

CORDRY-SWEETWATER CONSERVANCY DISTRICT

8377 Cordry Drive, Nineveh, IN 46164

Rules & Regulations

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INTRODUCTION

The Cordry-Sweetwater Conservancy District (“CSCD”) is an Indiana conservancy district organized and operating pursuant to Indiana Code §14-33. The CSCD is a governmental entity, not a homeowners’ association or private corporation. The District was established on June 27, 1959, by Order of the Brown Circuit Court. The CSCD was established to accomplish three purposes: (1) providing water supply, including treatment and distribution for domestic, industrial, and public use; (2) providing for the collection, treatment, and disposal of sewage and other liquid wastes produced within the CSCD; and (3) developing forests, wildlife areas, and park and recreation facilities where feasible in connection with beneficial water management.

In order to accomplish the purposes for which the CSCD was established, the CSCD owns and operates certain works of improvement, which include, but are not limited to, Cordry and Sweetwater Lakes, dam and appurtenant structures, park and recreation areas, public highways, a water distribution facility, and administrative offices.

The affairs of the CSCD are managed by a seven (7) member board of directors (“Board”) elected by owners of real estate within the CSCD. The directors serve four (4) year terms. The duties of the Board include, but are not limited to, the power to exercise general supervision of and make regulations for the administration of the affairs of the CSCD. The Board does not possess the general powers of a town or a county. The Board’s authority to adopt and enforce rules is limited to rules required to accomplish the purposes for which the CSCD was established and to construct, maintain and protect the CSCD’s works of improvement.

As authorized by Indiana Law, the Board created five (5) advisory committees to assist the board in carrying out its duties. The committees are: Building, Ecology, Roads, Security and Water. These committees, sometimes referred to as commissions, are advisory only and do not have the authority to take final action on any matter. The authority to take final action rests solely with the board of directors.

REAL ESTATE COVENANTS

In addition to the rules adopted by the Board which the Board has the authority to enforce, there are real estate covenants recorded by the developer. The covenants restrict the real estate to residential uses only. Other covenants may also apply to real estate within the CSCD. The covenants are set out in these rules. The CSCD owns land within the Conservancy District and as such, the covenants are enforceable by the CSCD acting through its Board.

TITLE ONE: GENERAL PROVISIONS

§1-1-1-1 CSCD Defined.

“CSCD” means the Cordry-Sweetwater Conservancy District as a governmental entity established pursuant to Indiana Code §14-33 or as the Board of Directors of the Cordry-Sweetwater Conservancy District as context may require.

§1-1-1-2 Freeholder Defined.

“Freeholder” means an owner of land within the boundaries of CSCD.

§1-1-1-3 Shoreline Alteration; Dredging.

Alteration of the lake’s shoreline is not permitted unless approved in writing by CSCD.

§1-1-1-4 Debris Disposal; Trash.

A. The disposal of any materials including, but not limited to, leaves, trees, grass clippings, yard waste, refuse, solid waste, or chemicals into the lakes is prohibited. No freeholder shall take any action which results in soil or debris being deposited into the lakes or onto other property.

B. The CSCD does not provide trash collection. Freeholders shall provide their own trash disposal. Trash dumped along the roads, drives, into the CSCD trash containers, or into the recycling bins is subject to the littering laws of Brown County, Indiana and any relevant state statutes. The recycling bins are monitored and misuse is prohibited.

§1-1-1-5 Real Estate Transfers; Land Contracts.

A. All transfers of real estate within the CSCD shall be filed in the CSCD Office prior to recording with the Brown County Recorder. The filing shall include the name and address of the party purchasing real estate and the date of the transfer. All warranty deeds shall contain the following statements:

Conveyance accepted for the purpose of CSCD assessments this ____ day of _____, 20___. All prior assessments are paid to the date.

Financial Clerk, CSCD

B. Freeholders of the CSCD selling a lot on land contract shall automatically relinquish all lake privileges of that lot to the contract buyer. Lot owners owning multiple lots may sell lot(s) on contract and retain lake privileges on remaining lot(s) owned. A copy of the land contract shall be provided to the CSCD Office in order for the buyer to obtain lake privileges for the lot(s) being purchased.

§1-1-1-6 Permanent Signs.

Brown County Ordinance requires that the street number address shall be clearly displayed on the side of the dwelling visible from the street for emergency purposes. The CSCD also recommends that lot numbers and/or street address numbers or names be displayed on the dock or structure facing the lake.

§1-1-2-1 Building Regulations.

A. All improvements to the land shall meet Brown County Building Codes and be approved by the appropriate CSCD Commission and/or CSCD Board.

B. Prior to construction of boat docks, boathouses, docks with decks, or any structure projecting over or onto property owned by CSCD (including Sweetwater and Cordry Lakes), construction plans shall be approved and a permit issued by CSCD. During construction, a buffer approved by CSCD shall be erected along the shoreline to prevent soil erosion or pollution of the lake.

C. New cuts into roads or drives shall require a permit and shall comply with the Building Rules. CSCD shall determine the location of a new road cut. Replacement of gravel or repairs to roads and drives damaged by contractors shall be the responsibility of the freeholder.

§1-1-3-1 Water.

The CSCD is the owner and operator of a water supply system including mains, pumps, filters, tanks, fire hydrants, and water meters. No private or semi-private water supply system for domestic use may locate or provide service with the CSCD boundaries.

§1-1-4-1 Roads; Regulatory Signs.

A. All roads, drives, and rights-of-ways owned by CSCD are maintained by CSCD but are public highways under the jurisdiction of the Brown County Board of Commissioners, the Brown County Sheriff, and other law enforcement agencies. Obstruction or alteration of drainage along roads and drives is prohibited unless authorized by CSCD in writing.

B. Unless otherwise posted, the speed limit shall be twenty-five (25) MPH on the main roads and fifteen (15) MPH on side drives.

C. No person shall operate or permit another person to operate a motor vehicle as defined by Indiana Code on CSCD-owned roads, drives and rights-of-ways in violation of local ordinance or Indiana state law.

§1-1-4-2 Parking.

A. No parking shall be permitted on roads, drives, or rights-of-ways except for emergency vehicles or vehicles being used by CSCD staff, CSCD contractors, or their agents for CSCD business.

B. There shall be no parking or storing of vehicles, watercraft, or trailers on the dams, boat ramps, rights-of-ways, or property owned by CSCD at any time unless authorized by CSCD in writing.

§1-1-4-3 Off-Road Vehicles, Snowmobiles, Bikes, and E-Bikes.

A. The operation of off-road vehicles and snowmobiles shall be registered and operated in accordance with Indiana State law and Brown County Ordinance 2024-07-17-001.

B. No off-road vehicles, snowmobiles, or motorized vehicles (including e-bikes) shall be permitted on CSCD-owned property (including the nature trails) except for public highways operated in accordance with Indiana State law and Brown County Ordinance 2024-07-17-001. Bicycles are permitted on the nature trails.

§1-1-5-1 Firearms.

