

**Fox Waterway Agency Code of Rules and Regulations
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CHAPTER 1 GENERAL PROVISIONS

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1.01 **FOX WATERWAY AGENCY CODE OF RULES AND REGULATIONS**

A. Title: This code of ordinances shall be known and cited as the Fox Waterway Agency Code of Rules and Regulations.

B. Amendments: Any additions or amendments to this Code are incorporated into this Code so that a reference to the Fox Waterway Agency Code of Rules and Regulations includes such additions and amendments.

1.02 **DEFINITIONS**

A. Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms.

B. Terms used in this Code, whether capitalized or not, have the meanings found in Appendix A of this Code.

C. The Fox Waterway Act (615 ILCS 90/1 *et seq.*) and the Boat Registration and Safety Act (625 ILCS 45/1-1 *et seq.*) shall control in defining any terms used in this Code that are not defined herein.

1.03 **REPEAL OF ORDINANCES**

A. All general ordinances or parts previously adopted by the Board of Directors and not included in this Code are repealed, except the following which are hereby continued in full force and effect.

1. Ordinances authorizing contracts or the issue of notes or bonds;
2. Ordinances approving budgets, appropriating funds or establishing salaries;
3. Ordinances authorizing or relating to particular public improvement;
4. Any other ordinances not in conflict with the provisions of this Code.

B. The provisions of this Code, so far as they are the same in substance as those of existing ordinances, are continuations of such ordinances and not new enactments.

1.04 **ORDINANCES REPEALED NOT REENACTED**

No ordinance or part of any ordinance previously repealed shall be considered reordained or reenacted by virtue of this Code, unless specifically reenacted.

1.05 **JURISDICTION**

Unless otherwise provided in this Code, this Code applies to acts performed within the Agency and territory set forth in 615 ILCS 90/4. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the Agency to regulate such particular acts outside the corporate limits.

1.06 **PENALTIES** *Amended 2010-1028-01,2009-0723-01*

A. Unless another penalty is specifically provided for by this Code for violation of any particular provision, section or chapter, any person violating any provision of this Code or any rule or regulation adopted or issued hereunder, or any provision of any Code adopted herein by reference, shall, upon conviction, be subject to a fine of not less than \$120 nor more than \$1,000, injunctive relief to restrain violations, recovery of all damages caused by said actions or inactions and incarceration as provided by statute. "Damages" as used in this Section shall include, but not be limited to, costs to repair damage caused to Agency-owned and/or State-owned property, materials and labor, and supervision required to make such repairs.

B. Any violation of this Code shall result in the Agency (1) cause any vessel to be removed from the water until the violation is corrected to the satisfaction of the Agency, and (2) issue violation citations.

C. Each act of violation and each day upon which a violation occurs constitute a separate offense and liability shall be shared jointly and severally between all persons found in violation of this Code.

D. In addition to the fines and damages recoverable by the Agency, as provided in this Section, any person found in violation of any provision of the Code shall be liable to reimburse the Agency for all reasonable attorney's fees, costs and expert witness fees incurred in the investigation and prosecution of such violation.

E. The remedies provided in this Code shall not be exclusive and the Agency may seek whatever other remedies are authorized by statute, at law or in equity against any person, firm or corporation violating the provisions of this Code.

F. The penalty provided by this Section applies to the amendment of any section of this Code or a code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.

G. Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

H. In the event any fee, including, but not limited to those relating to fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the Agency and is not paid, the cost of collecting said fee shall be added to the fee. Collection costs shall include, but not be limited to, prosecution and attorney fees.

CHAPTER 2 BOARD OF DIRECTORS

2.01	Government of the Agency
2.02	Appointment, Term and Vacancies
2.03	Compensation and Expenses
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2.06	Meeting Attendance
2.07	Quorum
2.08	Records
2.09	Treasurer
2.10	Board Policy and Procedures
2.11	Advisory Committee
2.12	Indemnification

2.01 **GOVERNMENT OF THE AGENCY**

The Agency shall be governed by a Board of Directors, which shall be elected pursuant to 615 ILCS 90/5. The Board shall consist of six Directors and one Chairman. The Board shall select from its membership a Secretary and a Treasurer. The Board is the corporate authority of the Agency and shall exercise all the powers and manage and control all the affairs and property of the Agency.

2.02 **APPOINTMENT, TERM AND VACANCIES** *Amended 2007-0510-01, 2006-1012-01*

A. Election: The members of the Board shall be elected and serve pursuant to 615 ILCS 90/5 and until their successors are elected and qualified, as provided by law.

B. Term: The term of office for an elected official shall begin prior to the adjournment of the first regular or special meeting of the Board of Directors following receipt of the official election results from the State Board of Elections.

C. Vacancies: If a vacancy occurs on the Board, the vacancy shall be filled pursuant to 615 ILCS 90/5.

2.03 **COMPENSATION AND EXPENSES**

Each member of the Board shall be compensated as specified in 615 ILCS 90/6, as amended. Payments shall be made in equal installments at the end of each month.

The Agency will reimburse Board members for expenses directly related to Agency business and approved by the Board prior to the expenditure.

2.04 **MEETINGS** *Amended, 2009-0226-01*

All regular meetings of the Board shall be held on the fourth Thursday of each month. Regular meetings shall begin at 7:00 p.m., and the meeting location shall alternate between the Agency's office at 45 S. Pistakee Lake Road, Fox Lake during odd months, and the McHenry Municipal Building, 333 S. Green St., McHenry during even months. All meetings of the Board shall be held in accordance with the Open Meetings Act.

2.05 **SPECIAL MEETINGS**

The Chairman or any two members of the Board may call special meetings of the Board pursuant to the Open Meetings Act.

2.06 **MEETING ATTENDANCE**

If no quorum is present, the Board shall, by majority vote, adjourn or recess the meeting to another time or date or to the next regularly scheduled meeting.

2.07 **QUORUM**

A majority of the members of the Board then holding office shall constitute a quorum thereof.

2.08 **RECORDS**

The Recording Secretary shall keep the minutes and records of the proceedings of the Board.

2.09 **TREASURER** *Amended, 2008-1113-01*

The Treasurer shall be custodian of all Agency funds and shall be bonded in such amount as the Board designates. In addition to the Treasurer, the Chairman, Secretary and Executive Director are authorized to sign checks on behalf of the Agency. Two signatures shall be required for each check.

2.10 **BOARD POLICY AND PROCEDURES**

The Agency hereby adopts, by reference, its Rules of Procedure, Responsibility and Conduct, dated May 27, 1999.

2.11 **ADVISORY COMMITTEE**

A. Appointment: Pursuant to 615 ILCS 90/7, the Chairman, with the advice and consent of the Directors, shall appoint and confer with an Advisory Committee which shall consist of interested public officials and members of the public. The Advisory Committee appointments shall be for two years.

B. Meetings: The Advisory Committee shall meet at least once every three months, in accordance with the Open Meetings Act.

C. Bylaws: The Board of Directors shall pass bylaws governing the Advisory Committee.

D. Attendance at Board Meetings: The chairman of the Advisory Committee shall attend and participate at the regular meetings of the Board, in a non-voting manner.

2.12 **INDEMNIFICATION**

In the event a lawsuit is filed against any former or current employee or elected Agency Director for acts relating to the Agency or Agency business affairs while employed in office, the Agency shall retain and pay counsel of its choice to defend the employee or Director. The Agency shall also indemnify the employee or director for any acts, for which he or she is found liable, within the scope of his or her office, duty or employment with the Agency. The protection afforded to employees or directors in this Section shall apply where defense and indemnity is not adequately provided for, without any conflict of interest, by the Agency's liability insurance carrier.

