

## **Proposed Amendments to Boating Regulations, Chapter 391-4-5-.12, Marine Event Special Boating Restrictions**

Chapter 391-4-5-.12 of the Rules of the Georgia Department of Natural Resources, Boating Regulations, provides the authority for the Department to restrict the movement of vessels and other watercraft, and other water activities, in the immediate area of a permitted marine event. Per the existing regulations, the Commissioner may declare that exclusive use of a water body or portion thereof as limited to only persons authorized to participate in a permitted marine event. Existing regulations further require the sponsor of a permitted marine event to mark by means of buoys, signs or other appropriate means, the said water body or portion thereof so as to notify the public of the extent and duration of exclusive use.

However, neither the Rules on Boating Regulations or the Title 52, Chapter 7 Georgia Boat Safety Act statutes provide the legal authority for certified peace officers to enforce exclusive use areas upon state waters permitted and properly marked under the marine event requirements. This proposed amendment to the Boating Regulations will establish a criminal violation for unauthorized persons who fail to obey markers or signs designating waters closed for exclusive use per a permitted marine event.

### **391-4-5-.12 Marine Event Special Boating Restrictions. Amended.**

The Department may establish restrictions on the movements of vessels or other types of watercraft and flotation devices, including but not limited to inner tubes, and inflatable rafts, and other water activities in the immediate area of the event. Whenever the Commissioner issues a marine event permit under circumstances in which the permitted event will fully utilize the recreative capacity of the water body or portion thereof upon which it will be held, or the nature or size of the event or public safety considerations dictate that the water body be closed, for the duration of the permitted event, to use by anyone not an official participant in the event, he may declare that the exclusive use of the said water body or portion thereof is devoted to the permitted event. This exclusive use declaration shall limit the use of the waters so designated to only those persons who are authorized to participate in the permitted marine event. The sponsor of an exclusive use marine event shall be required as specified by the conditions of the permit to mark, by means of buoys, signs or other appropriate means, the said water body or portion thereof so as to notify the public of the extent and duration of exclusive use. Such sponsor may also be required, when the exclusive use is likely to pre-empt a large number of potential users, to notify the public of the exclusive use, its extent and duration by an appropriate form of public notice, including use of news media.

It shall be unlawful for any person not an official participant in a permitted event to fail to obey markers, buoys, or signs designating water bodies or portions thereof as closed for exclusive use for the duration of the permitted marine event.

Authority Ga. L. 1937, p. 264, as amended; Ga. L. 1973, p. 1427, as amended. **Administrative History.**

Original Rule entitled "Marine Event Special Boating Restrictions" was filed on December 12, 1979; effective January 1, 1980. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed January 30, 1981; effective February 19, 1981.