**IX. Safety Regulations – Use of Portions of Lake Elsinore**

**Chapter 9.96
LAKE USE REGULATIONS**

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Prior legislation: Ords. 953, 984, 1002, 1063 and 1250.

**9.96.010 Purpose.**

The purpose of this chapter is to provide rules governing the recreational use of vessels, equipment and other matters relating thereto on Lake Elsinore (hereinafter referred to as “the lake”), and to protect the general health, safety, and welfare of persons using the lake. [Ord. 1352 § 1, 2016; Ord. 753 § 1, 1985].

**9.96.020 Definitions.**

“City Manager” shall mean the City Manager or designee.

“Drone” refers to an unmanned aircraft or ship that can navigate either by radio remote control or autonomously, with or without human control, or beyond line of sight.

“Inflatable towable” shall refer to any towable device that is inflated and is intended to carry persons while being towed by a vessel.

“Jet propulsion propelled devices” shall refer to any device where water is forced under pressure to propel a person or persons into the air or through the water such as flyboards and jet packs, excluding jet propulsion propelled vessels.

“Life jacket” shall refer to a personal flotation device that is in the form of a buoyant vest.

“No wake zone” shall refer to the area between the shoreline and the designated buoys, where vessels are required to be in “idle” speed of no more than five mph to prevent waves.

“Nonmotorized vessel” shall refer to a recreational device that floats on the surface of the water and lacks any motorized propulsion, such as paddleboards, kayaks, canoes, sailboats, wind surfing devices, etc.

“Operator” means the person on board who is steering the vessel while underway.

“Personal water craft” shall refer to a vessel 13 feet in length or less, propelled by machinery, that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

“Personal water craft course zones” shall refer to designated areas for personal water crafts to recreate within a course format.

“Radio controlled model replica device” shall refer to a reduced scale model device that is steerable by radio controlled frequencies.

“Use” means to operate, navigate, or employ.

“Vessel” shall refer to a watercraft used or capable of being used as a means of transportation on water, except either of the following: (1) seaplane on the water; or (2) a watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled.

“Water scooter” shall refer to a hand-held, battery-operated device that spins a propeller to pull a swimmer through the water.

“Water skis, an aquaplane, towables or a similar device” includes all forms of water skiing, barefoot skiing, skiing on skim boards, knee boards, or other contrivances, parasailing, ski kiting, or any activity where a person is towed behind or alongside a boat. [Ord. 1352 § 1, 2016].

**9.96.030 Area regulated.**

The area that this chapter shall regulate is as follows:

All properties at or below the elevational mark of 1,265 feet mean sea level southeasterly of the State recreational area boundary (1,240 feet mean sea level) and within the perimeter streets of Riverside Drive to the northwest and west, Lakeshore Drive to the north, Mission Trail to the northeast, Corydon Road to the southeast and the City boundary line to the south and southwest.

Excepting therefrom any property within the described area above, that has a valid existing temporary use permit, conditional use permit and/or City business license, as long as said property owner stays on his/her own property and maintains same in a safe manner. [Ord. 1352 § 1, 2016; Ord. 753 § 2, 1985. Formerly 9.96.020].

**9.96.040 Lake users, vessel operators, and livery vessel operators.**

A. All users of the lake, vessel operators, and livery vessel operators are required to comply and act in accordance with the Federal, State, and local laws and regulations, including but not limited to the California Harbors and Navigation Code and the California Vehicle Code as currently existing and hereinafter amended.

B. Livery vessel owners shall comply, maintain the appropriate records, and act in accordance with California Harbors and Navigation Code Section [673](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HNC&sectionNum=673).

C. Livery vessel companies shall only rent vessels to operators of legal age to be bound by contract (18 years and older).

D. Livery vessel owners shall maintain an annual commercial lake use pass pursuant to LEMC [8.40.050](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore08/LakeElsinore0840.html#8.40.050)(D), for each livery vessel operated on Lake Elsinore. [Ord. 1376 § 1, 2017; Ord. 1352 § 1, 2016].

**9.96.050 Vessels.**

A. Except for motorized vessels possessing an annual lake use pass pursuant to LEMC [8.40.050](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore08/LakeElsinore0840.html#8.40.050)(B), an annual lakefront use pass pursuant to LEMC [8.40.050](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore08/LakeElsinore0840.html#8.40.050)(C), or annual commercial lake use pass pursuant to LEMC [8.40.050](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore08/LakeElsinore0840.html#8.40.050)(D), all motorized vessels using the lake shall obtain a daily lake use pass. A valid use pass must remain on the vessel at all times while operating the motorized vessel on the lake. A daily lake use pass is not transferable to any other vessel.

B. The maximum number of vessels permitted to safely utilize the lake at any given time is 1,200. [Ord. 1352 § 1, 2016; amended during 2008 recodification; Ord. 1238 § 1, 2007; Ord. 1100 § 3, 2003; Ord. 957, 1993; Ord. 957, 1994. Formerly 9.96.140].