CHAPTER 3 ADMINISTRATION

- 3.01 Executive Director
- 3.02 Code Enforcement
- 3.03 Employees of the Agency
- 3.04 Possession of Agency Records/Property
- 3.05 State Gift Ban Act
- 3.06 Fiscal Year

3.01 EXECUTIVE DIRECTOR

A. Executive Authority: The executive authority of the Agency shall be vested in the Executive Director, who shall be appointed by the Board.

B. Duties: In addition to those powers referred to in 615 ILCS 90/6, the Executive Director shall be charged with overall responsibility to implement the programs, procedures, policies, rules and regulations established by the Board, and shall manage the day-to-day operations of the Agency. He or she shall bear primary responsibility for all hiring and firing of part-time employees of the Agency, and for discipline of all employees of the Agency. Decisions regarding the hiring, promotion and firing of full-time employees shall be made by the Board or the Executive Director at its direction. The Executive Director shall also be responsible for coordinating the Agency's efforts to work with the IDNR, the USACE, the U.S. Fish and Wildlife Service, all local units of government with jurisdiction in the Agency's territory and all other units of government and elected or appointed officials as may be beneficial or necessary for the continued improvement of the Fox River Watershed and fulfilling the mission given to the Agency by the state legislature in its enabling legislation. The Executive Director shall report directly to the Board.

3.02 CODE ENFORCEMENT

The Executive Director, or designee, shall have the overall responsibility to implement the administration, interpretation and enforcement of this Code and making and maintaining records thereof; monitoring the Waterway for compliance with this Code and with all permits issued hereunder; conduct such inspections, field examinations and research as are necessary to insure compliance with all of the provisions of this Code, and where there are variations, initiate action to secure compliance; provide Code information on request; and act as a liaison with local law enforcement agencies.

3.03 EMPLOYEES OF THE AGENCY

A. Application: The provisions of this Section 3.03 shall apply to all employees of the Agency, regardless of the time of the creation of the office or position of employment, and regardless of the time of employment of the employee.

B. Employees of the Agency: Agency employees shall be subject to the personnel policies approved by the Board.

C. Records: All records kept or maintained by any employee of the Agency shall be open to inspection at all reasonable times, whether or not such records are required to be kept by statute or ordinance, except where state statute provides otherwise.

D. Monies Received: Every employee of the Agency shall turn over all monies received by him in his official position or employment to the Treasurer, with a statement showing the source from which the same was received, and shall take the Treasurer's receipt therefore.

E. Salaries and Wages: All employees of the Agency shall receive such salaries or wages as approved by the Executive Director. No employee receiving a salary from the Agency shall be entitled to retain any portion of any fees collected or received by him or her in the performance of his or her duties as an Agency employee, in the absence of specific authorization to the contrary as may be provided by law or by ordinance.

3.04 **POSSESSION OF AGENCY RECORDS/PROPERTY**

Upon termination of employment, the employee shall deliver to the Executive Director all property, including phones, records, official badges, clothing, books and effects in his or her possession, belonging to the Agency. Upon refusal to do so, the terminated employee shall be liable for all damages caused thereby and subject to a fine of not less than \$500 for each violation, plus any costs incurred by the Agency, including attorney fees, to recover said property. Each day that the violation continues shall be considered a separate offense.

3.05 **STATE GIFT BAN ACT**

A. Adoption of Act:

1. The State Gift Ban Act (5 ILCS 425 *et seq.*) (the "ACT") is hereby adopted as required by Section 83 of the Act (5 ILCS 425/83).
2. The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act are prohibited by any elected or appointed official or any employee of the Agency.

B. Hearing on Complaints: All complaints for violations of the Act and this Section 3.05 shall be heard by the Board. An ethics officer shall be appointed by the Board for each hearing.

C. Future Amendments to State Gift Ban Act: Any amendment to the Act that becomes effective after the passage of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by this Agency shall not be

incorporated into this Section by reference without formal action by the corporate authorities of the Agency.

3.06 **FISCAL YEAR**

The fiscal year of the Agency shall begin on January 1 and end on December 31 of that year.

CHAPTER 4 USER FEES

- 4.01 User Permit Sticker Required
- 4.02 Application for User Permit Sticker
- 4.03 User Permit Sticker Fees
- 4.04 Lost User Permit Stickers
- 4.05 Duplicate Purchase of User Permit Stickers
- 4.06 User Permit Sticker Refunds
- 4.07 Boat Sales, Transfers
- 4.08 Misuse of User Permit Sticker
- 4.09 Revoked User Permit Sticker
- 4.10 Transfer Plates

4.01 **USER PERMIT STICKER REQUIRED** *Amended, 2010-1028-01*

A. It shall be unlawful for any person using the Waterway to use, or to cause or permit any of his agents or employees to use any boat, unless such boat has a current User Permit Sticker as hereinafter provided.

B. No boat shall be exempt from the provisions of this Chapter except:

1. Boats owned by local units of government, state or federal agencies, or other units of government which are used for law enforcement, emergencies or in the performance of their governmental duties; or
2. Boats that Illinois law does not require to be registered. An out of state boat which is not required to be registered in its home state, but would be required to be registered in the State of Illinois, shall not be exempt.

C. Penalty: Any person who violates any provision in this Section is guilty of a petty offense punishable by a fine of \$120.00 for the first offense and \$250.00 for each subsequent offense.

4.02 **APPLICATION FOR USER PERMIT STICKER** *Amended, 2009-1118-01*

A. Application for a User Permit Sticker shall be made to the Agency or authorized agent of the Agency upon an Agency form, which shall set forth information as may be required by the Agency. The Agency shall have the right to request a copy of the state registration form if he/she deems it necessary for verification of the information submitted. User Permit Stickers shall only be issued in the name/s of the person to whom the boat is registered, as evidenced by a watercraft registration/title or temporary application permit issued by the IDNR.

B. Upon payment of the user fee, the Agency shall issue a User Permit Sticker, which authorizes the use of such boat upon the Waterway for one year, beginning April 1st of the year issued.

C. Processing Fee: A \$5 processing fee shall be charged to all permit holders who do not use current renewal forms issued by the Agency. A \$5 initial processing fee shall be assessed to all applicants registering a new boat. This processing fee is in addition to the User Permit Sticker fee found in Section 4.03 herein.

D. User Permit Sticker Placement: Two User Permit Stickers shall be issued by the Agency to each applicant. A User Permit Sticker shall be affixed to each side of the boat, midway between the bow and the stern so they are visible on side windows. All expired permit stickers shall be removed from the vessel.

4.03 USER PERMIT STICKER FEES *Amended, 2009-1118-01*

The following schedule shall apply for annual User Permit Sticker Fees:

Class	Description	Fee
Class A	Motor-powered, 15 hp or less	\$40
Class B	Motor-powered, over 15 hp, up to 25 feet long	\$80
Class C	Motor-powered, over 15 hp, 26 to 30 feet long	\$140
Class D	Transfer plate for dealers, antique boats (30 or more years old, two or more boats to qualify)	\$140
Class E	Motor-powered, over 15 hp, 31 feet or longer	\$175
Class L	Livery boat, 10 or more boats, less than 17 feet, 25 hp or less; office purchase only	\$30
Class O	Non-motor-powered exceeding 17 feet in length	\$40
Class P	Personal watercrafts (jet skis, wave runners, etc.)	\$80
Class X	Non-motor-powered less than 17 feet long	\$10
Class W	Any boat involved in waterfowl hunting or trapping activity, without a current User Fee Sticker. Available August 15 through March 31. A current valid hunting license is required, as well as any applicable out of state fees.	\$25
1 Day Permit	Any boat class up to 25 feet in length	\$15
1 Day Permit	Any boat class over 25 feet in length	\$30
10 Consecutive Days Permit	Any boat class up to 25 feet in length	\$45
10 Consecutive Days permit	Any boat class over 25 feet in length	\$90
Out of State	Any boat registered outside the state	Class fee plus \$40

4.04 LOST USER PERMIT STICKERS *Amended, 2009-1118-01*

Upon proof of original purchase, lost User Permit Stickers will be re-issued for the balance of the year upon the filing of a-new application and a \$15 replacement fee.

