

## Code of Massachusetts Regulations

### 323 CMR. DIVISION OF LAW ENFORCEMENT

#### 323 CMR 2.00. THE USE OF VESSELS

*Current through Register Vol. No. 1289, June 19, 2015*

##### § 2.13. Lakes and Great Ponds

(1) Webster Lake. The following requirements, restrictions and prohibitions shall apply to the waters of Webster Lake in Webster, Massachusetts.

(a) All motorboats shall comply with the provisions of M.G.L. c. 90B, 323 CMR 1.00 through 5.00 and all local regulations and by-laws managing boating activity authorized by the Town of Webster and approved by the Division of Law Enforcement.

(b) Equipment on board all motorboats shall comply with M.G.L. c. 90B and 323 CMR 2.06 including but not limited to lights, paddle, anchor line, bailor, sounding device, fire extinguisher, United State Coast Guard (USCG) approved personal floatation device (PFD) type I, II, III for each person on board, muffler or under water exhaust, and flame arrestor (in boards only).

(c) No person shall operate any vessel while such person is under the influence of intoxicating liquor or marijuana, narcotic drugs, depressant or stimulant substance as defined in M.G.L. chs. 94C and 90B, or the vapors of glue. No opened containers of alcohol shall be carried on board a motorboat at any time.

(d) No person shall operate or permit the operation of any motorboat without a valid certificate of number (registration).

(e) The certificate of number shall be carried on board the motorboat at all times. Certificate of numbers shall be displayed in size "3" block contrasting hull color.

(f) All motorboats must be operated in such a manner and at such a distance to prevent their wash from being thrown into or causing excessive rocking of other vessels, rafts or floats.

1. Waterskiers shall ski at a safe distance to prevent their wash from being thrown into or causing excessive rocking of other vessels, rafts or floats;

2. Motorboats shall not be operated within 150 feet of shoreline which is being used as a swimming area, public or private, except for the purpose of launching or retrieving such vessel, staying outside the marked swimming area and operating at headway speed only;

3. Motorboats shall not be operated within 75 feet of the waterside boundary of a public bathing beach, if designated by markers, floats or otherwise.

4. No vessel may be operated in an overloaded condition which shall mean that the number of persons aboard and or cargo being carried, exceeds the manufacturer's recommended limit for such vessel or is excessive given wind, water, and weather conditions.

5. All vessels must have aboard, a type I, II or III personal flotation device (PFD) for each person being carried.

6. A motorboat shall not be operated at more than headway speed;

a. when the operator's vision is obscured under a bridge, or by bends or curves, or in any other manner; or

b. when the motorboat is operated within 150 feet of a marina boat launching facility, raft or float, or in any other manner as described in 323 CMR 2.07(3).

(g) Rowboats, canoes, other non-mechanically powered vessels and sailboats shall have the right of way at all times.

(h) No person shall be allowed to sit on gunwales or decks unless there are adequate guardrails as set forth in 323 CMR 2.07(2).

(i) Any swimmer more than 150 feet from shore shall be attended by a boat.

(j) All scuba divers must display a diver's flag as described in M.G.L. c. 90B, § 13A. Boat operators in sight of a diver's flag shall proceed with caution and when within a radius of 100 feet of such flag shall proceed at a speed not to exceed three mph.

(k) No person shall:

1. be towed through any channel, aboard any type of towing device;
2. tow a person(s) attempting to para-sail or glider-sail from the rear of a motorboat without first obtaining the necessary permits from both State and local agencies;
3. operate any motorboat with a person in tow unless there is in such boat a person who has reached 12 years of age, in addition to the operator, in a position to observe the person being towed and further, unless such motorboat is equipped with a ladder, steps or similar means by which the person being towed can be taken from the water;
4. operate a motorboat negligently with a person in tow as to endanger the lives of the public; or
5. tow another or be towed after sunset or before sunrise.

(l) Any person:

1. on any vessel under age 12 shall wear a USCG approved PFD of type I, II or III at all times;
2. on raft, tube, or similar inflatable device more than 500 feet from shore shall wear a USCG approved of type I, II or III;
3. in tow shall wear a USCG approved PFD of type I, II or III, except as otherwise provided in 323 CMR 2.07(9) ;
4. operating a jetski or personal watercraft shall wear a USCG approved PFD type I, II, or III at all times.

(m) The following speed limits shall apply to the following areas.

1. No person shall operate a motorboat so as to create a wake or operate in excess of five mph when passing through a channel, defined as 150 feet on either side of the posted speed limit marker. Markers are set at the Narrows section, Point Breeze section, and the Long Island section.
2. No person shall operate a motorboat in excess of 15 mph in Nipmuck Cove located at the boat ramp in the Webster Memorial Beach area.
3. No person shall operate a motorboat at a speed in excess of 45 mph, except for persons operating a motorboat under authority of a special permit issued pursuant to 323 CMR 2.09.

(n) Jet Skis.

1. No person shall operate a jetski, surf jet, wet bike or other so-called personal watercraft after sunset or before sunrise or when vision is unduly restricted by weather.
2. No person shall operate a jet ski, surf bike, wet bike or other so-called personal watercraft under 16 years of age or between 16 and 17 years of age without having first received a safety certificate as authorized and described in 323 CMR 4.03.
3. No person shall tow a waterskier or any person in any manner from a jet ski, wet bike or other so-called personal watercraft.
4. No person shall operate a jet ski, wet bike or other so called personal watercraft, except as otherwise provided in 323 CMR 4.03(9) :
  - a. within 150 feet of shore or a moored vessel except at headway speed;

- b. within 150 feet and 300 feet of a public bathing area except at headway speed;
- c. within 150 feet of a swimmer in the water; or
- d. without the wearing of approved personal floatation device, type I, II or III.

(o) Enforcement and Compliance.

1. All persons shall stop when directed to do so by an Environmental Police Officer, a Webster Police Office in uniform or any other officer authorized to enforce 323 CMR 2.13.
2. The operator of any vessel involved in an accident, collision, or fatality, or in the absence thereof, the investigating agency shall immediately notify the Massachusetts Environmental Police at 1-800-632-8075 and the Webster Police Department of such incident. A written report shall be filed with both police agencies within 48 hours in the event of a fatality; otherwise within five days.
3. All laws and regulations pertaining to activities on Webster Lake shall be enforced by the Massachusetts Environmental Police, members of the Webster Police Department and any other official authorized under M.G.L. c. 90B.

(3) Notice. 323 CMR 2.13 only highlight the more significant requirements for safe boat operation. Please refer to M.G.L. c. 90B and 323 CMR 2:00 for complete listing.