

## **CHAPTER 4 USER PERMIT STICKER REGULATIONS**

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### **4.01 WATERWAY USER STICKER REQUIRED**

A. Except for Watercraft owned by local, state or federal governmental agencies, it shall be unlawful for any person to use any Watercraft on the Waterway unless the Watercraft (i) is properly titled and registered with the State of Illinois, as required by law ("Required State Registration"), and (ii) issued a valid Waterway User Sticker by the Agency.

B. Issuance of a Waterway User Sticker is a privilege, not a right, and is subject to suspension or revocation for violation of this Code.

C. The Agency charges User Fees for use of recreational and commercial Watercraft on the Waterway. All persons or entities desiring to operate a Watercraft on the Waterway shall apply for and pay the required User Fees for a Waterway User Sticker for in the manner prescribed by the Agency, including through the Agency's online application and payment systems. Upon receipt of a complete application and payment of all applicable fees, the Agency may issue a Waterway User Sticker.

D. An annual Waterway User Sticker authorizes use of the Watercraft upon the Waterway for one (1) calendar year, beginning January of the year issued.

### **4.02 APPLICATION FOR WATERWAY USER STICKER**

A. **Recreational User Stickers.** All persons or entities desiring to operate a Watercraft on the Waterway for recreational purposes shall apply for and pay for a Waterway User Sticker in the manner prescribed by the Agency. ("Recreational User Sticker").

#### **1. Temporary User Sticker**

- a. A One-Day Temporary Sticker is available for any watercraft and shall be valid only on the date of issuance and shall expire twenty-four (24) hours thereafter.

- b. A Ten-Day Temporary User Sticker is available for Watercraft and shall be valid beginning on the date of issuance and shall expire ten (10) consecutive calendar days thereafter.
    - c. Temporary User Stickers are not available for Commercial Boat Operations.
  2. The User Fee for a Recreational User Sticker shall include the applicable Watercraft class fee set forth in Section 4.03A and any applicable processing fees set forth in Section 4.03D. The User Fee for a Temporary User Sticker shall include the applicable fee set forth in Section 4.03.C and any applicable processing fees.
  3. Applications shall be submitted in the manner prescribed by the Agency and shall include all required by the Agency. The Agency may require submission of proof of Required State Registration. Failure to supply required information, or submission of false or misleading information, shall result in denial of the application.

**B. Commercial User Sticker.**

1. Any person or entity desiring to conduct Commercial Boat Operations on the Waterway shall apply for a Waterway User Sticker with a Commercial Endorsement.
2. Applications for a Commercial User Sticker shall be made in-person using forms prescribed by the Agency and shall be accompanied by payment of all the applicable fees.
3. The User Fee for a Commercial User Sticker shall include the applicable Watercraft fee in Section 4.03A, the Commercial Endorsement fee in Section 4.03B, as well as any applicable processing fees provided for in Section 4.03D.
4. Commercial Operations categories shall include Dealers, Work Boats, and Rentals (watercraft only and Passenger Boats for Hire), as defined in Appendix A of this Code. Dealer User Fees shall be assessed on a per-sticker flat-fee basis. All other Commercial Watercraft fees shall be assessed at twice the applicable Recreational User Sticker rate for the applicable class.
5. An applicant shall submit with its application copies of all registrations, licenses, and other authorizations required by state law for the Commercial Operations category applicable to the Watercraft User Sticker being applied for. The Agency may require the submission of additional information reasonably necessary to administer and enforce this Code, including a certified copy of any registration or license or presentation of the original document at the Agency office for inspection.

6. An application shall be deemed incomplete and will not be processed until all required documentation has been submitted in a form acceptable to the Agency. Any review period, approval deadline, or other time requirement established by this Code shall not commence until the Agency determines that the application is complete.
7. Applicants shall provide written notice to the Agency of any material change in ownership within thirty (30) calendar days of the effective date of the change and shall the name and address of the person(s) acquiring the ownership interest.
8. Failure to supply the required information or submission of false or misleading information shall result in a denial of the application.
9. The acquisition, proper display, maintenance, and lawful use of a Commercial User Sticker in accordance with this Chapter 4 shall be the joint and several obligation and responsibility of: (a) the Watercraft owner; (b) the individual executing the Application; and (c) any agent, employee, manager, operator, or other person exercising control over, or responsible for, the operation of the business or the Watercraft.

**C. User Fees and Processing Charges.**

1. The Agency may assess processing fees for in-person applications for Recreational and Temporary User Stickers. No processing fee shall be charged for online Recreational or Commercial User Sticker applications.
2. A credit card processing fee shall be assessed for credit card transactions.
3. Processing fees will be assessed for sticker transfers, replacements, or refunds, out of state Watercraft, and returned checks.
4. Stickers purchased at Satellite Stations shall be paid for by credit card only and shall be subject to service and credit card charges established by the Satellite Station.