**9.96.060 Length of vessels.**

Vessels operating on the lake shall not exceed a maximum of 40 feet in length, unless authorized from the City Manager. [Ord. 1352 § 1, 2016; Ord. 1100 § 2, 2003; Ord. 1063 § II, 2000. Formerly 9.96.125].

**9.96.070 Nonmotorized vessels.**

A. All nonmotorized vessels, except for sailboats, kite boards and wind surfing, shall remain within the no wake zones unless authorization has been obtained from the City Manager, or during a special exhibition or event.

B. Life jackets shall be worn or carried at all times while operating a nonmotorized vessel. [Ord. 1352 § 1, 2016].

**9.96.080 Jet propulsion propelled devices.**

A. Jet propulsion propelled devices, including but not limited to water jetpack devices and jet propelled fly boards, shall remain in the no wake zone unless prior authorization has been obtained from the City Manager.

B. All persons using one of these devices must wear an approved life jacket at all times. [Ord. 1352 § 1, 2016].

**9.96.090 Water scooters.**

Water scooters shall remain in the no wake zone, unless authorization has been obtained from the City Manager, or during a special exhibition or event. [Ord. 1352 § 1, 2016].

**9.96.100 Parachuting – Aircraft.**

A. No person shall parachute into the lake unless authorization has been obtained from the City Manager.

B. No person shall fly an aircraft (with the exception of drones), fly ultralight vehicles, hang glide over, parasail or balloon over the lake at an altitude of less than 500 feet unless authorization has been obtained from the City Manager. [Ord. 1352 § 1, 2016].

**9.96.110 Radio-controlled model replica devices.**

Operation of radio-controlled model replica devices shall remain in the no wake zone, unless authorization has been obtained from the City Manager, or during a special exhibition or event. [Ord. 1352 § 1, 2016].

**9.96.120 Inspections.**

In accordance with California Harbor and Navigation Code Section 663, every peace officer shall have the authority to stop and board any vessel subject to this chapter, where the peace officer has probable cause to believe that a violation of State law or regulations or local ordinance exists. [Ord. 1352 § 1, 2016; Ord. 957, 1993. Formerly 9.96.160].

**9.96.130 Launching.**

A. Launching of vessels is only permitted at designated boat launches unless: the vessel is nonmotorized, the vessel is launched from private property in accordance with LEMC [8.40.060](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore08/LakeElsinore0840.html#8.40.060), or authorization has been obtained from the City Manager.

B. No vessel shall operate or launch on the lake under the following conditions unless authorization has been obtained from the City Manager:

1. During nighttime hours (one-half hour after sunset to one-half hour before sunrise).

2. When wind speed reaches or exceeds 39 miles per hour (gale warnings) unless the vessel has more than six inches of freeboard (measured from the water surface to the lowest portion of the gunwale). Wind surfers, kite boarders, sailboats, or similar wind-propelled vessels are exempt from this condition.

3. When wind speed reaches 55 miles per hour or greater (full gale). [Ord. 1352 § 1, 2016; Ord. 1063 § I, 2000; Ord. 957, 1993. Formerly 9.96.180].

**9.96.140 Vessel speed limits.**

No person shall operate a vessel at speeds in excess of that authorized for the area in which the vessel is operating. Vessel speed limits shall be designated and posted.

A. The maximum allowable vessel speed limit on the lake shall be 35 miles per hour, except as provided in subsections B, C, and D of this section, unless authorization has been obtained from the City Manager.

B. Unless authorization has been obtained from the City Manager, the maximum allowable vessel speed limit within the high speed zone is 150 miles per hour Monday through Friday, except for the following holidays: Memorial Day, Fourth of July, and Labor Day.

C. Notwithstanding subsection (B) of this section, a person may only operate a vessel within the high speed zone at a speed in excess of 150 miles per hour when authorized pursuant to a special event permit as provided in Chapter [5.108](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore05/LakeElsinore05108.html#5.108) LEMC.

D. The maximum allowable vessel speed is five miles per hour (idle/wakeless forward motion) when operating under the following conditions:

1. Buoyed areas, which includes the no wake zones, except where designated as a personal water craft course area or authorized by the City Manager.

2. During restricted visibility (i.e., visibility less than 1,000 feet, fog, haze, or smoke).

3. Within 100 feet of a person in the water. [Ord. 1352 § 1, 2016].

**9.96.150 High speed zone.**

A. Vessels operating in the designated high speed zone at speeds of 80 miles per hour and greater shall be equipped with an ignition kill switch tethered to the driver and all persons aboard such vessels shall wear a flotation device with a United States Coast Guard 100-mile-per-hour rating and helmets.