No hunting shall be permitted within CSCD, except pursuant to rules adopted by the Board when CSCD is designated an Urban Deer Reduction Zone by the Indiana Department of Natural Resources (“DNR”). The use of firearms, pellets, B.B. guns, and bows and arrows is prohibited.

§1-1-6-1 Trapping.

Except for the eradication of nuisance animals on freeholders’ private property performed in accordance with legal methods set forth by the Indiana DNR, all trapping and fowl control on CSCD property is prohibited unless authorized in writing by CSCD.

§1-1-6-2 Domestic Animals.

In accordance with Brown County Ordinance 04-16-01-01 and Indiana state law, all dogs shall be on a leash, under control, and have current rabies immunizations and owner identification tags. Dogs showing malicious or nuisance tendencies shall be reported to the Brown County Animal Control at (812) 988-6655.

§1-1-6-3 Animals.

No fur animals, wild animals, farm animals, or fowl shall be kept or permitted on any freehold within the CSCD. No domestic animals shall be kept for the purpose of conducting commercial activities.

§1-1-7-1 Camping.

Camping shall be permitted on private property only if the freeholder has available manufacturer-installed sanitary facilities. A freeholder is permitted to temporarily camp on their vacant lot only if issued a camping permit by CSCD. Camping is limited to fourteen (14) days within a twelve (12) month period. Camping permits shall be obtained prior to camping and shall be prominently posted at the entrance to the campsite. At the expiration of the permit, all camping equipment, trailers, campers, tents, and debris shall immediately be removed from the campsite, and all fires shall be extinguished. Camping without a permit or other violation of this section may result in a loss of camping privileges

TITLE TWO: CLASSIFICATION OF WATERCRAFT

§2-1-1-1 Decals Required.

In order to operate a watercraft on Cordry or Sweetwater Lakes, the watercraft must be registered and a decal must be obtained for the watercraft through the CSCD. Freeholders shall purchase a decal at the CSCD Office for each watercraft registered. A freeholder may register no more than nine (9) watercraft. A freeholder may register only one (1) watercraft from each of Class One, Class Two, Class Three, and Class Four, as defined below. A freeholder may register up to six (6) watercraft from Class Five, provided the total watercraft registered does not exceed nine (9).

§2-1-2-1 Class One: Powered Watercraft.

A. Class One Watercraft means powered or speed watercraft less than twenty-one (21) feet in length and weighing no more than four thousand (4,000) lbs. The length and weight of the watercraft shall be determined by reference to the JD Power Boat Database at <https://www.jdpower.com/boats/manufacturers>, or the weight and length of the watercraft as stated by the manufacturer's specifications. If the length or weight of the watercraft stated in the JD Power Database differs from the weight and length stated in the manufacturer's specifications, the lesser weight and length shall be considered the true weight and length of the watercraft. The length of swim platforms is not included in the overall length of the watercraft.

B. Class One Watercraft purchased prior to September 24, 2024, by an individual who was at the time of purchase a CSCD freeholder, whose weight exceeds four thousand (4,000) lbs. dry weight, a wake enhancing device, internal water storage tanks/bladders, "wedge devices", to enhance a wake or any other device, mechanism, modification, alteration, configuration or use which would enhance the wake of a watercraft under any circumstances and at any speed, for which a decal could have

been issued pursuant to the rules in existence on September 24, 2024, may continue to receive decals or renewal decals if ownership of the watercraft has not changed since the date of purchase and the watercraft has been continuously registered with CSCD.

C. Pontoon watercraft with an engine horsepower between one hundred and one (101) HP and one hundred fifty (150) HP shall be classified as a Class One watercraft. The length of the pontoon watercraft cannot exceed twenty-four (24) feet.

D. Fishing watercraft with engines greater than forty (40) HP are classified as Class One watercraft.

§2-1-2-2 Class Two: Pontoon Watercraft.

A. Class Two Watercraft means pontoon watercraft twenty-four (24) feet or less in length, with a maximum engine horsepower of one hundred (100) HP. Pontoon watercraft with an engine horsepower between one hundred and one (101) and one hundred fifty (150) HP shall be classified as a Class One watercraft. No expanding or retractable pontoon decks are permitted. The length of the watercraft is presumptively established by reference to the JD Power Boat Database at <https://www.jdpower.com/boats/manufacturers>, or the length of the watercraft as stated by the manufacturer's specifications. If the length stated in the JD Power Boat Database differs from the length stated in the manufacturer's specifications, the lesser length shall be considered the true length of the watercraft.

B. Class Two Watercraft that do not meet the requirements of Class Two Watercraft, which were registered prior to November 19, 2024, may receive renewal decals if ownership of the watercraft has not changed and the watercraft has been continuously registered with CSCD.

§2-1-2-3 Class Three: Fishing Watercraft.

Class Three Watercraft means fishing watercraft less than twenty-one (21) feet in length, with a maximum engine horsepower of forty (40). Fishing watercraft no longer than twenty-one (21) feet with engines greater than forty (40) horsepower are classified as Class One watercraft.

§2-1-2-4 Class Four: Personal Watercraft.

A. Class Four Watercraft means personal watercraft such as Jet Ski, Wave Runner, or other similar craft. Class Four Watercraft are prohibited and may not be operated upon Cordry or Sweetwater Lakes.

B. Class Four Watercraft may receive renewal decals if ownership of the watercraft has not changed and the watercraft has been continuously registered with CSCD.

§2-1-2-5 Class Five: Non-Motorized Watercraft.

A. Class Five Watercraft includes:

- (a) Paddle boats;
- (b) Rowboats;
- (c) Windsurfers;
- (d) Kayaks;

- (e) Canoes;
- (f) Sailboats with masts no longer than seventeen (17) feet; and
- (g) Watercraft utilizing DC electric propulsion as the sole means of propulsion, provided, however, that the motor may not produce more than one hundred (100) ft. lbs. of thrust as stated in the manufacturer's specifications. Notwithstanding anything herein contained, motorized hydrofoils are not considered non-motorized watercraft.

B. A freeholder may register no more than six (6) crafts in this classification. Proof of purchase of non-motorized craft shall be the Affidavit proving ownership.

§2-1-2-6 Paddle Boards.

- A. CSCD decals are not required for paddle boards.
- B. Paddle boards shall be labeled with the owner's lot number.
- C. After sunset, paddle board operators shall have a flashlight or other lighting device.
- D. A whistle or other sound-producing device shall be carried at all times to warn other boaters.
- E. Paddle board operators twelve (12) years of age and younger shall wear a life jacket at all times while on board. Paddle board operators and passengers thirteen (13) and older shall have a life jacket in their possession on the paddle board while the paddle board is under way.

§2-1-3-1 Prohibited Watercraft.