**4.03 USER FEE SCHEDULE**

The following User Fee schedule shall apply:

**A. Recreational User Stickers (Watercraft fee)**

|         |   |          |
|---------|---|----------|
| CLASS A | Motor-powered Watercrafts 15 HP or less.  | \$60.00  |
| CLASS B | Motor-powered Watercrafts, personal Watercraft, & jet skis over 15 HP, NOT exceeding 25 feet in length. | \$125.00 |
| CLASS C | Motor-powered Watercraft over 15 HP, greater than 25 feet in length, NOT exceeding 30 feet in length.   | \$210.00 |

|         |  |          |
|---------|--|----------|
| CLASS E | Motor-powered Watercraft over 15 HP & greater than 30 feet in length.  | \$250.00 |
| CLASS X | NON-Motor-powered Watercraft   | \$20.00  |
| CLASS W | Any Watercraft involved in waterfowl hunting activity, WITHOUT A CURRENT STICKER. (Available August 1 <sup>st</sup> through December 31 <sup>st</sup> , yearly. A current valid hunting license is required to purchase a sticker and any applicable out-of-state fees.) | \$45.00  |

**B. Commercial User Stickers (Watercraft and Commercial Endorsement Fee)**

|              |   |          |
|--------------|---|----------|
| Dealer Boats | Any length  | \$250.00 |
| CLASS A      | Motor-powered Watercrafts 15 HP or less   | \$120.00 |
| CLASS B      | Motor-powered Watercrafts, personal Watercraft, & jet skis over 15 HP, NOT exceeding 25 feet in length. | \$250.00 |
| CLASS C      | Motor-powered Watercrafts over 15 HP, greater than 25 feet in length, NOT exceeding 30 feet in length   | \$420.00 |
| CLASS E      | Motor-powered Watercrafts over 15 HP & greater than 30 feet in length.                                  | \$500.00 |
| CLASS X      | NON-Motor-powered Watercrafts   | \$40.00  |

**C. Temporary User Stickers**

|                    |  |         |
|--------------------|--|---------|
| CLASS J<br>1-Day   | 1-Day Temporary Sticker - Any length. To be used on the day of issue; expires after 24 hours.                  | \$25.00 |
| CLASS F<br>10- Day | 10-Day Temporary Sticker - Any length. To be used commencing on issue date; expires after 10 consecutive days. | \$75.00 |

**D. WRP User Fees**

|                                      |   |
|--------------------------------------|---|
| Construction Activity<br>WRP Event   | For commercial projects valued at \$50,000 or greater, 1% of estimated construction cost. Watercraft Commercial User Sticker Fees apply and are not included. |
| Commercial Recreational<br>WRP Event | Reimbursement of Agency's direct costs for labor, material, and equipment incurred for the WRP event.   |

**E. Processing Fees**

The following processing fees apply to all Recreational and Commercial User Stickers:

|                               |   |         |
|-------------------------------|---|---------|
| PROCESSING FEE                | Charged for Recreational Users for in-person renewals. Not applicable to Commercial User or online Recreation Sticker applications.   | \$10.00 |
|                               | Agency Credit Card Processing Fee   | 2.5%    |
| OUT-OF-STATE FEE              | Per Watercraft registered outside the State of Illinois. Proof of State registration may be required. Does not apply to Temporary User Stickers and non-motorized Watercraft that don't require state registration numbers are exempt.  | \$50.00 |
| LOST STICKERS                 | Re-issue of a lost Waterway Sticker to the original holder. Proof of original purchase is required. No replacements after 90 days from the date of purchase. (Lost stickers can only be processed at the Fox Waterway Agency Office.)   | \$20.00 |
| TRANSFER POLICY               | Per sticker transfer fee, in addition to any additional fee due to a requested class upgrade. Applies to the original owner only. Original stickers must be returned when applying for a transfer. (Fox Waterway Agency Office only.)   | \$5.00  |
| DUPLICATE RETURN FEE          | Refunds requested for duplicate Sticker purchases for the same Watercraft and same owner, shall be issued upon proof of duplicate purchase and return of one set of permits in reusable condition. The refund will be for the sticker fee only, less the duplicate return fee. Requests for refunds must be made within 30 days of purchase. (Duplicate sticker refunds can only be processed at the Fox Waterway Agency Office.) | \$20.00 |
| REFUNDS                       | <u>NO REFUNDS</u> for issued Stickers will be given after April 1st of each year.   | TBD     |
| RETURNED CHECK POLICY         | Applied to all returned checks.   | \$30.00 |
| DENIED APPLICATION FEE RETURN | If an application is denied, the fee will be returned, less the applicable processing fee.  | TBD     |

**4.04 USER STICKER TRANSFER; NON-TRANSFERABILITY UPON SALE**

A. Waterway User Stickers are issued solely to the original sticker applicant for the specific Watercraft identified in the Application. Transferring a Waterway User Sticker to any another person or to another Watercraft is prohibited except as expressly authorized herein.

B. **Transfer to a Replacement Watercraft by Applicant.** The Agency may authorize transfer of a Waterway User Sticker by to a replacement Watercraft owned by the same applicant upon verification that: (1) The original sticker has been removed; (2) The removed sticker has been surrendered to the Agency; and (3) all applicable transfer fees have been paid.