4.05 **DUPLICATE PURCHASE OF USER PERMIT STICKERS** *Amended, 2009-1118-01*

Refunds requested for duplicate User Permit Sticker purchases for the same boat and same owner shall be issued upon proof of duplicate purchase and return of User Permit Sticker card in its original condition. The refund will be for the user fee only, less a \$15 handling fee, to be paid within 30 days following of request.

4.06 **USER PERMIT STICKER REFUNDS**

Except for duplicate purchases of User Permit Stickers, no refunds for User Permit Stickers shall be issued after April 1 of each boating season.

4.07 **BOAT SALES, TRANSFERS**

A. Immediately upon the sale of any boat with a User Permit Sticker required by this Chapter, when such sale is made prior to the date of expiration of such User Permit Sticker, the permit holder shall remove said User Permit Sticker and retain the User Permit Sticker as proof of purchase for purposes of acquiring a new User Permit Sticker of the same classification upon payment of a \$5 fee. If the permit holder purchases a boat requiring a higher user fee, the difference between the two user fees shall be owed. If the permit holder purchases a boat requiring a lower user fee, no refund will be given.

B. It shall be the duty of the purchaser of any used boat to remove such User Permit Sticker which may be attached to such boat at the time of the purchase thereof, which the vendor of the boat may have refused, failed or omitted to detach from such boat. It shall be unlawful for any purchaser to use, sell or offer for sale such used boat without first having removed such User Permit Sticker.

4.08 **MISUSE OF USER PERMIT**

A. Invalid Sticker Transfer: It shall be unlawful for any person to affix or cause to be affixed any User Permit Sticker to any boat other than the boat to which such User Permit Sticker was issued by the Agency.

B. Counterfeit Sticker: It shall be unlawful for any person to create, reproduce or duplicate a User Permit Sticker, whether by photocopying, computer scanning or other means, or to affix or cause such to be affixed to any watercraft.

C. It shall be unlawful to operate any watercraft in the Waterway with a counterfeit or invalidly transferred User Permit sticker.

4.09 **REVOKED USER PERMIT STICKER**

A. It shall be unlawful to operate any boat in the Waterway with a revoked User Permit Sticker.

B. It shall be unlawful to display on any boat a user fee sticker that has been revoked by the Agency

4.10 **TRANSFER PLATES**

Transfer plates are available for commercial boat dealers for the purpose of demonstrating and testing boats, and for the owners of two or more antique boats, as defined in Appendix A of this Code. Dealer and antique boat owners must provide their Illinois registration number and, if applicable, the Heritage Watercraft Identification number. Commercial boat dealers must purchase the appropriate User Permit Sticker for all other boats not requiring transfer plates.

CHAPTER 5
SPECIAL REGULATIONS DURING FLOOD AND OVERFLOW CONDITIONS

- 5.01 Waterway Zones
- 5.02 No Wake Boating Area
- 5.03 Closure of One or More Zones
- 5.04 Public Notification of Restricted Area
- 5.05 Prohibited Operations in a Restricted Area
- 5.05 Penalty

5.01 **WATERWAY ZONES** *Amended, 2006-0427-01*

In the event of flood and overflow conditions on the Waterway, the Agency or the IDNR may designate all or part of the Waterway as a No Wake Boating Area or a Restricted Boating Area subject to the boating restrictions set forth in this Chapter. For the purposes of this Chapter, the Waterway territory shall be divided into three zones: Zone A, Zone B and Zone C, which zones include the following territory:

1. Zone A: Waterway territory from the Algonquin dam north to the McHenry dam.
2. Zone B: Waterway territory from the McHenry dam north to Pistakee Lake
3. Zone C: Waterway territory from Pistakee Lake north to the Wisconsin State line.

5.02 **NO WAKE BOATING AREA** *Amended, 2009-0827-01, 2009-0226-02, 2006-0427-01*

A. A zone may be deemed “No Wake” upon the Agency’s determination that severe high water conditions exist, and:

1. for Zone A, whenever the IDNR’s Stratton Lock and Dam tail water downstream gauge (hereinafter “Stratton Dam gauge”) reading exceeds 3.00;
2. for Zone B, whenever the IDNR’s Johnsburg gauge exceeds 4.50; and
3. for Zone C, whenever the IDNR’s Fox Lake gauge exceeds 5.00.

B. A “No Wake” designation under this Chapter may remain in effect until the water gauge reading in the affected zone has decreased to at or below the levels set forth in this Section.

5.03 **CLOSURE OF ONE OR MORE ZONES** *Amended, 2006-0427-01*

A. The IDNR/OWR, with concurrence of the U.S. Coast Guard, may declare the Waterway, or any zone(s) thereof, a Restricted Boating Area closed to all navigation pursuant to applicable federal and state laws and regulations. In the event that the IDNR determines the presence of conditions that make navigation of the Waterway, or any zone(s) thereof, significantly dangerous to the public, the IDNR may, in coordination with the federal government, designate such area(s) Restricted Boating Area(s). This designation will remain in effect until the IDNR determines that navigation is no longer significantly dangerous to the public.

B. Immediately upon the Agency's receipt of notice from the IDNR/OWR that conditions in a zone warrant closure of the zone, such zone shall be deemed a Restricted Boating Area and shall be closed to all navigation until such restriction is rescinded by the IDNR/OWR or U.S. Coast Guard.

5.04 **PUBLIC NOTIFICATION OF RESTRICTED AREA** *Amended, 2010-1028-01, 2007-0426-01, 2006-0427-01*

A. Designation of a No Wake Boating Area due to flood and overflow conditions by the Agency shall be made by public announcement. Immediately upon the designation of a No Wake Boating Area in one or more zones, the Agency shall notify the public through electronic means such as through its web site, e-mails to media contacts, and/or social media outlets, as applicable (i.e. Facebook, RSS-feed). Signage posted on main navigational thoroughfare bridges (where applicable) that cross the Waterway area will be flipped. Rescission of a No Wake Boating Area shall be similarly publicly announced by the Agency.

B. Closure, as determined under 5.03, shall remain the responsibility and duty of the IDNR and U.S. Coast Guard. The FWA may provide public notification in the manner described in 5.04.A as a public service.

5.05 **PROHIBITED OPERATIONS IN A RESTRICTED AREA** *Amended, 2006-0427-01*

A. No Wake Areas: It shall be unlawful to operate a private motor-powered watercraft at any speed great enough to create a wake in any zone declared to be a "No Wake" Boating Area. For purposes of this Code, a "wake" is defined as a movement of water created by a boat underway great enough to disturb a boat at rest, but under no circumstances shall a boat underway exceed five miles per hour while in a posted "No Wake" Boating Area.

B. Restricted Boating Areas: It shall be unlawful to operate any private motor or sail vessel or public vessel in any zone, which has been closed to navigation.

C. A lack of actual knowledge that a zone has been declared a No Wake Boating Area or Restricted Boating Area shall not be a defense to any charge or citation brought hereunder.

D. Exception: The restrictions in this section shall not apply to Agency personnel and any law enforcement personnel of the State or other governmental entity, when such personnel are involved in providing emergency services, or enforcing the provisions of this Code or State or Federal law. In such event and wherever practical, the watercraft shall be operated at No Wake speeds.