The following types of watercraft are prohibited on Cordry and Sweetwater Lakes:

- A. Houseboats of any size;
- B. Airboats, hovercraft or motorized hydrofoils, or similar watercraft;
- C. Subject to §2-1-2-4, Class Four Watercraft, including, but not limited to, jet skis and wave runners;
- D. Watercraft of any size with sleeping quarters, galleys, toilets or cabins; and
- E. Wake boats or watercraft designed to create large wakes, including, but not limited to, watercraft designed with hulls and ballast systems, hydrofoil technology, wedges, wake shapers, v-drives, and any other device or construction intended by the manufacturer or utilized by the operator of the watercraft to create a large wake.

TITLE THREE: WATERCRAFT REGISTRATION

§3-1-1-1 Boat Decals Required.

A. Decals are issued to freeholders eighteen (18) years of age or older subject to the requirements in Title Three. Watercraft without a valid registration and current decals shall not be allowed on the lakes. Freeholders may obtain decals at the CSCD Office during regular hours by completing a notarized affidavit of ownership accompanied by proof of ownership. Satisfactory proof of ownership is the title to the craft, or application for title and/or current registration, or manufacturer's certificate of origin.

B. Decals are the property of CSCD. A fee shall be charged to lease the decals for a period of not longer than two (2) years.

C. The identification decals shall be placed on each side of the watercraft according to the diagram furnished at the time of registration.

§3-1-1-2 Lot Numbers Required.

A. Prior to being allowed on either lake, all watercraft shall have their primary lot letters and numbers attached and clearly visible to both sides of the watercraft. The lot numbers shall be in plain block lettering, at least three (3) inches in height, and in a color in contrast with the watercraft. The decal and lot numbers shall be placed on the watercraft according to the diagram provided.

B. All boat trailers parked at the ramps shall have two (2) inch clearly visible reflective lot letters and numbers attached to the tongue's left side. This shall identify the freeholders privileged to use the Lakes and to prevent unauthorized boating and/or fishing.

§3-1-1-3 Void Decals.

A. When a freeholder sells a lot, whether improved or unimproved, within the CSCD, all watercraft decals assigned to that lot shall be voided.

B. When the owner of the watercraft is no longer a freeholder within CSCD, all watercraft decals assigned to the former freeholder shall be returned to the CSCD Office. It is the former freeholder's responsibility to return to the CSCD Office all current decals.

§3-1-2-1 Decal Prerequisite - Mandatory Zebra Mussel Awareness Course.

To receive boat decals, a freeholder shall first take and pass with a perfect score the Zebra Mussel Awareness Course. An applicant for a decal may take the test multiple times until a perfect score is achieved.

§3-1-2-2 Decal Prerequisite - Mandatory Boater Safety Course.

In order to obtain a decal allowing operation of any watercraft on the Lakes, the applicant shall demonstrate that the applicant is aware of and understands the boating safety rules and regulations of the State of Indiana and CSCD by taking and passing with a perfect score the Cordry-Sweetwater Conservancy District and State of Indiana Boating Safety Test, a copy of which is on file at the District Office. The test shall be administered by the employees of the District under protocols established by the Director of Operations and Building Compliance Officer and the Director of Finance and Administration of the District. An applicant for a decal may take the test multiple times until a perfect score is achieved. Freeholders who have passed the test and have been issued a decal are not required to retest to renew the decal unless the test is different than the test maintained at the District Office as of the date of adoption of these rules. If, at the time a freeholder applies for a renewal decal, the test maintained at the District Office is different than the test maintained at the District Office as of the date of adoption of these rules, the applicant for the renewal decal shall take the revised test and correctly answer each question. An applicant for a renewal decal who is required to retest may take the test multiple times until a perfect score is achieved.

§3-1-2-3 Decal Prerequisite – Mandatory Insurance Requirements.

A. Prior to registering a powered watercraft and obtaining a decal, the freeholder shall present to the District Office proof of liability insurance applicable to the watercraft to be registered in an amount not less than one hundred thousand dollars (\$100,000.00) per person per occurrence, insuring against bodily injury or property damage.

B. No powered watercraft may be registered, nor a decal issued for said watercraft, until such time as the freeholder seeking to register the watercraft provides proof of insurance.

C. The requirement to maintain insurance upon watercraft shall be a continuing obligation. Any lapse or cancellation of insurance coverage shall result in the immediate revocation of the watercraft's decal and said watercraft shall no longer be permitted upon Cordry or Sweetwater Lakes until such time as adequate insurance coverage is reinstated.

§3-1-2-4 Grace Period for Renewal and Reissuance of Decals for Grandfathered Watercraft.

Decals for grandfathered watercraft must be renewed within forty-five (45) days following the date of the decal's expiration. After the expiration of the forty-five (45) day grace period, decals may only be reissued for grandfathered watercraft if authorized in writing by the CSCD Board of Directors.

§3-1-3-1 Revocation of Decals and Other Privileges.

A. Decals can be revoked due to violation of certain rules or for tampering with the decals. Except for violation of the rules prohibiting wake watercrafts, the intentional operation of watercraft to create a large wake, for violation of Title Four relating to zebra mussels, Title Six relating to fishing, §3-1-2-2(C) relating to inspections, violation of §5-1-4-1 relating to marking buoys, or violation of §7-1-2-1 beach rules, three (3) citations issued within a one (1) year period shall lead to the revocation and removal of the decal for a period of one (1) calendar year.

B. Revocation of decals due to rule violations shall also result in the immediate loss of lake/beach privileges for a period of time equal to the revocation of decals. If a decal has been revoked, all decals issued to the freeholder whose decal has been revoked shall also be revoked. An owner of a watercraft whose decal has been revoked is prohibited from operating any craft on either lake until the decal is reinstated.

§3-1-3-2 Authority to Inspect.

A. CSCD Boat Patrol employees, members of the Board of Directors of CSCD, and all other employees of CSCD are authorized to go upon the waters of Cordry and Sweetwater Lakes in order to monitor compliance with CSCD Rules and Regulations and to issue citations to owners/operators of boats found to be in violation of CSCD's Rules. In the event that CSCD boat patrol employees, members of the Board of Directors of CSCD, or other employees of CSCD observe possible violations of State law, they may report their observations to law enforcement.

B. All persons operating watercraft on the waters of Cordry or Sweetwater Lake shall permit members of the Board of Directors of CSCD and CSCD employees, including, but not limited to, those employees assigned the duty of boat patrol to board watercraft in order to perform inspections to verify compliance with CSCD's Rules.

C. If the operator of a watercraft refuses to allow the watercraft to be inspected, the watercraft's decal shall be revoked for a period of one (1) calendar year.

TITLE FOUR: ZEBRA MUSSEL PREVENTION

§4-1-1-1 Freeholder-Owned Watercraft.

A. All watercraft and non-motorized watercraft required to obtain a boat decal, personal flotation devices, paddle boards, and all communal trailers that move boats to and from multiple bodies of water, and any other equipment, which could potentially introduce zebra mussels into Cordry or Sweetwater Lake, shall be decontaminated or quarantined prior to launch for use on Cordry or Sweetwater Lake. Decontamination or quarantine shall occur if the boat, trailer, or other equipment enters or is used on ANY body of water other than Cordry-Sweetwater Conservancy District waters.

