

# VILLAGE OF RUIDOSO ORDINANCE 2017-08

## AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES, CHAPTER 62 PARKS AND RECREATION, ARTICLE II, GRINDSTONE LAKE RULES AND REGULATIONS TO REFLECT THE CHANGES RECOMMENDED BY THE PARKS AND RECREATION COMMISSION.

**WHEREAS**, the Parks and Recreation Department and Commission present this ordinance in an effort to facilitate the responsible use and expand usage of Village parks and lakes and to accommodate requests from potential park patrons; and

**WHEREAS**, the Parks and Recreation Commission, finding that this policy to be consistent with the Village Comprehensive Plan goals and its own facilities and programs assessment, unanimously recommended at its February 27, 2017 regular meeting that the Governing Body adopt this ordinance; and

**WHEREAS**, the Governing Body of the Village of Ruidoso has determined that it would be in the best health, recreational and safety interest of the public to authorize limited recreational and competitive swimming, boating and diving and balance that with the needs of providing a safe and quality public water supply; and

**WHEREAS**, the Governing Body conducted a duly advertised public hearing considering the ordinance at its June 13, 2017 regular meeting.

**NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO** That the Ruidoso Municipal Code is hereby amended as follows:

**Single Underline is text that is proposed for adoption. ~~Strike-out~~ is language deleted.**

**Section one.** Chapter 62, Article II is amended to read:

### **ARTICLE II. – RULES AND REGULATIONS FOR ALTO AND GRINDSTONE LAKES**

Sec. 62-31. - Use of vessels on lake.

Sec. 62-32. - Fishing.

Sec. 62-33. - Swimming or wading; dogs.

Sec. 62-34. - Concessionaires.

Sec. 62-35. - Enforcement; penalties; authority to close lake.

## Sec. 62-31. - Use of vessels on lake.

- (a) *"Vessel" defined.* As used in this article, the term "vessel" means and includes boats, hand-propelled boats, sailboats, paddle boats, and every description of watercraft used or capable of being used as a means of transportation on water.
- (b) *Prohibited areas.* No vessel shall be used or operated on Alto or Grindstone Lake in the areas fenced or buoyed around the water intake structures and water diversion entry points.
- (c) *Operation and safety standards; lake use permit.* No vessel shall be used or operated on Village of Ruidoso Lakes except in accordance with the following requirements:
  - (1) No motorized vessel may be used on Alto or Grindstone Lake. Nonmotorized vessels which exceed 19 feet in length may not be used on Alto or Grindstone Lake
  - (2) No person shall use any vessel on Alto or Grindstone Lake in a careless or reckless manner or so as to interfere with the reasonable use or enjoyment of the lake by any other person.
  - (3) No vessel may be used on Alto or Grindstone Lake unless the user has obtained a local lake use permit from the village parks and recreation department. The lake use permit may be obtained by:
    - a. Completing an application.
    - b. Paying the applicable fee for a seasonal permit, one-day permit or three-day permit.
  - (4) Every vessel shall have such permits, licenses and titles as required in NMSA 1978, § 66-12-1 et seq., the New Mexico Boat Act.
  - (5) Every vessel shall be equipped as required by the New Mexico Boat Act.
  - (6) Each occupant of any vessel on the lake is required to wear, at all times, a personal flotation device of a type approved by the U.S. Coast Guard.
  - (7) Every vessel shall, at all times, observe the rules of the road established by the United States Coast Guard for inland waters, in addition to laws of the state and local ordinances and regulations.
  - (8) Recreational swimming and diving from any vessel is prohibited.
  - (9) No person under the age of 16 years shall operate a vessel upon the lake except with the authorization of a guardian. **The operator of a vessel being used for recreational purposes shall require a child age twelve or under who is aboard the vessel to wear a personal flotation device approved by the United States coast guard as required in NMSA 1978, § 66-12-1 et seq., the New Mexico Boat Act.**
  - (10) No vessel shall be operated on the lake during an electrical storm.
  - (11) Vessel operation, other than in the designated areas, is prohibited.

- (12) The owner or operator of each vessel assumes all risks of the operation of the vessel. The owner or operator of the vessel assumes all civil liability for operating the vessel on Alto or Grindstone Lake.
- (13) Vessels may be used on the lake from sunrise to sundown. [~~from April 1 to October 31.~~]
- (14) All vessels shall be prepared for loading or unloading in the designated parking/loading areas only.
- (15) All vessels must be transported by hand from the designated parking/loading areas to the lake.

