

Mooring of Boats on Public Waters

Section 270:59

270:59 Definitions. –

In this subdivision:

- I. "Director" means the director, division of state police, department of safety.
- II. "Division" means the division of state police, department of safety.
- III. "Mooring" when used as a noun, means a mooring anchor, or other fixed object or stationary point, with or without a mooring buoy together with attached chains, cables, ropes, and pennants and related equipment used for the purpose of securing watercraft.
- IV. "Mooring anchor" means any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water body, which is designed to be attached by a chain, cable, rope, or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.
- V. "Mooring area" means an area which has been designated as an appropriate location for a concentration of individually permitted moorings to be placed.
- VI. "Mooring buoy" means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.
- VII. "Mooring field" means any group of 5 or more moorings with individual moorings located according to a plan and maintained by an individual, organization, business, or governmental entity which is responsible for assignment of mooring locations and general supervision of the mooring field.
- VIII. "Shorefront property" means any property recognized as a legal building lot by a municipality, having shore frontage on public waters. "Shorefront property" shall include:
 - (a) A lot on the public waters that is divided by a road so that the buildable portion of the lot is on the opposite side of the road from the public waters or divided by an exclusive right-of-way which has been acquired as a result of an eminent domain proceeding which resulted in the break or loss of property between the property owner's residence and shore frontage.
 - (b) A lot of record with not less than 50 feet of frontage. A lot with less than 50 feet of frontage may be included if the lot owner obtains the written consent of the abutting property owner that the abutting property may be included in the footage calculation. Such consent shall be signed by both parties, notarized and filed with the mooring application. Shorefront property shall not mean a deeded right-of-way, nor shall it mean lots not contiguous to the shore with any other type of legal shorefront access. For the purposes of this subdivision, property owned in common by condominium associations or other groups shall be deemed owned by the group and shall not convey any rights under this subdivision to its individual members.
- IX. "Public mooring field" means a mooring field that is not a congregate mooring field.
- X. "Congregate mooring field" means a mooring field dedicated to homogeneous use group.
- XI. "Small mooring sites" means sites consisting of 2 to 4 moorings, inclusive.

Source. 1987, 324:1. 1989, 284:2, 3. 1995, 240:1, 2, eff. Aug. 18, 1995. 2011, 224:257, eff. July 1, 2011.

Section 270:60

270:60 Statement of Intent. –

- I. The general court finds that:
 - (a) Water is a public resource held in trust by the state and that the state maintains jurisdiction to control the use of public waters for the greatest public benefit; and
 - (b) The public waters are a significant asset which enhance the well-being and lifestyle of the state's citizens, benefit the state's substantial tourist industry and the environment, and are a habitat for many fish and wildlife; and
 - (c) That undue proliferation of moorings is detrimental to the integrity of the state's waters and the public's enjoyment thereof.
- II. The general court intends to establish through this subdivision a means of regulating the usage of moorings on

public waters. Existing moorings may be permitted in their existing locations, provided such moorings comply with the provisions of this subdivision.

III. The general court does not intend, by passage of this legislation, to convey to, create for, or recognize any rights of shorefront property owners.

Source. 1987, 324:1, eff. May 25, 1987.

Section 270:61

270:61 Mooring Permit Required; Limitations. –

I. Any person erecting, installing, maintaining, or exercising control over a mooring on Lake Winnepesaukee; Lake Winnisquam; Squam Lakes; Newfound Lake; Ossipee Lake; and Lake Sunapee shall obtain a mooring permit from the division as provided in this subdivision.

II. Any person applying for a mooring permit shall:

(a) Demonstrate to the satisfaction of the director that a need for the mooring exists:

(1) Either by furnishing the director with proof of a boat registration for each mooring requested, or for persons owning boats not requiring registration, proof of boat ownership for each mooring requested; or by showing that circumstances exist which require that a mooring be available for intermittent or temporary use; and

(2) By verifying that no other viable and safe alternative exists for securing the boat in question; and

(b) Show to the satisfaction of the director that he has legal access over land to such mooring; and

(c) Show to the satisfaction of the director that such mooring will not be sold or leased except as provided in RSA 270:67; and

(d) Furnish any additional information required by the director to determine that a proposed mooring meets the requirements of this subdivision.