B. Decontamination shall occur utilizing one (1) of the following options:

(a) Watercraft, trailers, and associated equipment shall be pressure washed with water at a minimum of one hundred forty (140) degrees Fahrenheit (F), no chemicals needed. This shall occur at the shelter house at Centerlake Park and have 24/7 access.

(b) Watercraft, trailers, and associated equipment shall remain in quarantine for five (5) days prior to launch. Watercraft, trailers, and equipment may be wiped dry by a towel, but all components of the watercraft and trailers shall be completely dry before launching, including hulls, bilges, live wells, carpet on trailers, etc. If this option is selected, the five (5) day quarantine shall occur.

(c) Watercraft, trailers, and associated equipment shall be cleaned using a ten percent (10%) bleach solution with a contact time of five (5) minutes. Watercraft, trailers, and equipment shall be washed and cleaned before the solution is applied. The less corrosive chemical, Virkon Aquatic, may be used at a two percent (2%) solution with a ten (10) minute contact time. Any solutions shall be washed from watercraft, trailers, and associated equipment after expiration of the minimum contact time. Cleaning shall occur at the shelter house at Centerlake Park.

C. All watercraft, trailers, personal flotation devices, paddle boards, and equipment to which this rule applies shall be cleaned and free of debris, mud, or scum, prior to arriving at the decontamination/quarantine site.

D. Operators to whom this rule applies shall work with the Boat Steward or self-decontaminate/quarantine.

E. Any freeholder who violates these rules or assists or aids a person in violating these rules shall lose lake privileges for three hundred sixty-five (365) days. Revoked decals shall be immediately returned to the CSCD Office.

F. Operators utilizing watercraft, trailers, or equipment on the waters of Cordry or Sweetwater Lake in violation of this rule shall be deemed trespassers upon the waters of Cordry or Sweetwater Lake. The CSCD or its designee is hereby authorized to enforce these rules, to declare violators to be

trespassers and to take all actions necessary, including referral to local law enforcement, to secure compliance with these rules.

§4-1-2-1 Commercial Watercraft - Dredges & Barges.

A. All barges, watercraft, dredges and trailers required to obtain a barge permit and all communal trailers that move watercraft to and from multiple bodies of water, and any other equipment which could potentially introduce zebra mussels into Cordry or Sweetwater Lake, shall be decontaminated or quarantined prior to launch or use on Cordry or Sweetwater Lake. Decontamination or quarantine shall occur every time the barge, watercraft, dredge, trailer or other equipment leaves the boundaries of the CSCD, and prior to launch or re-launch upon Cordry or Sweetwater Lake.

B. Decontamination shall occur utilizing one (1) of the following options:

(a) Watercraft, trailers and associated equipment shall be pressure washed with water at a minimum of one hundred forty (140) Fahrenheit (F), no chemicals needed. This shall occur at a location determined by CSCD Staff and monitored by CSCD Staff.

(b) Watercraft, trailers and associated equipment shall remain in quarantine for five (5) days prior to launch. Watercraft, trailers and equipment may be wiped dry by a towel, but all components of the watercraft and trailers shall be completely dry before launching, including hulls, bilges, live wells, carpet on trailers, etc. If this option is selected, the five (5) day quarantine shall occur at a location to be determined by CSCD Staff.

(c) Watercraft, trailers and associated equipment shall be cleaned using a ten percent (10%) bleach solution with a contact time of five (5) minutes. Boats, trailers and equipment shall be washed and cleaned before the solution is applied. The less corrosive chemical, Virkon Aquatic, may be used at a two percent (2%) solution with a ten (10) minute contact time. Any solutions shall be washed off of boats, trailers and associated equipment after expiration of the minimum contact time. Cleaning shall occur at a location determined by CSCD Staff and monitored by CSCD Staff.

C. The fee per decontamination is set at Twenty-Five Dollars (\$25.00) payable to the CSCD.

D. All watercraft, trailers and equipment to which this rule applies shall be cleaned and free of debris, mud or scum, prior to arriving at the decontamination/quarantine site.

E. Operators to whom this rule applies shall contact the CSCD Office to schedule the decontamination/quarantine.

F. A violation of this rule shall result in immediate loss of lake privileges granted to the owner of the watercraft, trailer or equipment and to the watercraft, trailer or equipment, which may be deemed permanent at the discretion of the Board.

G. Operators utilizing watercraft, trailers or equipment on the waters of Cordry or Sweetwater Lake in violation of this rule shall be deemed trespassers upon the waters of Cordry or Sweetwater Lake. The CSCD Manager or his/her designee is hereby authorized to enforce these rules, to declare violators to be trespassers and to take all actions necessary, including referral to local law enforcement, in order to secure compliance with these rules.

H. Operators utilizing watercraft and/or equipment on the waters of Cordry or Sweetwater Lake shall have sufficient supplies present to contain any spill of fuel or oils and shall immediately notify the CSCD of any spill.

TITLE FIVE: OPERATION OF WATERCRAFT

§5-1-1-1 Lake Traffic.

A. All operators of motorized watercraft shall have a valid driver's license and shall observe the following traffic rules:

(1) In coves, bays, and waters designated as idle or no wake zones, persons shall operate their watercraft at the slowest possible speed, not exceeding five (5) MPH, whereby the wake or wash created is minimal.

(2) Watercraft leaving an idle zone, dock, pier, shore, or ramp shall yield the right of way to watercraft underway.

(3) Watercraft shall follow a counter-clockwise pattern, except during idle hours. Turn right and enter the pattern before crossing the line of traffic.

(4) No watercraft shall be moored or anchored to a buoy, or moored or anchored in any location that impedes the flow of traffic or presents a danger to persons or property.

(5) No watercraft shall be moored or anchored within the ski area during green light periods.

(6) No "donuts," tight, circular, or other erratic patterns shall be permitted except to retrieve a downed tuber or skier.

(7) Watercraft under headway over ten (10) MPH shall remain at least fifty (50) feet from shorelines and beaches, at least one hundred (100) feet from dams and spillways, at least thirty (30) feet from other watercraft, and shall stay clear of all buoys.

(8) No watercraft shall be permitted to operate over forty (40) MPH on weekends and legal holidays.

(9) Sailboats under sail, windsurfing watercraft, kayaks, canoes, paddle boats, and all other non-motorized craft shall not operate in the ski areas during the green light period.

(10) As used in this section, "litter" means bottles, glass, crockery, cans, scrap, metal, scrap metal, junk, paper, garbage, rubbish, plastic, or similar refuse. In the operation or use of a watercraft, a person may not throw, dump, place, deposit, or cause or permit to be thrown, dumped, placed, or deposited:

(a) Any litter, filth, or putrid, or unwholesome substance; or,

(b) The contents of a water closet or toilet, catch basin, or grease trap;

in or upon the water, or the banks of the water.

(11) A watercraft shall be operated in a careful and prudent manner, having due regard for the following:

- (a) The rights, safety, and property of other persons;
- (b) The conditions and hazards, actual and potential, then existing, including weather and density of traffic; and
- (c) Possible injury to the person or property of the person operating the watercraft, or other persons or their property.

