.

1040.3 An application for a permit shall be filed at least thirty (30) days prior to the proposed aquatic event; and shall include the date, time, and location of the proposed aquatic event, and any other information that the Mayor may require.

1040.4 Nothing contained in this section shall be construed as exempting any person from complying with any other applicable federal or District of Columbia law or regulation.

1040.5 Securing a permit from a U.S. government agency shall not exempt a person from obtaining the permit required by § 1040.2.



SOURCE: Article 29 § 15 of the Police Regulations of the District of Columbia (January 1983).

## **1041 SHOW BOATS, FLOATING NIGHT CLUBS, AND USE OF VESSELS FOR HOUSING**

1041.1 No vessel that is used, or is intended for use, as a show boat, restaurant, floating night club, or other place of amusement may anchor or operate in District of Columbia waters, or tie up to any wharf or other place in District of Columbia waters, without prior approval of the Mayor.

1041.2 Vessels obtaining permission to operate under § 1041.1 shall comply with all applicable federal and District of Columbia laws and regulations.

1041.3 In making decisions governing the operation or anchoring of vessels described in this section, the Mayor shall comply with the D.C. Administrative Procedure Act.

1041.4 Except as otherwise provided by the Mayor by regulation, no vessel or floating construction that is anchored or moored in District of Columbia waters, or that is docked or berthed at any of the wharves, piers, bulkheads, or other works on any part of the waterfront properties adjacent to any waters under the jurisdiction of the District of Columbia, shall be used for multi-family dwelling purposes.

SOURCE: Article 29 § 17 of the Police Regulations of the District of Columbia (January 1983).

## **1042 AMPHIBIAN AIRCRAFT**

1042.1 Except in the case of an emergency, or except as otherwise provided by the Mayor by regulation, no amphibian aircraft shall land upon, takeoff from, operate on, or anchor in District of Columbia waters without the prior written approval of the Mayor.

1042.2 In issuing regulations to govern the operation of amphibian aircraft on District of Columbia waters, the Mayor shall comply with § 105 of the D.C. Administrative Procedure Act (D.C. Code § 1-1505 (1999 Repl.)).

SOURCE: Article 29 § 18 of the Police Regulations of the District of Columbia (January 1983).

## **1043 ANACOSTIA RIVER DRAWBRIDGE**

1043.1 The person in charge of the new Anacostia Bridge shall display a green semaphore by day and a green light at night upon each operation house while the draw is

open, and a red flag by day and a red light at night at the center of the draw while the draw is closed.

1043.2 The semaphore shall be of sufficient size, and the lights of sufficient candlepower to be visible from a distance of at least one (1) mile.

1043.3 A person in charge of a boat or vessel desiring to pass the drawbridge shall signal approach to the bridge keeper by means of a horn or steam whistle.

SOURCE: Article 25 §§ 1 and 2 of the Police Regulations of the District of Columbia (January 1983).

## **1099 DEFINITIONS**

1099.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Act** - the District of Columbia Boat Titling Act of 1983.

**Associated equipment** - any of the following:

(a) Any system, part, or component of a boat as originally manufactured, or any similar part or component manufactured or sold, for replacement, repair, or improvement of the system, part, or component;

(b) Any accessory or equipment for, or appurtenance to, a boat; or

(c) Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but excluding radio equipment.

**Boat** - any vessel that is:

(a) Manufactured or used primarily for noncommercial use;

(b) Leased, rented, or chartered to another person for the person's noncommercial use; or

(c) Engaged in the carrying of six (6) or fewer passengers.

**Boat livery** - any business that rents, leases, or charters any vessel, or that offers any vessel for rent, lease, or charter.

**Channels** - marked or unmarked waterways commonly used for navigation.

**Charts** - official scale maps that designate the anchorage areas, channels, and other areas and matters specified in this chapter.

**Chief of Police** - the Chief of the Metropolitan Police Department of the District of Columbia, or his or her authorized representatives.

**Coast Guard** - the United States Coast Guard, under the U.S. Department of Transportation or the federal department under which the Coast Guard is operating.