III. Unless a special exception is granted under RSA 270:65, or a mooring field or mooring area has been permitted under RSA 270:67 or 270:68, no more than one mooring shall be permitted adjacent to any shorefront property. This limitation shall apply regardless of the uses or permitted uses, number of owners or others with legal access, or type of ownership of that property, and shall not be construed to exempt any applicant from meeting all of the requirements of this subdivision.

IV. After July 1, 1989, the director or the director's agents shall remove or cause the removal of any mooring, and any boat that may be moored to it, on the lakes cited in paragraph I if it does not have the appropriate decal. Such removal shall be without the right to a prior hearing and at the expense of the owner of the mooring pursuant to RSA 270:66, IV.

V. It shall be illegal for a permittee, without approval of the division, to move or cause to be moved a mooring that has been approved in a particular location by the division.

VI. The department shall not deny a mooring permit to any person, or place any limitations on the type of craft permitted at a mooring, when reasonable need exists, there is no opposition from abutters, there is no evidence that the mooring will interfere with navigation, and the mooring is in compliance with RSA 270:64.

VII. An owner of shorefront property separated from the main water body by a manmade structure shall be granted a permit for a mooring on the main body of water if the need for the mooring is established and if the conditions of RSA 270:64, I are met.

Source. 1987, 324:1. 1989, 284:1; 368:4. 1995, 240:3. 1997, 21:1, 2. 2004, 257:22. 2008, 315:2, eff. Aug. 31, 2008.

Section 270:61-a

270:61-a Petitions to Require Permits: Hearings. –

I. The commissioner of safety shall, after receiving a petition signed by 25 or more residents or property owners of each affected town or towns in which a lake, pond, or river is located and after notice and hearing at which it appears that the public interest requires the use of mooring permits, amend the rules adopted under this subdivision to require mooring permits on the body of water. The provisions of this subdivision and associated rules shall then apply to such water body.

II. The commissioner of safety shall hold a public hearing to determine whether to grant a petition submitted under paragraph I. In determining whether to grant the petition, the commissioner shall take into consideration the following factors:

- (a) The size of the body of water.
- (b) Public safety.
- (c) The maintenance of residential, recreational, and scenic values.
- (d) The variety of uses of the body of water.
- (e) The environment and water quality.
- (f) Threatened and endangered species.
- (g) The number of people affected, either directly or indirectly.
- (h) The availability of moorings to the non-shorefront owning public.

III. The commissioner of safety shall schedule the public hearing at a date and time which provides interested individuals with sufficient notice, and at a location in the vicinity of the body of water under consideration. If mooring permits are required under this section, the effective date of such requirement shall be no earlier than October 1 of any given year.

Source. 2008, 315:1, eff. Aug. 31, 2008.

Section 270:62

270:62 Decal Issuance; Display; Replacement; Renewal; and Fee. –

- I. The division shall issue a decal containing a control number for any mooring to any person who has completed the permit application procedure adopted pursuant to RSA 270:71 and met the requirements of this subdivision and applicable rules. A record of the issuance of the decal for a particular mooring shall be maintained by the division.
- II. The decal shall be affixed to the mooring buoy according to rules adopted by the division under RSA 541-A.
- III. If the decal is lost, destroyed, or removed from the mooring buoy, the owner shall notify the division as soon as possible and shall apply for a replacement decal.
- IV. Any decal issued pursuant to this subdivision shall be valid until December 31 of each year. Decals shall be renewed prior to the use of the mooring in the following year.
- V. A fee of \$125 shall be charged for each initial decal issued pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a. An annual mooring fee of \$50 for each mooring in a congregate mooring field and \$25 for each mooring not in a congregate mooring field shall be charged for each decal renewed pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.
- VI. A hearing shall not be required for the renewal of a permit for a congregate mooring field, unless there are changes in the permit or a hearing is requested after notice has been issued.

Source. 1987, 324:1. 1989, 284:6. 1995, 240:5. 1999, 193:5. 2006, 75:1, eff. Jan. 1, 2007.

Section 270:63

270:63 Transfer of Mooring Permits Prohibited. –

- I. A mooring permit shall not be construed as ownership of any real or personal property and shall not be transferred to any other person or location by gift, sale, lease, or rent except as provided in RSA 270:67.
- II. No person shall charge or be charged for the use of a mooring by any other person except as provided in RSA 270:67.