5.06 **PENALTY** 2009-0226-02

Any person, company, corporation or other entity found guilty of violating any provision of this Chapter during a flood event shall be subject to a fine of not less than \$300 or more than \$500, injunctive relief to restrain violations, recovery of all damages caused by said actions or inactions and incarceration as provided by statute.

CHAPTER 6 RESTRICTED AREAS

- 6.01 No Wake Areas
- 6.02 Unlawful Boat Anchoring
- 6.03 Buoy Regulations
- 6.04 Combustion Engines Prohibited
- 6.05 Swimming Area Restrictions
- 6.06 Designation of Restricted Waterway Areas
- 6.07 Designation of Emergency or Temporary Restricted Areas
- 6.08 Operation of Watercraft Upon Approach of an Authorized Emergency Watercraft

6.01 **NO WAKE AREAS** *Amended, 2009-0226-03, 2006-0914-01*

Unless more restrictive regulations are imposed at any time, it shall be unlawful for any person to operate any boat in excess of 5 miles per hour or at a sufficient speed as to create a wake in any of the following areas defined below in this Section 6.01, except that paragraph 4 shall not apply from October 16th through March 31st. A lack of actual knowledge that a zone has been declared a “no wake boating area” shall not be a defense to any charge or citation brought hereunder.

1. All areas within 150 feet from shore throughout the Chain O’Lakes, excluding the Fox River;
2. All side and secondary channels throughout the Chain O’Lakes and Fox River;
3. Squaw Creek, Sequoit Creek and Nippersink Creek;
4. The following portions of the Fox River and specifically designated lakes:
 - (a) That portion of the Fox River at the Algonquin dam from the spillway to a point 3,000 feet upstream, measured in the middle of the river.
 - (b) That portion of the Fox River at the McHenry dam, including the approach channels to the McHenry locks, from the south end of the seawall of the property at 2404 Riverside Drive to a point 2,000 feet upstream from the center of the spillway, measured in the center of the channel;
 - (c) That portion of the Fox River at McHenry from the southern boundary of the McHenry Country Club upstream to a point 1,000 feet north of the City of McHenry park at Broad Street and Riverside Drive;
 - (d) That portion of the Fox River commonly known as Johnsbury Bay from the northern end, where the upstream bank turns away from main flowage, to the southern end of the community park;

- (e) That portion of Pistakee Lake northwest of a line from a point on shore southeast of the end of Bald Knob Court, to a point on shore between the properties at 3710 Pitzen Road and 3670 Grand Ridge Court;
- (f) That portion of Pistakee Lake near the mouth of the Fox River from a point on shore at the northerly boundary of 914 River Terrace Drive to a point on shore of the northerly boundary of 1455 Pitzen Road south to Lewis Lane;
- (g) That portion of Pistakee Lake which includes all waters southeast of the point where Bayview Lane crosses over the water and south of a line extending from the shore east of the northern end of Bayview Lane to the shore west of the intersection of Lakeshore Road and Matthews Terrace;
- (h) That portion of Pistakee Lake in Meyers Bay northeast of a line extending from shore southeast of the intersection of Scenic Lane and Hilltop Road to the shore northwest of the southern end of Kings Road;
- (i) That portion of Pistakee Lake in Meyers Bay northeast of a line extending from the shore south of 527 Pistakee Parkway to the shore 100 feet north of the channel at the southern boundary at 35544 Sheridan Drive, generally following the shoreline;
- (j) That portion of Pistakee Lake included in an area extending out from the east shore 300 feet, from the southern boundary of the property known as 16 South Pistakee Lake Road and following a line parallel with the shore north up to the northern end of 12 North Pistakee Lake Road and then heading in a straight line to the southeast tip of what is commonly referred to as Trinski's Island and from that point to include all waters east to the shore, north to the U.S. Route 12 bridge and northwest to the Fox River channel;
- (k) That portion of Pistakee Lake at the western tip of what is commonly referred to as Trinski's Island and from that point running parallel with the shore north to U.S. Route 12 and south to 100 feet south of the channel at the southern boundary of 1007 Fortress Drive;
- (l) That portion of Nippersink Lake extending out 150 feet from the U.S. Route 12 bridge in the vicinity of Nippersink Boulevard and Riverview Avenue;
- (m) That portion of Pistakee Lake in Pistakee Bay south of a line from a point on shore at 2713 Regner Lane, west to a point on shore at 1226 Old Bay Road;
- (n) That portion of Nippersink Lake west of a line extending from the shore southeast of the end of Riverside Island Drive to the shore 300 feet southeast of the U.S. Route 12 bridge at the Fox Lake American Legion Hall;

- (o) That portion of Nippersink Lake included in an area extending 300 feet out from the northern boundary of the property known as 188 Howard Avenue running parallel with the shore in a northeasterly direction to a point at the northern most tip of Point Comfort running in a northeasterly direction to a point on the shore of Crabapple Island, approximately 150 feet northeast of the western most tip, then from a point on the shore approximately 150 feet southeast of the western most tip of Crabapple Island just west of the first pier to the eastern most tip of Point Comfort, otherwise known as the Korpan's Lighthouse;
- (p) That portion of Petite Lake southwest of a line extending from a point on the shore at the west boundary of 25701 Herman Avenue to a point on the shore at the east edge of the channel leading to Fox Lake, including all the channel to its exit into Fox Lake in Columbia Bay;
- (q) That portion of Petite Lake southeast of a line extending from a point on the shore at the east edge of the channel leading to Fox Lake to a point on the shore at the northern boundary of 38964 Cedarcrest Lane;
- (r) That portion of Petite Lake north of a line extending from a point on shore at the southeast boundary of 39303 North Lake Court (Antioch, IL) extending to the no wake channel marker continuing east to the south boundary at 39360 North Lake Avenue (Lake Villa) including all waters north to the southern Bluff Lake no wake channel marker;
- (s) That portion of Bluff Lake north of a line extending from a point on the shore at 40800 North Grand Avenue west to a point on the shore to 40825 North Park Avenue;
- (t) That portion of Lake Marie south of a line extending west from a point on the shore at the north end of Elime Road, including all the channel leading to Grass Lake, to the exit of the channel into Grass Lake;
- (u) That portion of Grass Lake west of the western edge of the north/south preferred boating channel, and north of a line extending west from the western end of Heart O'Lakes Boulevard, west to a point on the western shoreline of Grass Lake;
- (v) That portion of Grass Lake west of the western edge of the north/south preferred boating channel and south of the southern edge of the east/west preferred boating channel originating from the Fox River outlet into Grass Lake, except for a 150-foot wide non-restricted boating channel running parallel to and north of the "150-foot from shore no-wake area," ending 100 feet north of the Chain O'Lakes State Park's southernmost boundary on the west shore of Grass Lake;

- (w) The channel between Lake Marie and Grass Lake;
- (x) That portion of Lake Marie east of a line extending south from a point on the shore at the southern boundary of 41862 North Bowles Avenue to a point on the southern shore at Hickory Street;
- (y) That portion of Lake Marie north of a line extending from a point on the shore at the end of Forest Avenue, east to a point on the southwest tip of land on the opposite shore;
- (z) That portion of Lake Marie north of a line extending from a point on shore at the south end of First Street, west to a point on the opposite shore, including all waters north to the entrance of Channel Lake;
- (aa) That portion of Channel Lake south of a line from a point on the shore at the southern boundary of 26398 Lake Street, east to a point on the shore at 26210 Spring Grove Road;
- (bb) That portion of Channel Lake northwest of a line extending from a point on the shore at the north end of Woodbine Avenue, northeast to a point on the shore at the eastern boundary of the Channel Lake Shores Association Park;
- (cc) That portion of Lake Catherine north of a line extending from a point on the shore at the west end of First Street, west to a point on the north shore of the point of land dividing Lake Catherine and Channel Lake;
- (dd) That portion of the channel connecting Nippersink Lake and Grass Lake to a point 300 feet north of the Grass Lake bridge and to a point 300 feet south of the Grass Lake Bridge;
- (ee) That portion of Grass Lake within 150 feet of the Blarney's Island 1995 pier configuration; and
- (ff) That portion of the Fox River where it enters Grass Lake, no less than 150 feet from the southern most point from state park property upstream to 42771 Park Avenue, Antioch.

