

Coast Guard, DHS

§ 100.40

(1) He or she shall determine whether the proposed regatta or marine parade may be held in the proposed location with safety of life. To assist in his or her determination, he or she may, if he or she deems it necessary, hold a public hearing to obtain the views of all persons interested in, or who will be affected by, the regatta or marine parade.

(2) He or she will notify the individual or organization which submitted the application:

(i) That the application is approved, and the nature of the special local regulations, if any, which he or she will promulgate pursuant to §100.35; or

(ii) That the interest of safety of life on the navigable waters of the United States requires specific change or changes in the application before it can be approved; or

(iii) That the event requires no regulation or patrol of the regatta or marine parade area; or

(iv) That the application is not approved, with reasons for such disapproval.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by USCG-2003-15404, 68 FR 37740, June 25, 2003]

§ 100.30 Approval required for holding event.

(a) An event for which application is required under §100.15(a) shall be held only after approval of such event by the District Commander, except that applications referred to a State under §100.10 shall be governed by the laws of that State.

§ 100.35 Special local regulations.

(a) The Commander of a Coast Guard District or Captain of the Port (COTP) as authorized by 33 CFR 1.05-1(i), after approving plans for the holding of a regatta or marine parade within his or her district or zone, is authorized to promulgate such special local regulations as he or she deems necessary to insure safety of life on the navigable waters immediately prior to, during, and immediately after the approved regatta or marine parade. Such regulations may include a restriction on, or control of, the movement of vessels through a specified area immediately

prior to, during, and immediately after the regatta or marine parade.

(b) The Commander of a Coast Guard District or COTP as authorized by 33 CFR 1.05-1(i), after approving plans for the holding of a regatta or marine parade upon the navigable waters within his or her district or zone, and promulgating special regulations thereto, must give the public full and adequate notice of the dates of the regatta or marine parade, together with full and complete information of the special local regulations, if there be such. Such notice should be published in the local notices to mariners.

(c) The special local regulations referred to in paragraph (a) of this section, when issued and published by the Commander of a Coast Guard District or COTP as authorized by 33 CFR 1.05-1(i), must have the status of regulations issued pursuant to 46 U.S.C 70041.

(d) We have organized the special local regulations by district. Subparts B through J contain special local regulations from the First, Fifth, Seventh, Eighth, Ninth, Eleventh, Thirteenth, Fourteenth, and Seventeenth Districts, respectively.

[USCG-2009-0416, 74 FR 27438, June 10, 2009, as amended by USCG-2018-1049, 84 FR 7813, Mar. 5, 2019; USCG-2018-0874, 84 FR 30878, June 28, 2019; USCG-2020-0304, 85 FR 58277, Sept. 18, 2020]

§ 100.40 Patrol of the regatta or marine parade.

(a) The Commander of a Coast Guard District in which a regatta or marine parade is to be held may detail, if he or she deems the needs of safety require, one or more Coast Guard vessels to patrol the course of the regatta or marine parade for the purpose of enforcing not only the special local regulations but also for assistance work and the enforcement of laws generally.

(b) The Commander of a Coast Guard District may also utilize any private vessel or vessels to enforce the special local regulations governing a regatta or marine parade provided such vessel or vessels have been placed at the disposition of the Coast Guard pursuant to section 826 in Title 14, U.S. Code, for such purpose by any member of the Coast Guard Auxiliary, or any corporation, partnership, or association, or by