Source. 1987, 324:1, eff. Jan. 1, 1988.

Section 270:64

270:64 Moorings Prohibited. –

- I. No mooring shall be located:
 - (a) In such a manner that it constitutes a hazard to the public safety because it interferes with or impedes, or could potentially interfere with or impede, navigation; or
 - (b) In such proximity to other moorings as to constitute a hazard to public safety; or
 - (c) In such a manner that it presents an unreasonable adverse effect on the environment, including but not limited to

water quality, wildlife habitats, or natural areas; or

(d) In such a manner that it unreasonably interferes with other recreational uses of the water and adjacent land.

II. The director shall develop rules to carry out the purposes of this subdivision pursuant to RSA 270:71 and RSA 541-A.

III. The director shall consult with the fish and game department, the department of environmental services, or the office of strategic initiatives to assist in the assessment required under subparagraph I(c).

Source. 1987, 324:1. 2004, 257:23, eff. July 1, 2004. 2017, 156:64, eff. July 1, 2017.

Section 270:64-a

270:64-a Docking, Mooring Prohibited. –

I. (a) No person shall dock, moor, make fast, or otherwise secure a vessel to a dock, mooring, or pier of another, knowing that the person is not licensed or privileged to do so.

(b) No person shall anchor within an approved congregate or public mooring field.

II. The commissioner of the department of safety may adopt rules pursuant to RSA 541-A relative to the operation, mooring or anchoring of commercial and construction vessels and barges.

III. No person shall cause a vessel that he is operating or otherwise in control of, to remain secured in violation of this section in defiance of an order to move such vessel or have such vessel removed, which was personally communicated to him, whether verbally or in writing by the owner or authorized agent of the owner of the structure or other property or by a peace officer.

IV. For the purpose of this section, the commissioner of safety or any peace officer with jurisdiction, may impound any vessel found to be in violation of this section or may order the removal and storage at a place of safekeeping of any such vessel. All reasonable charges of such impoundment, removal and storage shall be a lien against the boat.

V. Any person who violates the provisions of this section or any rules adopted under this section shall be guilty of a violation for a first offense and a misdemeanor for any subsequent offense.

Source. 1987, 324:1. 1991, 369:5. 1995, 240:4, eff. Aug. 18, 1995.

Section 270:65

270:65 Special Exceptions. – The division of state police shall propose rules to develop standards for granting special exceptions for the placement of from 2 to 4 moorings adjacent to a shorefront property. The placement of 5 or more moorings adjacent to a shorefront property shall require approval pursuant to RSA 270:67, I and II.

Source. 1987, 324:1. 2003, 319:9. 2004, 257:24, eff. July 1, 2004. 2011, 224:258, eff. July 1, 2011.

Section 270:66

270:66 Removal of Moorings; Powers of Director. –

I. The director or his agents shall remove or cause the removal of, or shall move or cause the moving of, any mooring, mooring component, or boat attached to it, or any combination thereof, which:

(a) Is in violation of RSA 270:63; or

(b) Is in violation of RSA 270:64; or

(c) Does not bear the decal required under RSA 270:62; or

(d) Constitutes a hazard to public safety because of the manner in which it is constructed or maintained; or

(e) Bears a permit which was obtained by falsification in the permit application process; or

(f) Is ordered removed pursuant to RSA 270:69; or

(g) Is in violation of RSA 270:61, IV or V.

II. The director or his agents shall remove or cause the removal of a mooring and any boat attached to it when the removal of the mooring, mooring component, or boat is authorized under paragraph I. The person who owns or controls the mooring shall have the right to request a hearing before the appeals board as established in RSA 270:69.

III. The owner of record of the boat or mooring, if known, shall be notified, by the director or his agents, of the removal, by certified mail with return receipt requested, within 5 days of removal. The owner may file an

application for appeal within 10 days after receipt of notification of removal of the boat or mooring. A hearing shall be held within 30 days of filing the application for appeal.

IV. Any boat or mooring which is removed pursuant to paragraph I shall be stored in a safe place and the owner shall be notified. Before he may reclaim a boat which has been removed pursuant to paragraph I, the owner shall reimburse the person who removes the boat for any costs incurred in transporting and storing the boat.