**Dealer** - any person who engages in whole or in part in the business of buying, selling, or exchanging new and unused vessels, or used vessels, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for sale, trade, and display of vessels. A yacht broker is a dealer.

**District** - the District of Columbia

**District Waters** - the area of all navigable waters within the District of Columbia and the shores and structures adjacent to those waters.

**Emergency law enforcement or fire vessel** - any vessel that is operated under the authority of a government law enforcement agency or fire department with jurisdiction in District of Columbia waters, and which has its blue emergency lights activated or sirens sounding.

**Fire Chief** - the Fire Chief of the District of Columbia, or his or her authorized representatives.

**Harbor lines** - those limiting lines within the District of Columbia beyond which no piers, wharves, bulkheads, or other works shall extend or deposits be made as established by the Chief of Engineers, Corps of Engineers, U.S. Army, and the Mayor; approved by the Secretary of the Department of the Army; and on file with the Mayor.

**Harbor Master** - the official of the Metropolitan Police Department who commands the Harbor Unit or its successor, and his or her authorized representatives, including any police officer acting for the Harbor Master.

**Hull identification number** - the number assigned to the hull of a vessel by its manufacturer, home builder, or importer under 33 CFR § 181.

**Identification number** - the number assigned to a vessel by the Coast Guard, by a state or United States territory with a numbering system approved by the Secretary of the federal department in which the Coast Guard is operating, or by the District of Columbia under this chapter.

**Mayor** - the Mayor of the District, of Columbia or his or her authorized representatives.

**Lien Holder** - any person holding a security interest.

**Manufacturer** - any person engaged in the business of manufacturing or importing new and unused vessels for the purpose of sale or trade.

**Navigation rules** - those federal laws and rules and regulations promulgated by the Secretary of the federal department in which the Coast Guard is operating relating to the navigation of vessels in navigable waters of the United States, including the “Pilot Rules for Inland Waters” 33 CFR § 80; and the “Navigation Rules for Inland Waters, Harbors, and Rivers Generally”, 33 USC 151 et seq.

**Night** - any time from sunset to sunrise and any other time when, due to insufficient light or unfavorable atmospheric conditions, persons, vessels, or other objects in the water or on the shore are not clearly discernible beyond a distance of five hundred feet (500 ft.). The term day means any time other than night.

**Operator** - any person who operates, or has charge, command, or control of the navigation or use of a vessel.

**Owner** - any person who claims lawful possession of a vessel by virtue of legal title, or who has an equitable interest in the vessel that entitles him or her to possession of the vessel.

**Person** - any individual, partnership, corporation, company, association, joint-stock association, firm, or governmental entity, and any trustee, receiver, assignee, or similar representative of the trustee.

**Passenger** - any person carried on board a vessel other than the following:

- (a) The owner or the owner’s representative;
- (b) The operator;
- (c) *Bona fide* members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or
- (d) Any guest on board a vessel that is being used exclusively for pleasure purposes who has not directly or indirectly contributed any consideration for his or her carriage.

**Racing shell, rowing scull, racing kayak, or racing canoe** - any manually propelled boat that is recognized by a national or international racing association for use in competitive racing; in which all occupants row, scull, or paddle with the exception of a coxswain, if one is provided; and which is not designed to carry and does not carry any equipment not solely used for competitive racing.

**Undocumented vessel** - any vessel that does not have and is not required to have a valid marine document as a vessel of the United States.

**Use** - to operate, navigate, or employ.

**Vessel** - every description of watercraft, other than amphibian aircraft or seaplanes on the water, used or capable of being used as a means of transportation on the water.

**Vessel Principally Used** - a vessel used mostly on District of Columbia Waters during a calendar year.

SOURCE: Article 29 § 2 of the Police Regulations of the District of Columbia (January 1983); as amended by Final Rulemaking published at 31 DCR 1459 (March 30, 1984) incorporating by reference 30 DCR 6293, 6293-94 (December 9, 1983).