6.02 **UNLAWFUL BOAT ANCHORING** *Amended 2010-1028-01,2009-0723-01,2006-0525-01*

A. It shall be unlawful for any person to anchor a boat in any of the following areas:

1. That portion of Pistakee Lake and Pistakee Bay south of a point on shore at 2713 Regner Lane, west to a point on shore at 1226 Old Bay Road (this area is also designated as "slow, no wake");

2. That portion of Pistakee Lake in Pistakee Bay extending 300 feet out from the west shore from 1226 Old Bay Road, north to 1426 Old Bay Road; or
3. Any main navigation channel as defined in Appendix A of this Code.
4. In any area so as to block or disrupt the access zone to and from any residential and commercial pier, lift or other boat launching structure. For purposes of this Subsection 4, a violation occurs whenever a boat, or anything attached thereto including flotation devices from a boat, anchor lines, tie-up lines and/or other aquatic recreational equipment from a boat blocks or disrupts access to and from any residential and commercial pier, lift or other boat launching structure.

B. For purposes of this subsection 4, a violation occurs whenever a boat, flotation devices from a boat, anchor lines, tie-up lines and/or other aquatic recreational equipment from a boat blocks or disrupts access to and from any pier, lift or other boat launching structure.

C. Penalty: Any person who violates any provision in this Section is guilty of a petty offense punishable by a fine of \$120.00 for the first offense and \$250.00 for each subsequent offense.

D. For any Permitted Event under this Code, the Executive Director may suspend the enforcement of these restrictions for the duration of the event or permit.

6.03 **BUOY REGULATIONS**, *Amended, 2007-0712-01*

A. It is the responsibility of the IDNR to place and maintain buoys delineating no wake areas in the Waterway, from the mouth of Pistakee Lake, south to the Algonquin Dam.

B. It is the responsibility of the Agency to place and maintain buoys delineating “no wake” areas in the Waterway from the mouth of Pistakee Lake to the Wisconsin state line.

C. Except for employees of the IDNR or the Agency, it is unlawful for any person to tie any boat to a buoy or steal, remove, move, damage or otherwise tamper with any buoy or other navigational aid unless permitted, in writing, by the Agency.

D. Placement of buoys in violation of the Agency’s Homeowner Buoy Program rules shall subject the buoy owner to a fine of \$75.00 per day for each day the violation continues to exist.

E. No buoys, or buoy-type objects, shall be placed in the Waterway except for those authorized in this Section or pursuant to Chapter 12 of this Code.

F. Penalty: Any person, firm or corporation in violation of this Section shall be subject to the following penalties: a minimum fine of \$500, the cost of replacing the damaged or missing buoy or navigational aid, and:

1. For the first offense: revocation of their current User Permit for the remainder of the boating season.
2. For the second offense: revocation of their current User Permit and be ineligible for a User Permit for the next three boating seasons.
3. For the third offense: revocation of their current User Permit and be ineligible for a User Permit in the future.

G. For purposes of this Section, the term “person” shall include any individual that commits a violation of this Section as well as any individual that either before or during the commission of a violation of this Section, and with the intent to promote or facilitate a violation of this Section, solicits, aids, abets, agrees or attempts to aid any person, firm or corporation in the planning or commission of a violation of this Section.

6.04 **COMBUSTION ENGINES PROHIBITED**

It shall be unlawful for any person to operate a boat using a combustion engine in that portion of the channel between Fox Lake and the Grass-Nippersink Channel between a line from the northern most point of Crabapple Island to the southern most point of Ackerman Island to a line from the eastern point of Crabapple Island northeasterly to the opposing shore line.

6.05 **SWIMMING AREA RESTRICTIONS**

It shall be unlawful for any person to operate a boat using a combustion engine, electrical power or sail power in designated IDNR swimming areas.

6.06 **DESIGNATION OF RESTRICTED WATERWAY AREAS** *Amended, 2007-0426-02, 2006-0426-02*

A. The Board may designate restricted areas in accordance with this Section and the Act. For purposes of this Section, the designation of restricted areas refers to the establishment of a new restricted area and any change to an existing restricted area, including the elimination of all use restrictions on the area.

B. Establishment or Expansion of a Restricted Area.

1. The Board may establish a new restricted area, or may increase the size of and/or number of restrictions on an existing restricted area.

2. Prior to establishing any new restricted area, or expanding or imposing additional restrictions on an existing restricted area, the Agency shall provide 21 days notice to any municipality in which the proposed area borders upon or is located. Notice shall be filed with the clerk of the municipality. This provision does not apply to the designation of emergency or temporary restricted areas except as provided in Section 6.07.
3. In determining whether and to what extent to establish a restricted area, the Board shall consider the following:
 - (a) Whether a boating safety hazard currently exists;
 - (b) Whether a public safety concern exists relative to other common water uses (e.g., swimming, skiing, etc.); and
 - (c) Whether a boating user conflict exists.

The issue or protection of private property is not appropriate criteria for designating a specific area as restricted.

4. Following the expiration of the notice period, the Board shall vote on the motion. If a municipality entitled to notice under this Section and the Fox Waterway Agency Act, 615 ILCS 90/7.1, by resolution of the corporate authority of the municipality, files an objection to the motion or petition, then such motion or petition shall not be granted except by a favorable vote of two-thirds of the Chairman and the Board of Directors.

C. Reductions and Removal of Restricted Areas. The Board may by motion eliminate, reduce in size or remove some restrictions from any existing restricted area.

6.07 **DESIGNATION OF EMERGENCY OR TEMPORARY RESTRICTED AREAS**
Amended, 2006-0914-01

A. The Executive Director is authorized to designate areas of the Waterway as being restricted for a period of time not to exceed 160 days in the following situations:

1. Where the Executive Director determines an emergency exists on the Waterway, which reasonably constitutes a threat to the public interests, safety or welfare;
2. Within an area of 150 feet of any construction, maintenance or improvement project relating to any federal, state or local government project; or

3. In locations where Agency employees are operating Agency vessels in response to emergency situations with emergency lighting activated.

B. Within a reasonable time after the designation of the emergency restricted area, the Agency shall publish a notice in a newspaper of general circulation in the county or counties in which the restricted area is located, stating the location of the restricted area and the nature of the restriction. Failure to publish said notice shall not affect the validity of the restriction.

C. For purposes of this Section 6.07, an “emergency” does not include Permitted Events referenced in Chapter 12 of this Code.

D. In the event the Board seeks to continue an emergency or temporary restricted area as an established restricted area, the notification and hearing procedures in this Chapter shall apply.

6.08 OPERATION OF WATERCRAFT UPON APPROACH OF AN AUTHORIZED EMERGENCY WATERCRAFT *Amended 2010-1028-01, 2009-0723-01, 2009-0226-05*

A. Upon the immediate approach of an authorized emergency watercraft making use of rotating or flashing visual signals and lawfully making use of a visual signal, the operator of every other watercraft shall yield the right-of-way and shall immediately reduce the speed of the watercraft, so as not to create a wake, and shall yield way to the emergency watercraft, moving to the right to permit the safe passage of the emergency watercraft, and shall stop and remain in that position until the authorized emergency watercraft has passed, unless otherwise directed by a police officer.