Source. 1987, 324:1. 1989, 284:5, eff. May 29, 1989; 368:1, eff. June 5, 1989.

Section 270:67

270:67 Public and Congregate Mooring Fields; Permit Required. –

I. Public Mooring Fields.

(a) The division of state police shall identify suitable locations for public mooring fields and prioritize the need for the development of such sites. In determining said locations the division of state police shall recommend each location size and the configuration of each public mooring field. Further, it shall be determined by the division of state police that adequate access exists to serve the needs of the users of the public mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said site proposal may be conducted by the division of state police. The division of state police shall review all recommendations received and submit their final site proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

(b) The division shall issue a permit to any applicant for a mooring in a public mooring field who fulfills the mooring requirements in this subdivision subsequent to approval under subparagraph (a).

(c) Each public mooring field applicant shall be assessed a fee of \$25 which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

(d) No mooring shall be sold or leased except as provided in this section.

II. Congregate Mooring Fields.

(a) The division of state police may identify suitable locations for congregate mooring fields. In determining said locations the division of state police shall recommend each location size and the configuration of each congregate mooring field. Further, it shall be determined by the division of state police that adequate access exists to serve the needs of the users of the congregate mooring field. Said site proposal shall then be transmitted to the respective political subdivision or subdivisions in which the proposed mooring field is to be located, where a public hearing on said proposal may be conducted by the division of state police. The division of state police shall review all recommendations received and submit their final proposal to governor and council for approval. All such recommendations shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvement programs of the adjacent municipality.

(b) Subsequent to approval by the governor and council, the division shall issue a permit to any applicant for a congregate mooring field who shows that:

(1) The location and size of the congregate mooring field meet the criteria established pursuant to RSA 270:71; and

(2) Adequate access exists to serve the needs of the users of the congregate mooring field; and

(3) The congregate mooring field will comply with the provisions of RSA 270:64; and

(4) No mooring shall be sold or leased except as provided in this section.

(c) Each congregate mooring field permitted by the director shall be assessed an annual mooring fee of \$25 for each mooring installed in the congregate mooring field which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

(d) Operators in charge of maintaining congregate mooring fields may charge no more for the use of a mooring than an amount which reasonably covers the costs of mooring installations and maintenance. Said charges shall be reported to the division of state police who shall submit an annual report to the governor and council and the general court on all congregate mooring fields.

III. Notwithstanding RSA 270:61, III, small mooring sites may be established without the approval of governor and council, but subject to the approval of the division. Such sites shall be only for the use of motels, cottages, condominiums, other rental property, or homogeneous use group.

Source. 1987, 324:1. 1989, 284:4. 1999, 193:6, 7. 2003, 319:9. 2004, 257:25, eff. July 1, 2004. 2011, 224:259-261, eff. July 1, 2011.

Section 270:68

270:68 Mooring Areas; Designation. –

I. The division shall determine the need and suitable locations, size, and configuration for mooring areas. The director shall designate appropriate mooring areas and assign mooring sites within such designated areas to individuals who meet all other requirements of this subdivision and can demonstrate a need for a site in such area. All designated mooring areas shall be consistent with any existing master plans, zoning ordinances, wetlands conservation district ordinances, and capital improvements programs of the adjacent municipality.

II. Any mooring which does not comply with the specifications of this section may be subject to removal at the owner's expense.

Source. 1987, 324:1. 2003, 319:9. 2004, 257:26, eff. July 1, 2004.

Section 270:69

270:69 Appeals Board Established. – There is hereby established a moorings appeals board which shall hear and decide appeals of any decisions made under this subdivision. The moorings appeals board shall conduct its hearings according to the provisions of RSA 541-A for adjudicative proceedings. The board shall consist of 3 persons to be nominated by the governor with approval of the council for terms of 3 years each. The initial appointments to the board shall be in staggered terms as determined by the governor and council.

Source. 1987, 324:1, eff. May 25, 1987.

Section 270:70

270:70 Liability. – Nothing in this subdivision shall relieve the holder of a mooring permit from liability relating to water pollution, accidents, or other liabilities associated with a mooring or boat ownership.

Source. 1987, 324:1, eff. Jan. 1, 1988.

