

## CHAPTER 66.1

### REGULATION OF LAKE DECATUR BOATING

1. **DEFINITIONS.** Terms used in this Chapter shall have the following meanings:

A. Boat Harbor shall mean the northern and western lake shore between U.S. Route 36 and Lost Bridge Road and the water adjacent thereto is designated the boat harbor.

B. Lost Bridge shall mean that bridge which spans the original channel of the Sangamon River in Section 24, Decatur Township, Macon County, Illinois, and commonly known as Lost Bridge.

C. Oakley Bridge shall mean that bridge which spans the original channel of the Sangamon River in Section 24, Whitmore Township, and Section 24, Oakley Township, Macon County, Illinois, situated North of the Village of Oakley, Macon County, Illinois, and is commonly known as the Oakley Bridge.

D. Rea's Bridge shall mean the bridge which spans the original channel of the Sangamon River on County Highway 24 and in Section 33, Township 17 North, Range 3 East of the Third Principal Meridian, in Whitmore Township, Macon County, Illinois, and is commonly known as Rea's Bridge.

E. Reservoir shall mean the artificial reservoir formed by the dam constructed near the U.S. Route 51 Bridge south of the City, or by other structures required at a later date within the limits of the present drainage area, which reservoir or reservoirs are to be used as a source of the

public water supply for the City, which reservoir is hereby named and designated as Lake Decatur, also referred to herein as "the Lake". The upstream limits of such reservoir, which is located within the Sangamon River Valley, is the West side of Macon County Highway 25 running North and South across what is known as the Oakley Bridge, hereinafter described. "Shore Line" means the extended point where the plane of the surface of the waters of the reservoir touches the land.

F. U.S. Route 36 Bridge shall mean that bridge which spans the original channel of the Sangamon River on U.S. Route 36 and in Section 18, Decatur Township, and Section 19, Long Creek Township, Macon County, Illinois, near Nelson Park, and commonly known as Route 36 Bridge.

G. U.S. Route 51 Bridge shall mean the bridge which spans the original channel of the Sangamon River on U.S. Route 51 and in Section 22, Decatur Township, Macon County, Illinois, and is commonly known as Route 51 Bridge.

H. William Street Bridge shall mean that bridge which spans the original channel of the Sangamon River on U.S. Route 105 and in Section 8, Decatur Township, Macon County, Illinois, and is commonly known as the William Street Bridge.

"Definitions" as defined by the current Boat Registration and Safety Act, Article I, 625 ILCS 45/1-2, shall also apply to this Chapter.

2. **BOATING PROHIBITED - LAKE.** Boating of any kind or character is hereby prohibited in Lake Decatur in that area lying west of a line 300 feet upstream from the east side of the public highway known as U. S. Route 51.

3. **BOATING PROHIBITED - RIVER.** Boating of any kind or character is hereby prohibited on the Sangamon River between the Lake Decatur Reservoir Dam and 300 feet downstream of the Dam in the City of Decatur.

4. **BOATING REGULATIONS.** All boats on Lake Decatur shall be subject to the following regulations:

A. No boat, boat mooring or float shall be left in the Lake adrift, sunk or insecurely fastened.

B. No person or persons shall take, use or board any boat or dock in the Lake without permission of the owner or persons in charge.

C. No boats shall use the Lake Office pier or be moored in the area adjacent to the pier except by written permit from the Lake Supervisor or designee.

D. All boats passing under bridges shall pass under the right hand arch or as directed by official signs or buoys authorized by the Lake Supervisor or designee.

E. No boats or docks shall be constructed on Lake Decatur, or on City-owned property adjacent thereto, unless express written permission is granted by the Lake Supervisor or designee.

F. All boats and docks must be removed from Lake Decatur and City-owned property on or before November 15 of each year, unless express written permission authorizing non-removal is granted by the Lake Supervisor or designee.

G. When two boats are approaching each other "head on" or nearly so (so as to involve risk of collision), each boat must bear to the right and pass the other boat on its left side.