B. Upon approaching a stationary authorized emergency watercraft, when the authorized emergency watercraft is giving a signal by displaying rotating or alternately flashing red, red and white, red and blue, or red in combination with white or blue lights, a person operating an approaching watercraft shall proceed with due caution at no-wake speed and yield the right-of-way by moving safely away from that authorized emergency watercraft, proceeding with due caution at a no-wake speed with due regard to safety and water conditions, maintaining no-wake speed until sufficiently away from the emergency watercraft so as not to create a wake that would otherwise rock or otherwise disturb the authorized emergency watercraft.

C. VIOLATIONS; PENALTIES: Any person, firm or corporation in violation of this Section shall be subject to a fine of not less than \$120 nor more than \$500, restitution of any property damage and revocation of their current User Permit.

CHAPTER 7 NIGHT OPERATIONS

7.01 Night Lighting Required

7.02 Night Speed Limits

7.01 NIGHT LIGHTING REQUIRED

A. The Agency adopts and incorporates here as the regulations of the Agency all nighttime lighting regulations, and all subsequent revisions, amendments and the like, promulgated by the United States Coast Guard.

B. It shall be unlawful for any person to operate a boat at night without operating lighting as required by this Chapter.

7.02 NIGHT SPEED LIMITS

A. General Limits: It shall be unlawful for any person to conduct night operations of any boat at a speed greater than is reasonable and proper given lighting and weather conditions but in no event shall such speed exceed 25 miles per hour.

B. Exemptions: Boats owned or used by federal, state and local governmental agencies, when being used in the performance of official government duties, including, but not limited to, law enforcement and emergency rescue operations, shall be exempt from all night speed limits.

CHAPTER 8 PREVENTION OF EXCESSIVE NOISE

- 8.01 Policy
- 8.02 Consent to Compliance Determination
- 8.03 Excessive Noise Prohibited
- 8.04 Penalties

8.01 **POLICY**

A dramatic increase in the number of users of the Waterway has resulted in a dramatic increase of noise pollution, thereby affecting the quality of life and enjoyment by users of the Waterway and adjoining property owners and accordingly, the Agency has determined that it is in the best interests of the Waterway to take reasonable and appropriate action to limit the amount of noise on the Waterway for the peace and comfort of all the people who use the Waterway or who live nearby.

8.02 **CONSENT TO COMPLIANCE DETERMINATION**

Any person who operates any watercraft upon the Waterway shall be deemed to have given consent to the proper law enforcement agency to determine compliance with this Chapter.

8.03 **EXCESSIVE NOISE PROHIBITED** *Amended, 2006-0608-01*

A. It shall be unlawful for any person while on the Waterway to cause or create excessive noise which results in a breach of the peace.

B. It shall be unlawful for any person to violate 625 ILCS 45/4-3 A-E, which provides:

1. All motorboats shall be equipped and maintained with an effective muffler or underwater exhaust system. For the purpose of this Section, an effective muffler or underwater exhaust system is one that does not produce sound levels that create excessive or unusual noise, or sound levels that are in excess of 90 decibels when subjected to a stationary sound level best as prescribed by the Society of Automotive Engineers in its procedure J2005.
2. No person shall operate a motorboat on the Waterway in a manner to exceed a noise level of 75 decibels measured as specified in the Society of Automotive Engineers in its procedure J1970 from any point on the shoreline, or from any point on the water within 20 feet of the shoreline of the body of water on which the motorboat is being operated.

3. No person may manufacture or offer for sale any motorboat for use on the Waterway if that motorboat cannot be operated in compliance with the sound levels in paragraphs 1 and 2 of this Section.
4. The provisions of this Section shall apply to all the public waters over which the Waterway has jurisdiction.
5. This Section shall not apply to:
 - A. A motorboat tuning up for or participating in a sanctioned race or regatta, or official trials for such race or regatta, authorized by the appropriate unit of government, or
 - B. Any watercraft being operated by a watercraft or marine engine manufacturer and/or marine operator for the purpose of testing or development as authorized by the appropriate unit of government. Hours of testing shall be between 10:00 a.m. and 2:00 p.m., Monday through Friday. There shall be no testing on weekends, or
 - C. Antique watercraft, defined as watercraft with a hull that is more than 30 years old or boats which have been granted Heritage Watercraft Identification plaques from the State of Illinois. The Illinois registration number and, if applicable, the Heritage Watercraft identification number, shall be deemed evidence of the applicability of this exception.

8.04 **PENALTIES** *Amended 2010-1028-01,2009-0723-01*

Any person, firm or corporation violating any section of this Chapter 8 shall be fined not less than \$120 and shall be required to install an effective muffler system on the watercraft to bring the watercraft into compliance. Any person, firm or corporation who commits a second violation of Section 8.03 herein shall be subject to a minimum fine of \$200. Any person operating a watercraft on the Waterway who commits three or more violations of Section 8.03 herein shall be subject to a minimum fine of \$500 and the user fee sticker permit for the watercraft in violation shall be revoked. Any citation issued shall be marked "must appear" in accordance with the provisions of Supreme Court rules governing must appear tickets is the citation is the second or more citation for violating Section 8.03. Offenders shall also be obligated to pay the Agency's cost of prosecution including reasonable attorney fees.

CHAPTER 9 LITTER, DEBRIS AND DUMPING

- 9.01 Litter Defined
- 9.02 Policy
- 9.03 Dumping or Placing Litter in the Waterway Prohibited
- 9.04 Accumulation of Litter Prohibited
- 9.05 Abandonment of Watercraft or Vehicles Prohibited
- 9.06 Presumption of Violation by Watercraft Owner
- 9.07 Removal of Watercraft

9.01 LITTER DEFINED

For purposes of this Chapter 9, the term “litter” shall mean any discarded, used or unconsumed substance or waste, including, but not limited, to the following: garbage, trash, refuse, debris, rubbish; grass clippings, trees, branches, leaves or other lawn and garden waste; ashes, newspaper, magazines, glass, metal, plastic or paper containers or other packaging; construction material; vehicles as defined by the Illinois Vehicle Code, motor vehicle parts; abandoned watercraft, as defined by the Illinois Boat Registration and Safety Act; furniture, oil, dead animal carcasses, any nauseous or offensive matter of any kind, any object likely to injure any person or create a safety hazard, potentially infectious medical waste as defined by the federal or state Environmental Protection Acts and regulations enacted there under; or anything else of an unsightly or unsanitary nature which has been discarded, abandoned or otherwise disposed of within the Waterway.

9.02 POLICY

The Agency has determined that one of the main impediments to safe and enjoyable boating, clean water and sound aquatic ecology is the continued siltation the Waterway, causing the Agency to spend the majority of its field operations budget annually in dredging silt from the lakes, channels and riverbed, and disposing of the same. Additional significant sources of river and lake bed deposits include leaves and debris and other litter, dumped into the Waterway, which also causes significant expenditures of Agency funds to clean up and remove such litter from the waters. It is also clear that continued siltation and deposition of leaves and debris, and other litter, into the Waterway poses a significant continued public expense and raises the potential for rendering the Waterway too shallow for navigation and diminishing much needed floodwater storage, and that remedies at law are, or may be, inadequate to prevent or remedy the siltation of the Waterway.

9.03 DUMPING OR PLACING LITTER IN THE WATERWAY PROHIBITED

No person, company, corporation or other entity shall dump, deposit, drop, throw, apply, discard, leave, cause or permit the dumping, depositing, dropping, throwing, applying, discarding or leaving of litter upon or into any river, lake, pond, channel, stream or other body of water within the Waterway.

9.04 **ACCUMULATION OF LITTER PROHIBITED**

No person, company, corporation or other entity shall allow litter to accumulate upon real property of which the person or entity charged is the owner or tenant in control in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements onto or into the Waterway.