Section 270:71

270:71 Rulemaking. –

I. The director of the division shall adopt rules under RSA 541-A relative to:

- (a) The content and design of all forms and permits necessary under this subdivision.
- (b) The method of filing applications for mooring permits and standards to be met pursuant to RSA 270:64.
- (c) Procedures for the issuance, renewal, and replacement of decals.
- (d) The proper placement of decals on a mooring buoy.
- (e) The use, design, weight or size, construction, lighting, placement (including safe spacing), and required maintenance of individual moorings.
- (f) Procedures and criteria for identifying the location and size of public and congregate mooring fields.
- (g) The use, operation, design, maintenance, and lighting of mooring areas, taking into account variations in factors including but not limited to water depth, shoreline configuration, wind exposure, domestic water use in the area, other environmental conditions and effects, and other similar factors. These rules shall include the placement of individual moorings within areas, the configuration and design of grid positions, and minimum distances between individual moorings.
- (h) Procedures for designating mooring areas.
- (i) Criteria to determine when an applicant:
 - (1) has a need for a mooring; and
 - (2) has legal access over land; and

(3) does not intend to sell or lease moorings, except as provided in RSA 270:67, II.

(j) The enforcement of this subdivision, including methods and time of inspections of moorings.

(k) Classifying permits according to length and weight of the boat.

II. The office of strategic initiatives and the department of environmental services shall review these rules and make recommendations to the division.

III. The director shall initiate the rulemaking process required by this subdivision by December 1, 1987.

Source. 1987, 324:1. 1989, 284:7. 1996, 228:47; 296:38. 2003, 319:9. 2004, 257:44, eff. July 1, 2004. 2017, 156:64, eff. July 1, 2017.

Section 270:72

270:72 Penalties. –

I. Except as provided in paragraph II, any person violating the provisions of this subdivision shall be guilty of a violation for the first offense and guilty of a misdemeanor for any additional offenses.

II. Any person who steals or falsifies a decal issued under RSA 270:62 shall be guilty of a misdemeanor.

III. The director may deny an application for a subsequent mooring permit to any person found to have violated the provisions of this subdivision.

IV. Any person who moors or attaches a boat or vessel to a mooring which has not received a permit pursuant to this subdivision shall be guilty of a violation for the first offense and guilty of a misdemeanor for a subsequent offense.

Source. 1987, 324:1. 1989, 284:8, eff. May 29, 1989.

PART Saf-C 408 MOORINGS

Saf-C 408.01 Lakes Covered. Saf-C 408 shall only apply to moorings on Lake Winnepesaukee, Squam Lakes, Lake Sunapee, Lake Winnisquam, Newfound Lake, Ossipee Lake, Bow Lake, and Pleasant Lake.

Saf-C 408.02 Abutter. For the purposes of this part, “abutter” means the record owner of land immediately adjacent to, and/or of any portion of land that is located within 300 feet of the boundaries of the proposed mooring field, including properties adjacent to the water within 300 linear feet, such as in the case of coves.

Saf-C 408.03 Mooring. Only one boat shall be attached to a mooring.

Saf-C 408.04 Mooring Permit Required. No person shall erect, install, maintain, use or have control over a mooring on any body of water specified in Saf-C 408.01, unless a mooring permit has been issued by the division.

Saf-C 408.05 Mooring Permit Application.

(a) Each applicant for a mooring permit pursuant to RSA 270:61 shall complete:

- (1) Form DSSS 18, application for an individual mooring permit, if applying for one to 4 moorings;
- (2) Form DSSS 19, application for a congregate mooring permit, if applying for a congregate mooring field that is 5 or more moorings; and
- (3) Form DSSS 33, application for a public mooring field permit, if applying for a public mooring field, that is 5 or more moorings.

Saf-C 408.06 Individual Mooring Permit Application.

(a) The owner of the shorefront property or the owner of the shorefront property allowing access to the mooring shall complete form DSSS 18.