(12) A person may not operate a watercraft if all or part of the watercraft is:

- (a) Designed or constructed in a manner; or,
- (b) In a condition or state of repair;

that endangers the person or property of the operator or the person or property of any other person.

(13) A person may not operate a watercraft in a manner that does any of the following:

- (a) Unnecessarily endangers the person or property of another person.
- (b) Unnecessarily interferes with the safe and lawful use of the lakes by another person.
- (c) Unnecessarily interferes with or obstructs a special event sanctioned or otherwise legally permitted by CSCD.

(14) A person operating a watercraft shall observe the following traffic rules when applicable:

- (a) When two (2) watercrafts are approaching each other “head and head”, or nearly so, each watercraft shall bear to the right and pass the other watercraft on the watercraft’s left side.
- (b) A watercraft may overtake and pass another watercraft on either side if the passing can be done with safety and within the assured clear distance ahead, but the watercraft overtaken has the right-of-way.

(15) Duties of operator of watercraft involved in accident or collision:

A. Subject to Subsection (B), the operator of a watercraft involved in an accident or a collision resulting in injury to or death of a person or damage to a watercraft or other property, shall do the following:

- (1) If the action described in this subdivision can be done without endangering a person, stop the watercraft immediately and as close as possible to the scene of the accident;

(2) If the action described in this subdivision can be done without endangering a person, return to the scene of the accident and remain there until the operator has complied with this section;

(3) Give:

- (i) the operator's name and address;
- (ii) a full identification of the watercraft operated; and
- (iii) the name and address of the owner;

to the operator of each other watercraft and each person injured.

(4) Upon request, exhibit the operator's license to the operator of each other watercraft and each person injured.

(5) Notify emergency services as soon as possible, and provide reasonable assistance to each person injured, including carrying or arranging for carrying each injured person to a physician, surgeon, or hospital for medical or surgical treatment if:

- (a) it is apparent that treatment is necessary; or
- (b) the injured person so requests.

B. An operator described in subsection (A) shall make a reasonable and good faith effort to perform the actions described in subsection (A). However, an operator is not required to perform an act that would endanger a person.

C. Duties of operator of watercraft involved in accident or collision resulting in injury, death, or Seven Hundred Fifty Dollar (\$750.00) damage.

(1) The operator of a watercraft involved in an accident or a collision resulting in:

- (a) injury to or death of a person; or,
- (b) damage to a watercraft or other property to an apparent extent of at least Seven Hundred Fifty Dollars (\$750);

shall provide the information required under subsection (A).

(2) An operator of a watercraft subject to subsection (1) shall do the following:

- (a) Give notice of the accident to:
 - (i) the office of the sheriff of the county; or
 - (ii) the nearest state police post;

immediately and by the quickest means of communication.

(b) Mail or deliver to the CSCD Office a written report of the accident or collision within twenty-four (24) hours of the accident or collision.

§5-1-1-2 Safety.

- A. No occupant of watercraft underway shall be permitted to sit or stand on the gunwales, seat backs or stand on the craft's bow, except for the purpose of anchoring, mooring or casting off.
- B. No dangling of legs or feet in the water while watercraft is in motion.
- C. The continual use of bright lights on any craft, except for emergencies or docking, is prohibited.
- D. Power loading at the ramps shall not be performed, since it destroys ramp approaches.
- E. A life-preserving USCG-approved, wearable life vest or jacket shall be on board for each occupant. In addition, one (1) type 4 throwable cushion shall be on board. Children six (6) and under shall wear a life jacket when the watercraft is underway.
- F. No unnecessary sounding of whistles or horns, unless used as a warning to persons or watercraft in immediate danger.
- G. A watercraft may not be operated in such a manner as to create a large wake unless the watercraft is towing a skier, tuber, or wake boarder, and the individual or item being towed is attached to the watercraft by means of a rope or other tethering device that is forty (40) feet in length and fully extended.
- H. No person who is impaired as a result of the consumption of alcohol or drugs may operate a watercraft.
- I. Fly boarding is prohibited regardless of the unit used to elevate the individual out of the water.

§5-1-1-3 Launching and Storage of Watercraft.

- A. All watercraft shall be launched and loaded ONLY at the CSCD ramps. Non-motorized watercraft may be hand launched and loaded at the Nuthatch picnic area; no trailers, except those designed to transport kayaks, are permitted at the Nuthatch picnic area.
- B. An owner of an off-shore lot within the CSCD, not abutting either lake, shall have the right of access to or from the lakes ONLY at the CSCD ramps. Off-shore freeholders shall not store any watercraft overnight on either lake.

§5-1-2-1 Control Lights and Signs.

- A. RED means that use of the lakes is restricted and limited to watercraft whose sole means of propulsion is provided by the occupant or occupants of the watercraft. Watercraft propelled by gasoline engines, electric motors, wind, or any other form of propulsion except that provided by the watercraft's occupant or occupants may not utilize the Lakes during RED light periods.
- B. YELLOW indicates that the lakes are open for idle speeds only.
- C. GREEN means the areas are open to boaters for skiing, tubing, cruising and other authorized activities.

D. All duly-authorized signs pertaining to use of the Lakes, beaches, parks, and marinas shall be obeyed.

E. A RED LIGHT displayed on the Lake Patrol watercraft means to stop immediately. Failure to stop constitutes a violation of these rules.

§5-1-3-1 Towing Devices.

A. No watercraft shall tow a skier or persons on any other device, unless the watercraft is occupied by an operator and at least one other competent person (observer). The observer shall give their full attention to watching the objects and persons being towed. The operator shall give their full attention to operating the watercraft safely.

B. A plain RED or ORANGE flag shall be displayed immediately by the observer whenever a person or object is down in the water. If using a handheld flag, the observer shall display the flag. The flag shall be at least twelve (12) by twelve (12) inches of a flat flexible material and visible three hundred sixty (360) degrees around the watercraft. Automated flags are prohibited.

C. No watercraft shall pull more than two (2) people at one time. No towed devices shall carry more than two (2) persons at one time.

D. Intentional dropping of skis is prohibited. Any ski dropped shall be retrieved immediately.

E. Class Four Watercraft shall not tow any object in the water. All Class Four Watercraft shall follow the same traffic pattern as required by all watercraft and shall not trail within one hundred (100) feet of other watercraft, skier, or towing device. Class Four Watercraft shall remain at least twenty-five (25) feet from other watercraft when passing or going alongside other watercraft.

F. Towing a ski kite or similar device is prohibited. Flying tubes are prohibited.

G. Wake surfing is prohibited. By way of example and not limitation, wake surfing is defined as a water sport in which a rider trails behind a watercraft, riding the watercraft's wake.

H. All persons being engaged in any water sport with the assistance of a motorized watercraft being pulled behind the vessel shall utilize a tow rope. Ropes or lines utilized to tow skiers or wake boarders or equipment utilized for recreational purposes that are towed behind a watercraft shall be attached to the watercraft by a tow rope at least forty (40) feet in length measured from the point of the rope's attachment to the watercraft to the point where the rope is held by the skier or wake boarder or attached to the device that is being towed.