B. Helmets must meet the specifications set forth by any of the following: Department of Transportation, American National Standards Institute, Inc., Snell, or military specification helmet designed for military aircraft. The upper 50 percent of the helmet must be neon, fluorescent, red, orange, yellow, or international orange. [Ord. 1352 § 1, 2016].

**9.96.160 Vessel traffic pattern.**

A. Except as authorized by the City Manager, all vessel traffic shall move in a counterclockwise direction measured from the center of the lake.

B. No person shall operate or cause a vessel to move in a clockwise direction or turn around except in the nondirectional, no wake areas (five mile per hour zones), personal water craft course zones, or in any zone when a person has fallen overboard or when a person being towed has fallen, and then only for the purpose of retrieving the fallen person. [Ord. 1352 § 1, 2016].

**9.96.170 Nondirectional, personal water craft course zones.**

A. Except as authorized by the City Manager, any personal water craft course zone shall be located in a designated area within the no wake zone.

B. Users of the personal water craft course zone shall comply with all posted rules and regulations associated with the personal water craft course zone areas.

C. Users of the personal water craft course zone shall be associated with the organization hosting the personal water craft course zone.

D. Entrance and exit from the nondirectional, personal water craft zones is only permitted in the designated entrance and exit channel.

E. The maximum allowable speed limit posted at the entrance of the personal water craft zone shall not be exceeded.

F. The courses shall be used only for the intended purposes as a recreational personal water craft course, unless authorization has been obtained from the City Manager. [Ord. 1352 § 1, 2016].

**9.96.180 Age limit for operating vessels.**

A. No person under 16 years, except for a person between the ages of 12 and 15 years who is supervised on board by someone at least 18 years of age, shall operate a vessel having propulsion of more than 15 horsepower except for a sailboat that does not exceed 30 feet in length or a dinghy used directly between a moored vessel and the shore, or between two moored vessels.

B. A person operating a vessel traveling in excess of 35 miles per hour within the high speed zone must be at least 16 years of age.

C. A person operating a vessel must maintain all valid certificates and/or licenses required for operation in accordance with State and Federal regulations. [Ord. 1376 § 1, 2017; Ord. 1352 § 1, 2016; Ord. 1037 § 1, 1998. Formerly 9.96.220].

**9.96.190 Reckless and/or negligent operations of vessels.**

A. Vessel operators shall not jump the wake of another vessel within 100 feet of that vessel.

B. Vessel operators shall not turn sharply in close range of any person or vessel to “spray them down.” [Ord. 1352 § 1, 2016; Ord. 1037 § 1, 1998. Formerly 9.96.230].

**9.96.200 Towing persons and/or inflatable towables.**

A. Vessels and personal water crafts shall only tow devices used to carry persons that are commercially manufactured and operated within the scope of the manufacturer’s intended use(s), unless authorization has been obtained from the City Manager, or are part of a special exhibition or event.

B. Inflatable towables intended to lift out of and fly above the water for extended periods of time are not permitted.

C. A vessel shall tow no more than one inflatable towable at a time and the occupancy of any inflatable towable shall not exceed the manufacturers recommended occupancy.

D. No person shall operate a vessel with a tow line exceeding 75 feet except in the high speed zone or an authorized special event.

E. Any time a person or persons are on the exterior of a vessel or personal water craft, a designated observer of age 12 or older shall clearly display an orange safety flag of at least 12 inches by 12 inches while person(s) are in the water. Life vests shall be worn by all persons being towed in the water.

F. Vessels shall not move contrary to or against the direction of established lake traffic patterns while towing persons and/or inflatable towables. [Ord. 1352 § 1, 2016].

**9.96.210 Operating vessels at night.**

A. Night boating may also occur with authorization from the City Manager during approved dates and times.

B. Where nighttime operation is authorized, only motorized boats are permitted. Nonmotorized vessels (i.e., paddleboards, kayaks, rafts, sailboats without a motor) and personal watercrafts are not permitted for night boating. All vessels operating at night are required to have and operate fully functional navigation lights.

C. The maximum allowable speed at night is five miles per hour, unless authorized from the City Manager.

D. Any boat operating at night pursuant to this section shall have a daily lake use pass, which shall be designated for nighttime operations. The City Manager may limit the number of daily lake use passes issued for nighttime operation. [Ord. 1376 § 1, 2017; Ord. 1352 § 1, 2016].

**9.96.220 Beaching, mooring, or berthing of vessels.**

A. Unless authorization has been obtained from the City Manager, no person shall beach, land, launch, moor, dock, or berth a vessel or any other object overnight except (1) in areas so designated and posted, or (2) pursuant to LEMC [8.40.050](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore08/LakeElsinore0840.html#8.40.050)(C).

B. The City may specify locations, conditions, and limitations for the beaching, landing, launching, mooring, docking, or berthing of a vessel or any other object.