(b) An applicant shall provide the following on form DSSS 18:

- (1) Name, shorefront and mailing address, telephone number and cellular telephone number, if available of the mooring owner;
- (2) Name, address, telephone number and cellular telephone number, if available, of the contact person for the mooring owner, if applicable;
- (3) Name of the body of water on which the proposed mooring will be located;

- (4) Adequate directions for locating the mooring by both water and land;
- (5) Town or city tax map and lot number of the shorefront property adjacent to which the mooring shall be placed;
- (6) The water depth where the mooring is located;
- (7) If the mooring will be used by another person, the person's name, address and telephone number, along with an explanation of the request;
- (8) Current copy of the boat registration for all boats used at the shorefront property;
- (9) If the boat does not require registration, the name of the boat's owner and full description of the boat, including length, color, make and model;
- (10) Name and address of all abutters;
- (11) The mooring owner's or contact person's signature and date signed;
- (12) Statement that no other viable and safe alternative exists for securing the boat;
- (13) Statement whether docking facilities exist, over which the applicant has control;
- (14) Statement that the mooring shall not be transferred, leased or sold;
- (15) A diagram or plan that includes the following:
 - a. The applicant's shore frontage in feet;
 - b. Name and shore frontage in feet of each abutter, located within 300 feet of the applicant's shore frontage;
 - c. The location and distance from shore of each mooring applied for; and
 - d. The location of all structures in the water in front of the applicant's or abutter's shore frontage, including:
 1. Docks;
 2. Personal watercraft or boat lifts;
 3. Other moorings;
 4. Swim rafts;
 5. Swim lines; and
 6. Navigational markers; and
- (16) An executed copy of a deed or lease of the shorefront property.

Saf-C 404.08 Swim Lines.

- (a) No person shall operate a boat within any permitted swim line on any public body of water.
- (b) No person shall put or place a swim line in any public body of water without prior written approval of the director.
- (c) An application for a swim line permit, form DSSS 41, shall be submitted to the director by the shore front property owner, or a contact person.
- (d) The following shall be submitted on form DSSS 41:
 - (1) Name, address, telephone number and cellular telephone number, if available, of the property owner;
 - (2) Name, address, telephone number and cellular telephone number, if available, of the contact person for the property owner, if applicable;
 - (3) Address of the shore front property;
 - (4) Name of the body of water;
 - (5) Lot number and tax map number of the shore front property;
 - (6) Name and address of adjacent abutters;
 - (7) Type of swim area, such as:
 - a. Private or individual swim area;
 - b. Town or state owned swim area; or
 - c. Private group or association swim area; and
 - (8) If a waiver is requested, a statement of need with a description of water depth and distance from shore.
- (e) An application for a swim line permit shall be signed and dated by the property owner or contact person.

(f) A diagram of the swim area that is accurate in relation to north shall be attached to form DSSS 41.

(g) The diagram referenced in (f) above shall be accurate in relation to north and contain the following:

- (1) Applicant's shore line and property line in feet;
- (2) The proposed swimline's location and dimensions in feet;
- (3) Water depth in feet at furthest point of the proposed swim line;
- (4) Location, dimensions and distance in feet to moorings, docks, or swim rafts located off the applicant's shore frontage; and
- (5) Adjacent abutter's shore frontage(s), and location, dimensions and distance in feet to moorings, docks, swim rafts or swim lines, located within 200 feet of the applicant's shore frontage.

(h) No swim line shall be approved which:

- (1) In the opinion of the director constitutes a hazard or obstruction to navigation;
- (2) Is placed closer than 20 feet from adjacent abutter property lines;
- (3) Has an open-sided configuration that would permit boats to enter the swim area;
- (4) Extends into the water beyond the point where the depth of water exceeds 6 feet or for a distance from shore of 50 feet, whichever occurs first; or
- (5) Diminishes the residential, recreational or scenic value of the public water in light of the competing uses for the enjoyment of the public water.

(i) Any waiver of the restrictions set forth in (h) above shall be requested and submitted to the director on form DSSS 41. The request shall include a detailed description of water depth and distance from shore.

(j) Upon receipt of a request for a waiver pursuant to (i) above, the director shall conduct a visual inspection of the proposed swim line site. A waiver shall be granted if the director determines that the proposed swim line does not constitute a hazard or obstruction to navigation and that the swim line does not diminish the residential, recreational or scenic value that the public water provides to all users. The conditions of the waiver shall appear on the swim line permit.

(k) A swim line permit shall expire on December 31 of each year.

Saf-C 404.09 Swim Rafts.

(a) Each swim raft placed in public waters shall display the owners name and shore front address plainly marked on the outside of such raft.

(b) Each swim raft placed in public waters shall display 12 square inches of reflective material at least half way up on all sides of the raft.