H. When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right of way.

I. One boat may overtake another on either side but must grant right of way to the overtaken boat.

J. When a motorboat is approaching a boat propelled solely by sails or oars, the motorboat must yield the right of way to the sailboat or rowboat, except, when a large boat is navigating in a confined channel, the large boat has the right of way over a boat propelled solely by oars or sails.

K. No boat shall collide with, run against, strike, injure, deface, or damage any buoy, stake, sign, piling or other structure installed by the City or with the City's consent, or be anchored or moored so as to obstruct any bridge opening or approach or to obstruct the view of any buoy or navigation sign or signal.

L. No boat shall pass another while passing under any bridge.

M. No boat shall travel in excess of "no wake speed" while within 200 feet of either shore line, dock, or pier, or while passing under any bridge or in a marked restricted area; for purposes of this section "no wake speed" is defined as the speed at which a boat does not produce a wake, not to exceed 5 miles per hour. (Amended, Ordinance 2023-08, February 21, 2023)

N. Racing of any boats is hereby prohibited except for special events and in no event without a permit from the Lake Supervisor or designee.

O. Boat operation:

(1) Careless operation. No person shall operate a boat in a careless or heedless manner so as to endanger any person or property or at a rate of speed greater than will permit the person in the exercise of reasonable care to bring the boat to a stop within an assured clear distance ahead.

(2) Reckless operation. No person shall operate a boat, specialty prop-craft, personal watercraft or manipulate any water skis, aquaplane, or similar device in such a manner as to willfully or wantonly endanger the life, limb or property of any person, to weave through congested waterway traffic, to jump the wake of another boat unreasonably or unnecessarily close

to the other boat or when visibility around the other boat is obstructed, to wait until the last possible moment to swerve to avoid collision, or operate any boat so as to approach or pass another boat in such a manner or at such a rate of speed as to create a hazardous wake or wash.

P. All cabin boats must be inspected by the Lake Supervisor or designee before a permit is issued.

Q. No bottles, cans or other refuse shall be dumped into the Lake, on bridges or on the Lake's shoreline from any boat. (Amended, Ordinance 2023-08, February 21, 2023)

R. Operating a boat under the influence of alcohol or drugs is expressly prohibited.

(1) By operating a boat on Lake Decatur, a boat operator has given implied consent to alcohol and/or drug testing if arrested for operating under the influence.

(2) A boat operator is considered to be operating a boat under the influence of alcohol or drugs if:

(a) The alcohol concentration in the operator's blood or breath is 0.08% or more, or

(b) The operator is under the influence of any other drug or combination of drugs and/or alcohol to a degree that renders the operator incapable of safely operating the boat, or

(c) The operator has any amount of a drug, substance, or compound in their blood or urine resulting from the unlawful use or consumption of cannabis, a controlled substance, or an intoxicating compound.

(3) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol or drugs or any combination of them, shall not constitute a defense against any charge of violating this Section.

(Amended, Ordinance 2023-08, February 21, 2023)

S. All boats shall be subject to a no wake speed limit during the time period of 1 hour after sunset to sunrise, provided that this section shall not apply to patrol, law enforcement and emergency response boats. (Amended, Ordinance 2023-08, February 21, 2023)

T. No motorboat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity and safe carrying capacity, taking into consideration the type and construction of such motorboat and other existing operating conditions.

U. It is unlawful to operate a motorboat without a mouth, hand or power operated whistle, horn or other device, capable of producing a blast of two seconds or more in duration and audible for at least one-half mile.

V. All motorboats fueled with gasoline, other than those propelled by a detachable outboard motor, must have a U.S. Coast Guard approved backfire flame arrestor on each carburetor. (Amended, Ordinance 2023-08, February 21, 2023)

W. Except for open boats, all motorboats which use fuel having a flashpoint of 110 degrees Fahrenheit or less shall have at least two ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of fumes from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located in such a manner to prevent displaced fumes from being recirculated. (Amended, Ordinance 2023-08, February 21, 2023)

X. Every motorboat equipped with storage batteries shall be provided with suitable supports and secured against shifting with the motion of the boat and shall be equipped with non-conductive terminal shields to prevent accidental shorting.