9.05 **ABANDONMENT OF WATERCRAFT OR VEHICLE PROHIBITED**

No person, company, corporation or other entity shall abandon a watercraft, snowmobile, or motor vehicle within the Waterway. The person to whom last was issued a certificate of title to the watercraft or vehicle is presumed to have been the person to have abandoned that watercraft or vehicle. A watercraft, snowmobile or vehicle will be presumed to have been abandoned if it has been partially or totally submerged for a period in excess of 24 hours.

9.06 **PRESUMPTION OF VIOLATION BY WATERCRAFT OPERATOR**

Whenever litter is thrown, deposited, dropped or dumped from any watercraft in the Waterway, the refutable presumption is created that the operator of that watercraft has violated this Chapter.

9.07 **REMOVAL OF WATERCRAFT**

When a watercraft is abandoned in the Waterway, its removal by a towing service may be authorized by the Agency. When an abandoned, unattended, wrecked, burned, or partially dismantled watercraft is creating a traffic or navigational hazard because of its position in relation to the waterway, its immediate removal from the waterway by a towing service may be authorized by the Agency. Following such authorization, the owner of the watercraft shall be responsible for all towing costs.

CHAPTER 10 SILTATION

- 10.01 Policy
- 10.02 Siltation Prohibited

10.01 POLICY

The Agency has determined that one of the main impediments to safe and enjoyable boating, clean water and sound aquatic ecology is the continued siltation from within the State of Illinois and from the State of Wisconsin of the Waterway, causing the Agency to spend the majority of its field operations budget annually in dredging silt from the lakes, channels and riverbed, and disposing of the same. It is also clear that continued siltation poses a significant continued public expense and raises the potential for rendering the Waterway too shallow for navigation and diminishing much needed floodwater storage, and that remedies at law are, or may be, inadequate to prevent or remedy the siltation of the Waterway.

10.02 SILTATION PROHIBITED

A. Except as may be specifically permitted in Section 10.02-B herein, no person, corporation or other entity, nor any State or other governmental body, shall cause or allow silt to be deposited into any of the lakes, streams, rivers, wetlands, bogs, sloughs, marshes or other areas of the Waterway from any lands occupied or used.

B. Notwithstanding the provisions of Section 10.02-A herein, no person shall be deemed to have deposited silt in the Waterway or otherwise violated this Chapter 10 as a result of the routine spreading of salt, sand or other similar material in the process of winter snow removal from any public roads, bridges, highways, driveways or parking lots.

CHAPTER 11
WATERFOWL BLIND REGULATIONS

- 11.01 Policy
- 11.02 Waterfowl Blind Permit Required
- 11.03 Waterfowl Blind Permit Application
- 11.04 Waterfowl Blind Construction
- 11.05 Use of Waterfowl Blinds
- 11.06 Removal of Waterfowl Blinds
- 11.07 Agency Inspection
- 11.08 Penalty

11.01 POLICY

Due to the large number of persons using the Waterway, coupled with the close proximity of homes and businesses to the waters, the Agency has determined that it is necessary to implement reasonable programs and promulgate necessary and reasonable hunting rules and ordinances for the safety and protection of hunters, bystanders and residents, and there is an additionally clear need to regulate and set basic guidelines for the construction and removal of waterfowl blinds so that they shall not constitute a hazard to watercraft and others using the Waterways.

11.02 WATERFOWL BLIND PERMIT REQUIRED

It shall be unlawful for any person, firm or association to place a waterfowl blind in the Waterway unless a permit is obtained from the Agency. However, no Agency permit will be required for a blind for which the IDNR has issued a specific authorization through a state-sponsored drawing.

11.03 WATERFOWL BLIND PERMIT APPLICATION *Amended, 2011-0428-01*

A. Application for a Waterfowl Blind Permit shall be made with the Agency, upon a form provided therefore, which shall set forth the name(s) and address(es) of the applicant(s), the phone number(s) of the person(s) responsible for the blind; the approximate location of the proposed blind; and the current Agency user fee number(s) for the principal boat(s) that will be used to reach the blind. No additional boat user fee permit will be required for a pontoon boat used as a waterfowl blind base. Accompanying the application shall be a \$400 security deposit and a non-refundable fee of \$100.

B. Once a permit has been obtained, it may not be “signed off,” assigned, sold, or otherwise transferred to any other party. If the Agency permittee wishes to give up the permit, it will go back to the Agency and subject to lottery. No blind shall be placed within 200 yards of another Agency-permitted blind.

C. An Agency issued card or tag shall be placed in the blind, which lists the name(s) and address (es) of the owner(s). Permanent 3-inch identification numbers, assigned by the Agency, shall be affixed to the blind so they are visible upon inspection.

D. The Agency will maintain a map of the Waterway, noting the exact location of blinds and their identifying numbers. Identifying numbers will be a permanent number that shall be used in consecutive years.

11.04 **WATERFOWL BLIND CONSTRUCTION**

A. All blinds must be able to float. No pipes, metal posts, chicken wire or similar related material shall be utilized with or in support of construction of a blind. All components of the blind, including the sides, top, bottom and posts, must be permanently marked with 3-inch numbers displaying the blind number. An additional chain attached to an anchor shall be attached to the blind. The bottom of the blind shall be covered with plywood, not less than a quarter-inch thick. Pontoon boats may be used as a blind base.

B. Lights: All blinds shall display one amber barricade type blinking light visible 360 degrees from sunset to one-half hour before sunrise from time of construction until the close of the hunting season, and thereafter shall require reflective tape on all four corners.

11.05 **USE OF WATERFOWL BLINDS**

Only those persons listed in the permit application and their guests shall use a permitted blind.

11.06 **REMOVAL OF WATERFOWL BLINDS** *Amended, 2006-0810-01*

All Agency permittees shall remove all materials utilized in construction, camouflage and anchoring of the blind no later than April 1. Upon request of the permittee, the Agency may grant an extension for removing the blind to accommodate an early freeze or other weather related problems. The permittee or owner(s) of the blind shall notify the Agency that all waterfowl blind materials have been removed from the Waterway pursuant to this Chapter. The Agency may verify that all material has been removed prior to returning the security deposit to the owner(s).

11.07 **AGENCY INSPECTION**

The Agency may inspect blind sites at any time to verify compliance with this Chapter.

11.08 **PENALTY**

In addition to the standard penalty set forth in Section 1.06 of this Code, the blind owner(s) and/or user(s) who violate any provision of this Chapter shall be ineligible for a blind permit for the next three subsequent hunting seasons. Furthermore, any blind owner(s) not complying with any of the requirements of this Chapter shall forfeit their security deposit. If

the removal costs exceed the deposit, the applicant(s) and/or any user(s) shall be responsible for making restitution to the Agency for the additional removal costs.

CHAPTER 12 WATERWAY RESTRICTION PERMITS

- 12.01 Policy
- 12.02 Special Conditions
- 12.03 Permit Procedure
- 12.04 Board Review and Approval Procedure
- 12.05 Buoys

12.01 POLICY

In an effort to promote recreational use of the Waterway, the Board will issue Waterway Restriction Permits (“WRP”) for events in the Waterway, such as boat races, business promotion of boats and related accessories, regattas, fishing derbies and other recreational activities (“Permitted Events”).

12.02 SPECIAL CONDITIONS

In order to be issued a WRP, an Permitted Event must meet the following special conditions:

1. If the Permitted Event requires any other local, state or federal authorization, such authorizations shall be obtained prior to permit application to the Agency.
2. The Permitted Event shall be authorized by the Board and additional conditions imposed by the Board shall be complied with.
3. No Permitted Event shall extend beyond the specified permitted dates.
4. The permittee shall cause public access to be restricted on the Waterway in accordance with the specific area designated in the permit, and such restricted area shall be designated on the Waterway by buoys designated and approved by the Board.
5. No buoys used in conjunction with this permit shall be placed or left in the Waterway which create or result in a hazard to boat traffic. All buoys shall be removed from the Waterway, as specified in the permit, immediately upon conclusion of the Permitted Event.
 5. The permittee shall sign a waiver of liability provided by the Agency.