§5-1-4-1 Marking Buoys.

A. No unauthorized person shall move, deface, strike, or damage a marking buoy owned by CSCD.

B. No freeholder shall allow a person to move, deface, strike, or damage a marking buoy owned by CSCD.

C. Any person in violation of this rule may be required to forfeit their boat decal and lake and beach privileges for a period of three hundred sixty-five (365) days.

§5-1-5-1 Authority to Issue Citations.

CSCD Boat Patrol, any member of the Board of Directors of CSCD, the Director of Finance and Administration, and the Director of Operations and the Building Compliance Officer shall have the authority to issue citations for violations of the rules contained in Title Five.

TITLE SIX: FISHING

§6-1-1-1 General Fishing Rules.

- A. All CSCD fishing regulations shall be adhered to.
- B. A CSCD Beach Pass is required to fish from CSCD-owned property, such as dams, roads, and parks.
- C. Fishing with goldfish, carp, or other predatory fish is prohibited. The use of minnows is allowed. Releasing unused minnows of any kind into the lakes is prohibited.
- D. All fish stocking shall be approved and authorized by the CSCD.

§6-1-2-1 Bag and Size Limits.

The CSCD Ecology Commission makes recommendations to the CSCD Board of Director's to establish bag and size limits for fish taken from the waters of Cordry and Sweetwater Lakes. No recommended amendment by the Ecology Commission shall become effective until the amendment is approved by the CSCD Board of Directors.

§6-1-2-2 Smallmouth and Largemouth Bass.

- A. No smallmouth bass measuring under twenty (20) inches may be taken. No largemouth bass measuring between thirteen (13) inches and twenty (20) inches may be taken. Daily possession limit of largemouth bass less than thirteen (13) inches per angler is twenty-five (25). Aggregate daily possession limit of smallmouth and/or largemouth bass over twenty (20) inches is one (1) per angler, although release is encouraged. An angler who violates this section commits a Class One violation.
- B. Notwithstanding the foregoing, any bass fishing tournaments sponsored by the Cordry-Sweetwater Anglers Club and approved by CSCD are not subject to the length limitations specified herein during the course of any tournament, provided that, at the conclusion of the tournament, no more than ten (10) fish allowed to be legally taken pursuant to §6-1-2-2 may be retained by any tournament angler, and that every reasonable effort shall be made to maintain all other fish in a healthy condition and return them to the lake, with the exception of any that may expire and can therefore be retained by the angler.
- C. The CSCD Board of Directors may, at a regular or special meeting, suspend or revise the minimum length requirement and the bag limit established in §6-1-2-2 by declaring a moratorium of the enforcement of the minimum length requirement and bag limit.
- D. An Angler who violates this Section commits a Class One violation.

§6-1-2-3 Bluegill and Red-Ear Sunfish.

A. Aggregate daily possession limit per angler of either bluegill and/or red-ear sunfish is twenty-five (25). No more than ten (10) shall be red-ear sunfish. An angler who violates this section commits a Class One violation.

B. An angler who possesses more than fifty (50) but less than seventy-six (76) bluegill or red-ear sunfish commits a Class Two violation. An angler who possesses seventy-six (76) or more bluegill or red-ear sunfish commits a Class 3 violation.

§6-1-2-4 Black Crappie.

A. Aggregate daily possession limit per angler of black crappie is twenty-five (25).

B. An angler who possesses more than twenty-five (25) but less than fifty (50) black crappie commits a Class One violation. An angler who possesses more than fifty (50) but less than seventy-six (76) black crappie commits a Class Two violation. An angler who possesses seventy-six (76) or more black crappie commits a Class Three violation.

§6-1-3-1 Cleaning Prohibition.

A. Fish may not be gutted, filleted, or otherwise cleaned while on the waters of Cordry or Sweetwater Lakes. An angler who violates this section commits a Class One violation.

§6-1-4-1 Inspection.

A. As a condition of being allowed to fish the waters of Cordry or Sweetwater Lake, CSCD requires that all anglers consent to an inspection for purposes of species' identification, counting and measurement, of all fish taken. Inspection shall include the viewing of the contents of closed containers, such as coolers or live wells; if CSCD authorized representatives reasonably believe that the containers might contain fish. The inspection shall be conducted by CSCD authorized representatives, which shall include, but not be limited to, CSCD boat patrol personnel and members of the CSCD Board of Directors. CSCD, acting by and through its Board of Directors, may, from time to time, authorize other CSCD employees, directors, officers and agents to perform inspections. An angler who violates this subsection commits a Class Three violation.

§6-2-1-1 Fishing Penalties.

A. A person who commits three (3) Class One violations within a twelve (12) month period shall not be permitted to fish the waters of Cordry or Sweetwater Lake for a period of twelve (12) months.

B. A person who commits two (2) Class Two violations or one (1) Class One violation and one (1) Class Two violation within a twelve (12) month period shall not be permitted to fish the waters of Cordry or Sweetwater Lake for a period of twelve (12) months.

C. A person who commits one (1) Class Three violation shall not be permitted to fish the waters of Cordry or Sweetwater Lake for a period of twelve (12) months.

D. The decal issued to the watercraft upon which three (3) Class One violations occur within a twelve (12) month period, together with all other decals issued to the owner of the watercraft, shall be revoked for a period of twelve (12) months.

E. The decal issued to the watercraft upon which two (2) Class Two violations or one (1) Class One violation and one (1) Class Two violation occurs within a twelve (12) month period, together with all other decals issued to the owner of the watercraft, shall be revoked for a period of twelve (12) months.

F. The decal issued to the watercraft upon which one (1) Class Three violation occurs, together with all other decals issued to the owner of the watercraft, shall be revoked for a period of twelve (12) months.

G. Upon the issuance of a citation for violation of the Fishing Harvest Rules, the CSCD representative issuing the citation shall take custody of all fish in the possession of the violator. Fish confiscated as a result of the issuance of a citation shall be photographed, counted, and if the violation is the possession of undersized fish, measured. Thereafter, the confiscated fish may be disposed of in a manner to be determined by the Ecology Commission.

TITLE SEVEN: OTHER RECREATIONAL USES

§7-1-1-1 Swimming.

A. There shall be no swimming or floating on rafts, tubes, or any flotation device in the areas designated for skiing, as defined by the buoys, during the green light period except for downed persons waiting to be retrieved by the towing craft.

B. Under a green light, no swimming is permitted outside of the “no wake” zone.

§7-1-1-2 Floating Platforms & Buoys.

A. Floating platforms shall include, but not be limited to, single person mats, air mattresses, or bounce or trampoline-type platforms.

B. Floating platforms and buoys shall not extend past twenty-five (25) feet from the shore. At no time shall a platform take up more than twenty-five percent (25%) of a cove. At no time shall a platform, buoy, or swimmers around the platform or buoy, become a navigational impediment. When swimmers are not present, these platforms and buoys shall be pulled and secured to the shore or attached to the dock and not extend past the dock.