C. **Sales or Transfer of Ownership.** Upon sale, conveyance, or other transfer of ownership of a Watercraft, the associated Waterway User Sticker shall be void and shall not transfer to the new owner.

D. **Limited Dealer Exception.** A Commercial User Sticker issued to a Dealer may be temporarily affixed to a portable placard and transferred among Watercraft owned or held for sale by the dealer solely for water testing purposes.

1. Dealer stickers shall be removed prior to sale or transfer of any Watercraft to a non-dealer.
2. Misuse of a Dealer sticker may result in the suspension or revocation of Dealer eligibility to receive a Commercial Use Sticker and other enforcement action.

#### **4.05 BOAT IDENTIFICATION**

A. Two (2) Waterway User Stickers shall be issued per approved application and shall be affixed on each side of the Watercraft midway between the bow and the stern, or on side windows if applicable. All expired stickers shall be removed.

B. Watercraft used in Commercial Boat Operations shall display permanent identification on each side of the Watercraft, including the business name, fleet number for each boat, beginning with #1 and increasing chronologically, and for livery boats, the business phone number. Identification shall be in block letters and numbers at least three inches (3") high and contrasting with the vessel color.

#### **4.06 INSPECTIONS**

A. Any Watercraft using the Waterway pursuant to a Waterway User Sticker is subject to inspection by the Agency or its Designees upon reasonable notice to ensure compliance with this Code. Violations of state and local laws and regulations will be reported to the appropriate law enforcement agency.

B. Failure to comply with the requirements of this Section may result in the suspension or revocation of the User Sticker and such other applicable fines and penalties provided in this Code. Continued violations may result in the impoundment of

the Watercraft being used until such time as compliance is verified by the Agency or the appropriate law enforcement agency.

#### **4.07 MISUSE OF STICKERS OR APPLICATION PROCESS**

A. It shall be unlawful to use, display, operate, or allow the operation of any Watercraft on the Waterway with suspended or revoked Waterway User Sticker.

B. It shall be unlawful to affix or permit anyone to affix a Waterway User Sticker to any Watercraft other than the Watercraft to which it was issued.

C. Counterfeiting, reproducing, altering, or using an invalid sticker is prohibited

D. Any unauthorized transfer, falsification, concealment, or misuse of a sticker is prohibited. Each day of violation constitutes a separate offense.

E. Proxy purchase or evasion of suspension or revocation is prohibited.

F. Any Waterway User Sticker obtained in violation of this Section is void.

#### **4.08 SUSPENSION, REVOCATION AND APPLICATION DENIAL**

A. The Agency may deny, suspend or revoke a Waterway User Sticker upon a finding of violation of this Chapter, applicable state laws or regulations, federal laws or regulations, or repeated Code violations.

B. A suspension or revocation of a Waterway User Sticker shall apply to the person to which it was issued and the specific Watercraft to which the Sticker was assigned.

C. The Agency may suspend or revoke all Commercial User Stickers based on repeated violations within the current or prior boating season.

D. The Agency shall have sole discretion to approve or deny the issuance of a Recreational User Sticker for a Watercraft whose Commercial User Sticker has previously been suspended or revoked. In exercising such discretion, the Agency may consider the nature of the underlying violation, the duration of the suspension or revocation, corrective actions taken, changes in ownership or control, and any other factors the Agency deems relevant to ensuring compliance with this Code.

E. Written notice of the alleged violations and proposed enforcement action shall be provided at least seven (7) days prior to enforcement.

F. The Sticker holder may submit a written response within five (5) business days of the Notice date.

G. The Agency shall issue a final determination after consideration of any timely response. No formal hearing is required unless otherwise mandated by law.

#### 4.09 PENALTIES; ENFORCEMENT

A. **Sanctions.** Upon final determination, the Agency may impose suspension, revocation, fines, civil penalties, or impoundment.

B. **Civil Penalties.** Any person or entity found in violation shall be subject to a civil penalty not to exceed the higher of five hundred dollars (\$500.00) per violation or the amount authorized in the Fox Waterway Agency Act, 615 ILCS 90/1 *et seq.*, injunctive relief, and recovery of all damages and legal fees incurred by the Agency in the prosecution of such violation.

C. **Cumulative Remedies.** Remedies under this Code are cumulative and not exclusive. The Agency may pursue any remedy or enforcement action authorized by law or equity.

D. **Imputed Acts and Omissions.** The act, omission, or failure of any official, agent, employee, or other person acting for or on behalf of an Owner shall be deemed the act, omission, or failure of both such person and the Owner.

E. **Joint and Several Liability.** If a violation is committed by a business entity, the entity and any officer, employee, or agent who authorized, directed, or participated in the act or omission giving rise to the violation shall be jointly and severally liable for any penalty imposed. Each such person shall be independently responsible for ensuring full compliance with the requirements of this Chapter, and a violation by any one such person shall not relieve any other responsible person of liability.

F. **Discretion to Proceed.** The Agency may initiate enforcement action against any person or entity responsible for a violation, regardless of whether other persons may also be potentially liable, and the Agency shall not be required to proceed against all potentially responsible parties.