12.03 **PERMIT PROCEDURE**

Organizers of a Permitted Event shall make application to the Board for a WRP. Information required for the permit shall include the names and addresses of the persons in charge of the event, the date(s) and hours of the event, a map depicting the area proposed for restricted access and the number of buoys required by the Agency to designate the restricted area. Application shall be made at least 30 days before the Permitted Event.

12.04 **BOARD REVIEW AND APPROVAL PROCEDURE**

The organizer of the Permitted Event shall request the Agency to be added to the next available agenda for approval of a WRP. The Board's decision shall be based upon whether the public's use of the Waterway will be unduly interfered with by issuing the WRP. Upon approval of the WRP, the documentation required by the Agency must be completed by the applicant and filed with the Agency. The Board reserves the right to deny any applicant the issuance of a WRP or revoke a previously approved WRP, upon violation of any special condition or provision of this Chapter 12.

12.05 **BUOYS** *Amended, 2011-0428-02*

A. Buoy shall be available from the Agency, for use during the Permitted Event. Buoys may be picked up and placed by Permittee, or at the request of the Permittee, by the Agency. The fees for buoy use and/or placement are:

1. Buoys only: \$10.00 per buoy.
2. Buoys with placement and removal by Agency: \$15.00 per buoy.

B. The Permittee shall return the buoys to the Agency no more than five business days at the conclusion of the Permitted Event. Upon return of the buoys, Agency staff will count and inspect the buoys for damage. The organizers shall be responsible for damaged buoys and correctly setting the buoys in cages, return the chain into the buckets, and the bricks neatly stacked as they were when received by the organizer.

C. The Permittee shall pay a refundable security deposit of \$50.00 per buoy. The security deposit shall be returned to the Permittee upon return of all buoys in acceptable condition. The security deposit shall be applied to repair or replace damaged or unreturned buoys.

APPENDIX A DEFINITIONS

Abandoned: To give up, desert, forsake, to surrender or give over; also, unoccupied floating loose or hazardous to navigation. In addition, any watercraft, snowmobile or vehicle partially or totally submerged in the Waterway will be presumed to have been abandoned if it continues to remain in the Waterway for a period in excess of 24 hours.

Antique watercraft: A watercraft with a hull that is 30 years or greater in age, or watercraft that have been granted Heritage Watercraft Identification Plaques from the State. Illinois registration number and, if applicable, the Heritage Watercraft Identification number, shall be evidence of the applicability of this designation.

Agency: The Fox Waterway Agency as established by 615 ILCS 90/1, *et seq.*

Authorized Emergency Watercraft: Any watercraft operated by the Fox Waterway Agency equipped with amber, or red in combination with amber emergency lights, or the IDNR Police, the Illinois Department of State Police, a county sheriff, a local law enforcement agency, a fire department, a provider of emergency medical services, or the United States Coast Guard, equipped with alternately flashing red, red and white, red and blue, or red in combination with white or blue lights, while engaged in official duties. 2009-0226-05

Blind: Any structure used for hunting and anchored to the bottom that is camouflaged, disguised or altered in appearance to offer a place of concealment and capable of being occupied by one or more persons, and shall include any floating blind anchored to the bottom that is not removed each day.

Board: Board of Directors of the Fox Waterway Agency as established by 615 ILCS 90/1, *et seq.*

Boat: A boat is defined as any vessel for traveling on the surface of the water, propelled by oars, sail, motor or the like. A personal watercraft is a boat.

Boat Registration and Safety Act: 625 ILCS 45/1-1 *et seq.*

Channels: Main side and secondary channels of the Waterway.

Chapter: When “Chapter” appears within a Chapter of this Code, it means that particular chapter.

Code: The Fox Waterway Agency Code of Rules and Regulations.

County: Those portions of Lake County and McHenry County that are within the Agency’s boundaries.

Executive Director: The chief administrative officer of the Agency appointed by the Board.

Fish and Wildlife Service: The United States Fish and Wildlife Service, a bureau of the United States Department of Interior.

FWA: The Fox Waterway Agency.

HP: Horsepower

Illinois Compiled Statutes: The latest edition of the Illinois Compiled Statutes.

IDNR: Illinois Department of Natural Resources.

Livery boats: A boat less than 17 feet in length and less than 25 hp that is available for commercial use only (for hire) that is part of a fleet consisting of 10 or more boats.

Main channels: All channels in the Waterway other than side and secondary channels (i.e. those channels primarily serving subdivisions or properties located off the main traffic patterns in the Waterway). *Amended, 2006-0525-01*

May: May is permissive.

Muffler: A device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine which are effective in reducing noise.

Open Meetings Act: 5 ILCS 120/1 *et seq.*

Operate: To navigate or otherwise use a motorboat or vessel.

Owner: A person, other than a lien holder, having title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

OWR: The Office of Water Resources of the Illinois Department of Natural Resources.

Permitted Event: Any event in the Waterway for which the Board will issue a Waterway Restriction Permit ("WRP"), such as boat races, business promotion of boats and related accessories, regattas, fishing derbies and other recreational activities.

Person: An individual, partnership, firm, corporation, association or other entity.

Restricted Area: An area on the Waterway designated by the Agency, the IDNR or the State of Illinois as subject to boat use and operation restrictions.

Section: When “Section” appears within a particular section number in this Code, it means that particular section. For example, if “Section” appears within Section 1.01 of this Code, Section means 1.01. When a number is included with the word “Section,” it shall mean that section number of this Code.

Shall: Shall is mandatory.

Shoreline: The entire breadth of the area where the waters of the Fox Waterway touch the lands, including specifically, the point from the high water line experienced during flood stage, to the low water lines experienced during drought or drawdown.

Side and secondary channels: Those channels primarily serving subdivisions or properties located off the main traffic patterns in the Waterway.

Silt: Any waterborne earthen material, including sand, gravel, clay, dirt, dust or other similar material which is deposited by natural or artificial means into the Waterway.

Siltation: Any process or processes whereby silt is deposited into the waterway.

State: State of Illinois.

Treasurer: A member of the Board of Directors that is selected by the Directors to serve as treasurer of the Agency.

USACE: The United States Army Corps of Engineers.

Use: This applies to all vessels on the waters of the State whether moored or underway.

Wake: A movement of the water created by a boat underway great enough to disturb a boat at rest, but under no circumstances shall a boat underway exceed five miles per hour while in a posted “no wake” boating area.

Waterway: The Fox River and interconnecting lakes commonly known as the Chain O’Lakes from the Wisconsin state line to the Algonquin dam, all within the State of Illinois and as detailed in 615 ILCS 90/4. *Amended, 2006-0525-01*

WRP: A Water Restriction Permit is a permit issued by the Board for events in the Waterway, such as boat races, business promotion of boats and related accessories, regattas, fishing derbies and other recreational activities.

APPENDIX B
BOARD RATIFIED AND ADOPTED PROGRAMS

Each of the following programs has been adopted by the Board. Information on these programs is available at the Agency office:

- Dredging Program
- Customer Concerns Program
- Homeowner Buoy Program
- U.S.C.G. Children's Life Jacket Program
- Waterfowl Blind Program
- Waterway Restrictions Permit Program
- Education Outreach & Boat Safety Program
- Code of Ordinances Program
- Shoreline Information Program
- U.S.A.N.TO.N. Buoy Program
- Adopt-A-Bridge Program
- Waterway Clean-Up Program