C. Any floating platform or buoy in violation of this rule is subject to removal by CSCD staff.

§7-1-2-1 Beach Rules.

A. One valid CSCD identification card (Beach Pass) is required for freeholders and guests to use the beach and park areas. The beach pass is issued free and shall not be duplicated. There is a charge to issue a replacement, and an affidavit shall be signed stating the original was lost.

B. To receive a beach pass, a freeholder shall score one hundred percent (100%) on the Zebra Mussel Awareness Course.

C. Upon arrival or when requested, the Beach Pass shall be presented to the beach attendant or other authorized CSCD employee.

D. A Beach Pass entitles a freeholder use of the beach for the freeholder and up to fifteen (15) guests. Should a freeholder desire to host more than fifteen (15) guests, a Recreational Facilities agreement is required under Title 9 herein.

E. No vehicles, boats, or trailers are permitted within the boundaries of the beach. No fishing is permitted within the boundaries of the beach at any time.

F. No domestic animals are allowed within the beach area, including the sand area and grass area east of Sunset Drive.

G. Watercraft, including paddle boards, are prohibited within the beach area.

H. Use of the beach is a privilege. Violators of beach rules will be issued a citation. A violation of beach rules may result in the revocation of the beach pass for a period of three hundred sixty-five (365) days.

§7-1-3-1 Scuba Diving.

A. Divers shall be permitted to dive in the idle zones at any time.

B. Diving shall be permitted outside of the idle zones during the yellow light period only.

C. Night divers shall use underwater lights.

D. Diving activities other than those described herein require a Recreational Facilities agreement under Title 9.

§7-1-3-2 Diver Defined.

As used in these Rules, "Diver" means an individual who is:

A. Wholly or partially submerged in Cordry or Sweetwater Lake; and,

B. Equipped with:

(1) a facemask and snorkel; or,

(2) an underwater breathing apparatus.

§7-1-3-3 Diver's Down Flag.

A diver shall prominently display a diver's down flag in the area in which the diving occurs, except when diving in an area customarily used for swimming only. The diver's down flag:

A. must be free flying; and,

B. shall be lowered when all divers are aboard or ashore.

§7-1-3-4 Minimum Requirements for Diver's Down Flag.

As used in these Rules, "Diver's Down Flag" means a flag that:

A. is at least twelve (12) inches wide by twelve (12) inches high;

B. is square or rectangular; and,

C. has a white diagonal stripe on a red background that begins at the top staff side of the flag and extends diagonally to the opposite lower corner.

§7-1-3-5 Authority to Issue Citations.

CSCD Boat Patrol, any member of the Board of Directors of CSCD, the Director of Finance and Administration and the Director of Operations and Building Compliance Officer shall have the authority to issue citations for violations of the rules contained in Title Seven.

TITLE EIGHT: SEPTIC INSPECTIONS

§8-1-1-1 Authority to Adopt Rules Relating to Septic Systems.

One of the purposes for which the CSCD was established is to provide for the collection, treatment, and disposal of sewage and other liquid waste. To accomplish that purpose, the District requires that each septic system located within the boundaries of the CSCD be cleaned and inspected at least once every five (5) years.

§8-1-1-2 Septic Systems Required to be Cleaned & Inspected at Least Once Each Five Years.

Each freeholder owning land within the CSCD upon which is located a septic system shall, at the freeholder's expense, cause the system to be cleaned and inspected by an inspector approved by the CSCD at least once every five (5) years. The results of the inspection shall be provided to the CSCD immediately upon completion of the inspection. The CSCD shall notify freeholders when the inspection is required.

§8-1-1-3 Penalties for Failure to Inspect and Clean.

Failure to have a freeholder's septic system inspected and cleaned when required to do so by the CSCD may result in the CSCD discontinuing water service to the freehold. Additionally, the CSCD may file suit to compel compliance with the septic inspection and cleaning requirement.

TITLE NINE: RECREATIONAL FACILITIES AGREEMENTS

§9-1-1-1 CSCD Recreational Facilities.

CSCD owns and operates a shelter house and private beach located adjacent to Sweetwater Lake and maintains walking trails and park areas, all of which may be utilized by freeholders (collectively, "Recreational Facilities"). There are two covered buildings adjacent to the beach; the more southerly shelter is referred to as the "Beach Shelter."

§9-1-1-2 Agreement Required.

Only freeholders are permitted to rent the Beach Shelter. Freeholders desiring to reserve the Beach Shelter or utilize the Recreational Facilities accompanied by more than fifteen (15) guests must enter into a Recreational Facilities Agreement. In cases where freeholders request use of CSCD facilities which would not be authorized under these rules, approval may be requested from the CSCD Board of Directors.

§9-1-1-3 Capacity of Beach Shelter.

The maximum capacity of the Beach Shelter is one hundred six (106) persons; the capacity shall not be extended by any other agreement.

§9-1-1-4 Fees

In order to defray the costs associated with the issuance and administration of a Recreational Facilities Agreement, the CSCD Board of Directors shall establish reservation fees and/or security deposit, which must be paid at the time that the agreement is submitted for approval. If the agreement is not approved, all funds will be promptly refunded to the freeholder.

Cordry Sweetwater Conservancy District, Cordry Sweetwater Volunteer Fire Department, Cordry Sweetwater Lot Owners Association, the Anglers Club, and Church of the Lakes are exempt from paying reservation fees, but otherwise are bound by these rules and the terms in the Recreational Facilities Agreement, including, but not limited to the septic rules.

§9-1-1-5 Use of Beach Shelter and Sweetwater Beach.

The Beach Shelter, Sweetwater beach, walking trails and parks are private facilities reserved for use exclusively by freeholders and their guests. Guests must be accompanied at all times by the freeholder who entered into the Recreational Facilities Agreement; however, if an emergency arises requiring the freeholder who entered into the agreement to be absent, the freeholder must designate a freeholder who has the authority to act on behalf of the absent freeholder and immediately notify the beach attendant that the responsible freeholder will be absent and provide the name and contact information for the absent freeholder's designee.

§9-1-1-6 Agreement; Contents.

The CSCD Director of Operations & Building Compliance Officer and the Director of Finance & Administration ("CSCD Directors") are authorized and directed to prepare written agreements containing terms, conditions, and requirements relating to the use of the recreational facilities, addressing issues which include, but are not limited to:

- A. Security.
- B. Cleanliness and trash removal.
- C. Activities occurring at the recreational facilities.
- D. Environmental protection.
- E. Event compatibility with freeholder's use of CSCD works of improvement.
- F. Noise and light control.
- G. Consumption of alcohol.
- H. Insurance.
- I. Parking and traffic.
- J. Damage to CSCD property.
- K. Designation of responsible freeholder.
- L. Other matters as determined by the CSCD Directors.

Such terms and conditions are subject to final approval by the CSCD Board of Directors. The CSCD Directors are authorized to approve and execute agreements related to the use of recreational facilities. The CSCD Board of Directors must approve any use that the CSCD Directors determine falls outside the confines of that agreement or these rules.