C. Beached or abandoned vessels or any other objects are to be removed by the registered owner from City property within 24 hours of notification. The last registered owner of record is responsible and is thereby liable for the cost of removal and disposition of the vessel or other object beached or abandoned. [Ord. 1352 § 1, 2016].

**9.96.230 Anchoring.**

No person shall anchor a vessel outside of the no wake zone. [Ord. 1352 § 1, 2016; Ord. 1100 § 4, 2003. Formerly 9.96.190].

**9.96.240 Vessel noise.**

No person shall operate or permit the operation of any vessel in the lake in such manner as to cause a noise disturbance in violation of LEMC [17.176.060](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore17/LakeElsinore17176.html#17.176.060)(A) regarding exterior noise limits. [Ord. 1352 § 1, 2016].

**9.96.250 Disposal of waste from vessels.**

Any vessel must be so constructed or equipped that all wastes, including but not limited to sink water, shower water, and human waste, are discharged into a holding tank. Such wastes shall only be discharged in on-shore disposal facilities. [Ord. 1352 § 1, 2016].

**9.96.260 Restricted use.**

The following lands and facilities on or around the lake are closed or restricted to all persons other than City employees or authorized individuals in the following manner:

A. Well Numbers One, Two, and Three.

B. Sites posted with buoys or fencing, depending on water level.

C. No person shall be within 50 feet of said facility, except as authorized by the City Manager.

D. Portions of the lake may be closed to activity as the lake level recedes and exposes hazards. Affected portions may be posted with buoys or signage.

E. No person shall berth, moor, dock, or otherwise secure any vessel or other object, fish, dive, or swim from a designated City law enforcement or public safety dock facility located on the lake. [Ord. 1352 § 1, 2016; Ord. 957, 1993. Formerly 9.96.170].

**9.96.270 Buoys, beacons, and axial flow pump stations.**

No person shall moor to, destroy, trespass upon, or cause willful damage to any buoy, beacon, or axial flow pump station. No person shall willfully or maliciously cut, break, injure, sink, set adrift, trespass, or moor any vessel of any kind to any buoy, beacon, or axial flow pump station platform placed within the lake by the City, unless authorization has been obtained by the City Manager. [Ord. 1352 § 1, 2016; Ord. 1100 § 5, 2003. Formerly 9.96.240].

**9.96.280 Construction.**

No person shall wharf or erect quays, jetties, piers, breakwaters, groins, moles, wharves, docks, bathhouses, or any structures whatsoever floating or otherwise upon or in the lake except by (A) permission of concession in writing by the City of Lake Elsinore, or (B) pursuant to LEMC [8.40.050](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore08/LakeElsinore0840.html#8.40.050)(C). [Ord. 1352 § 1, 2016; Ord. 957, 1993. Formerly 9.96.070].

**9.96.290 Temporary suspension of regulations.**

When deemed warranted by special circumstances, the City Manager or Police Chief may temporarily suspend lake use regulations, restrictions or prohibitions established pursuant to this chapter. [Ord. 1376 § 2, 2017].

**9.96.300 Enforcement Officer.**

The provisions of this chapter shall be administered and enforced by an Enforcement Officer. For purposes of this chapter, “Enforcement Officers” shall mean any City employee or any agent of the City with the authority to enforce any provision of this code, codes adopted by the City, or State laws enforceable by the City. Enforcement Officers are authorized to issue citations for all violations of this chapter. [Ord. 1376 § 2, 2017].

**9.96.310 Removal of vessel.**

In accordance with California Harbors and Navigation Code Section [523](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HNC&sectionNum=523), enforcement personnel are authorized to remove or cause to be removed:

A. Any vessel which is unoccupied, unattended, or abandoned on the lake, except for vessels permitted to be moored overnight on the lake in accordance with LEMC [8.40.050](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore08/LakeElsinore0840.html#8.40.050)(C).

B. Any vessel that has been deemed to be unsafe for operation in accordance with the California Harbors and Navigation Code Section [652](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HNC&sectionNum=652) and California Code of Regulations Title 14, Section 6550.5.

C. Any vessel in which a single negligent vessel operator has been issued a citation and continues to engage in similar negligent activity for which the original citation was issued within a single-day period.

D. Any vessel that has an outstanding overdue citation in accordance with California Vehicle Code Sections [40200](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=40200) through [40230](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=40230). [Ord. 1376 § 2, 2017].

**9.96.320 Violations.**

Notwithstanding the general provisions contained in LEMC Title [1](https://www.codepublishing.com/CA/LakeElsinore/html/LakeElsinore01/LakeElsinore01.html#1), violation of this chapter shall be processed and may be appealed in accordance with California Vehicle Code Sections [40200](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=40200) through [40230](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=40230), which are hereby adopted and as may be amended from time to time. [Ord. 1376 § 2, 2017].