#### **Sec. 62-32. - Fishing.**

- (a) Fishing shall be permitted at Alto or Grindstone Lake with the proper license and in compliance with appropriate state law.
- (b) Fishing will be allowed from sunrise to sundown from vessels which are lawfully operated on the lake, and from sunrise to 10:00 p.m. from the shore.
- (c) Fishing shall not be permitted ~~on Alto or Grindstone Lake in the areas fenced or buoyed around the water intake structure and the water diversion entry point.~~

#### **Sec. 62-33. - Swimming or wading; dogs.**

~~[(a) No recreational swimming or wading is allowed at Alto or Grindstone Lake.]~~

- (a) **Swimming shall be permitted at Grindstone Lake from the Friday before Memorial Day through Labor Day, sunrise to sundown. Swimming shall be at the swimmer's own risk.**
- (b) **Children age twelve or under must wear a personal flotation device approved by the United States coast guard as required in NMSA 1978, § 66-12-1 et seq., the New Mexico Boat Act.**
- (c) **Swimming shall not be permitted in Grindstone Lake in the areas fenced or buoyed.**
- (d) **Dogs are allowed in the water and leash laws shall remain in effect for the surrounding areas at Grindstone Lake.**
- (e) **Scuba Diving**
  - (1) **Scuba diving is at the diver's own risk.**
  - (2) **Scuba diving is permitted only in groups of two or more divers. An additional scuba diver or competent diver-tender shall remain above water at all times.**
  - (3) **Equipment such as tanks, weight belts, etc. shall be equipped with quick-release fasteners.**

- (4) Scuba divers shall be equipped with a buoyancy compensator. Scuba divers shall only use self-inflated, air supplied canister, or tank inflated, direct connection to the tank supplied air.
- (5) Divers shall use a diver's flag to mark the point of submergence. Divers shall fly the diver's flag from a boat or flotation device while diving. The flag shall be red with a white diagonal stripe running from the upper left corner to the lower right corner. Boats shall stay at least 150 feet away from a diver's flag and shall exercise special care in the diver's flags' vicinity.

**Sec. 62-34. – Special Events.**

- (a) The Village Clerk may issue a Special Events License in accordance with the requirements of Section 26-69 for such swimming as part of a special event.
- (b) Use of either Alto of Grindstone Lake for recreational swimming as part of a special event, must be reviewed as part of a special event application in accordance with other provisions in this section and in Section 26-69 of this code and be limited to daylight hours. The dates for such swimming may extend beyond the provisions of Section 62-33 as determined by the Parks and Recreation Director and Public Works Director.
- (c) The scope and duration of recreational swimming usage – including the number of participants – shall be determined by the following criteria in addition to that outlined in Section 26-69:
  - (1) Size of area to be utilized for recreational swimming, staging and storage,
  - (2) Provision of parking,
  - (3) Public health, safety, water quality and temperature conditions; a narrative shall be required as part of the Special Events Permit Application detailing plans to monitor and provide emergency support to swimmers,
  - (4) The provision of temporary or permanent utilities and
  - (5) The ability to minimize potential adverse impacts to the lake, natural habitat, surrounding park and safety, health and enjoyment of the general public.

~~[(b) Dogs are not allowed in the water. Leash laws are in effect for the lake and surrounding areas.]~~

### **Sec. 62-35. - Concessionaires.**

All concessionaire operations at Alto or Grindstone Lake, approved by contract with the village, shall be exempt from licensing regulations, unless otherwise provided by contract.

### **Sec. 62-36. - Enforcement; penalties; authority to close lake.**

- (a) Village police, fire officials, code enforcement officers, and designated parks and recreation personnel are authorized to enforce all ordinances, rules and regulations at Alto or Grindstone Lake.
- (b) When weather or other conditions create a hazard to people and vessels operating on the lake, **or conditions arise that affect the water treatment process**, any enforcement officer as designated in subsection (a) of this section shall have the authority to temporarily close the lake. **The Village of Ruidoso is not obligated by these rules to maintain minimum water levels for recreational purposes.**
- (d) The following are penalties for violations of the ordinances, rules and regulations concerning vessels or persons on or around the lake area, to include any of the following:
  - (1) Removal from the lake;
  - (2) Citation by an enforcement officer;
  - (3) Revocation of the vessel permit; and/or
  - (4) Punishment in accordance with section 1-6.
- (e). If at any time ~~[the superintendent]~~ **an enforcement officer as designated in subsection (a)** determines that the weather or the condition of a lake is dangerous for boats, the superintendent may prohibit the launching or use of boats for an indefinite period of time upon the posting of appropriate notice.
- (f) Boaters shall observe small craft weather warnings and seek shelter ashore when flags or lights have been activated to indicate adverse weather conditions

### **Sec. 62-37. – Littering.**

**(a). Visitors shall not dispose of solid waste in the parks system, except in receptacles provided for that purpose.**

**(b). Glass containers are prohibited outside vehicles or motor homes within the parks system unless specifically authorized by Special Event Permit consistent with the provisions of Section 62-34.**

**Section two.** All other provisions of the aforementioned codes not specifically amended by this ordinance, shall remain unchanged and in full force and effect as written.

**Section three.** *Effective date.* The provisions of this Ordinance shall become effective five (5) days upon the publishing of its adoption.

**PASSED, APPROVED, AND ADOPTED ON THIS 13TH DAY OF JUNE, 2017.**

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Tom Battin, Mayor

SEAL

ATTEST:

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Irma Devine, Village Clerk