§9-1-1-7 Freeholder Liability for Rule Violations.

The freeholder entering into a Recreational Facilities Agreement is responsible for the conduct of all guests. A rule violation by a guest is considered a rule violation by the freeholder and may result in the imposition of the penalties set forth in Section 9-1-1-10.

§9-1-1-8 Commercial Use Prohibited.

No CSCD facility shall be rented or utilized for any commercial purpose. Commercial purpose is defined, but not limited to, the sale, advertisement or solicitation of the purchase of merchandise, goods or services. "Commercial Purpose" does not include charitable events.

§9-1-1-9 Restriction on Advertising.

Events held at CSCD facilities may be advertised to freeholders of CSCD. No other advertising is permitted, including, but not limited to, advertising on social media and advertising by electronic means, flyers, newspapers, posters, radio, or television.

§9-1-1-10 Penalties for Violation.

Any violation of these rules or the rules set out in a Recreational Facilities Agreement may result in the freeholder and all guests being immediately ejected from the facility, forfeiture of security deposit, and/or prohibition on future rentals of facilities by freeholder who executed agreement, or by any freeholder, for the purpose of conducting the activity at which the rule violation occurred.

TITLE TEN: ENFORCEMENT

§10-1-1-1 Enforcement.

All citations shall be referred to the Security or Ecology Commission as provided for in these Rules. Any freeholder to whom a citation has been issued for violation of CSCD Rules has a right to appeal the citation. Any violation of the Rules by a freeholder or their guest shall be documented as one (1) citation. Any loss of boating, fishing, or beach privileges occurring as a result of the issuance of a citation shall commence upon the date established by the CSCD Board of Directors. Each freeholder is responsible for informing his/her guests of these Rules and ensuring that the Rules are followed. Citations for violation of rules shall be issued to the registered owner of the watercraft involved in the violation. Citations for violations of §7-1-2-1 shall be issued in the name of the freeholder to whom the beach pass was issued. The procedure to appeal a citation is set forth in Title Eleven.

TITLE ELEVEN: CONSERVANCY DISTRICT MARSHAL

§11-1-1-1 General Provisions.

A. The CSCD may employ a Conservancy District Marshal and not more than six (6) deputies.

B. The CSCD may expend such sums as may be necessary to create, equip, staff, and maintain a Conservancy District Marshal's Office, including, but not limited to, funds for the employment of a Conservancy District Marshal, and not more than six (6) deputies, the purchase of vehicles, the purchase of such supplies and equipment as may be required, and the creation of such infrastructure as may be necessary, in amount as determined from time-to-time by the Board of Directors.

TITLE TWELVE: APPEALS

§12-1-1-1 Right to Appeal Citation.

All citations for rule violations shall be referred to either the Security or Ecology Commission as provided for in these rules. A freeholder to whom a citation has been issued for violation of CSCD rules has a right to appeal the citation.

§12-1-1-2 Proceedings Before the Commissions.

Upon receipt of a citation, the appropriate Commission shall consider the facts and circumstances surrounding the citation and make a recommendation to the CSCD Board. A violation of the Title Six Fishing Rules shall initially be heard by the Ecology Commission. A violation of any other rule shall initially be heard by the Security Commission. If a freeholder to whom the citation has been issued has filed a notice of appeal, the Commission shall give the freeholder an opportunity to present such evidence to the Commission as the freeholder deems appropriate which is relevant to the facts and circumstances surrounding the citation. At the conclusion of the hearing, or if no appeal has been taken, the Commission shall make a written recommendation regarding the disposition of the citation to the Board of Directors of CSCD.

§12-1-1-3 Proceedings Before the Board of Directors.

The Board of Directors of CSCD shall have the authority to make a final determination concerning whether a rule violation has occurred as alleged in the citation. Commission recommendations regarding citations shall be considered by the Board at a regular or special meeting and if a freeholder has appealed the citation, the Board shall consider any evidence offered by the freeholder which is relevant to the facts and circumstances surrounding the citation. If the Board determines that a violation as alleged in the citation has occurred, the Board shall then determine the appropriate penalty. If the Board determines that a violation as alleged in the citation has not occurred, the citation shall be dismissed. If the Board determines that a violation of the rules as alleged in the citation has occurred, the Board may do any of the following:

- (a) Impose the penalty for violation as provided in the rules.
- (b) Limit the use of the watercraft.
- (c) Place the freeholder on probation under terms decided by the Board for a period of time that can extend one (1) year beyond the period of time that the decal could have been revoked.
- (d) Revoke the decal or beach pass for any period of time less than the period of time provided for in the rule.
- (e) Impose any combination of the penalties set forth above.

§12-1-1-4 Time Periods Applicable to Appeals.

A. A notice of appeal by a freeholder shall be considered given when the notice is received, in writing, at the CSCD Office. The notice of appeal must be delivered within ten (10) days of receipt of the citation. The Commission authorized to consider the citation and consider a freeholder appeal shall do so at the Commission's next regular or special meeting unless the citation is received less than ten (10) days prior to the next Commission meeting, in which case the citation may be considered at the Commission's next regular or special meeting occurring subsequent to the meeting immediately following the receipt of the citation.

B. Upon making a recommendation, the Commission shall immediately submit the recommendation to the Board of Directors of CSCD. The Board of Directors of CSCD shall consider the recommendation at the Board's next regular or special meeting immediately following receipt of notice of the Commission's recommendation, or at a subsequent regular or special meeting as determined by the Board. The Board shall give notice to the freeholder of the date and time that the citation will be considered.

C. Failure to give notice of appeal as required by subsection (A), will result in the loss of the freeholder's right to appeal; provided, however, that for good cause shown, the Board may waive the notice requirement and consider any evidence submitted by a freeholder relevant to the facts and circumstances surrounding the citation.

TITLE THIRTEEN: PROCEDURES FOR ADOPTION OF RULES & AMENDMENTS

§13-1-1-1 Promulgation Procedures.

A. Amendments and proposed new rules may be introduced at any regular or special meeting of the Board of Directors of CSCD by either a Board Member, CSCD Staff, or a Commission Chair.

B. After its introduction, the Board may, but is not required to, refer the proposed rule or amendment to a Commission.

C. For proposed rules referred back to the Commissions, the Commissions shall review the proposed rule at the Commission's next regular or special meeting occurring after the rules have been referred to the Commissions. The Commissions shall make any recommendations to the CSCD Board, in writing, at least five (5) days prior to the CSCD's Board's next regular or special meeting.

D. The CSCD Board may consider the rule for adoption at any subsequent meeting after the rule is introduced.

§13-1-1-2 Adoption of New Rule or Amendment.

Notwithstanding anything contained in §13-1-1 to the contrary, the CSCD Board may adopt a new rule or amend a proposed rule at the meeting at which the new rule or amendment is introduced if all CSCD Board Members present vote unanimously to consider the new rule or amendment under suspension of the rules.