Y. No person may operate any motorboat, including personal watercraft or specialty prop-craft, which is equipped with a lanyard type engine cut-off switch unless such lanyard is properly attached to the person, worn clothing or worn PFD, as appropriate for the specific boat. No person may operate any motorboat, including personal watercraft or specialty prop-craft, which is equipped with a wireless cut-off system unless such system is properly activated. (Amended, Ordinance 2023-08, February 21, 2023)

Z. No person shall operate a personal watercraft, a specialty prop craft or eFoil board between the hours of sunset and sunrise.

5. **BOATING OPERATIONS.** (Amended, Ordinance 2023-08, February 21, 2023)

A. Persons using or operating any boat on the Lake shall not create any unsanitary condition in or about said waters by the discharge of oil or other polluting liquid making said waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof.

B. No boat shall be used or operated, nor any horn or sound device sounded so as to create a nuisance or disturb the peace and quiet of any neighborhood.

C. No boat shall be equipped with a siren or flashing red and/or blue lights except patrol, law enforcement and emergency response boats.

D. No person or persons shall sit on the side of any motor or engine driven boat or on any portion of such boat that was not designed for that purpose by the manufacturer while said boat is underway. No person or persons shall ride on any boat in such a manner that any part of the body protrudes over the front, sides or rear of the boat.

E. It is unlawful to operate a motorboat equipped with an internal combustion engine on the Lake without at least one U. S. Coast Guard approved fire extinguisher, so placed as to be readily accessible and in such condition as to be ready for immediate and effective use.

F. No boat used or operated on the Lake shall be equipped with toilet facilities except closed chemical toilets which must be approved by the Lake Supervisor or designee.

G. Nothing herein shall be construed as permitting any boat to be operated at a speed greater than is safe and prudent under the circumstances, and the operator thereof shall observe all signs and other regulations placed by the City on or near the Lake.

6. **CITY AUTHORITY.** The City shall at all times have the power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance, or operation of any or all boats on the waters of the Lake should it become necessary to do so in the interest of the public health or safety, or for the protection or improvement of the Lake or other causes. (Amended, Ordinance 2023-08, February 21, 2023)

A. All boats may be ordered off the Lake at the direction of the Lake Supervisor or designee due to actual or impending inclement weather conditions.

B. The City and its authorized agents shall have the right and power to order a boat removed from the Lake which by reason of its physical condition is no longer safe for use. If the owner does not remove such boat as directed, the City shall have the right to remove such boat from the Lake. The owner thereof must pay a fee of One Hundred Dollars (\$100.00) before reclaiming any such boat, or a sum equal to the cost of labor, material and equipment expended by the City in connection with such action, whichever is higher and with a charge of Ten Dollars (\$10.00) for each day or part thereof during which the same is in the custody of the City, which



said custody shall be at the risk of the owner thereof. (Amended, Ordinance 2023-08, February 21, 2023)

C. Any boat found abandoned or adrift in the Lake or any boat without a current permit sticker secured thereon shall be taken up by the City and disposed of as either lost or stolen property under the ordinances of the City. Nothing herein shall be construed as exonerating the owner or operator of any boat from personal liability to the City, or any other person, for any damage or injury caused by such boat. The City shall have the right to require an owner to pay a fee of Fifty Dollars (\$50.00) or the actual cost of removal as determined by the Lake Supervisor or designee before reclaiming any boat. (Amended, Ordinance 2023-08, February 21, 2023)

D. Any boat located, constructed, operated or maintained in violation of the provisions of this chapter, or the rules or regulations promulgated thereunder, shall be removed from the Lake upon notice from the Lake Supervisor or designee. If a boat is not removed on the date herein set forth or when requested by the Lake Supervisor or designee, the same may be removed by the City and expense thereof charged to the boat owner.

**7. BOATING SAFETY CERTIFICATES.** Persons born on or after January 1, 1998 may operate a motorboat only if they are in possession of a Boating Safety Certificate accepted by the Illinois Department of Natural Resources. No person under 10 years of age may operate a motorboat. Persons at least 10 years of age and less than 12 years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian, or a person at least 18 years old designated by the parent or guardian. Persons at least 12 years of age and less than 18 years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or such motorboat operator is in possession of a Boating Safety

Certificate accepted by the Illinois Department of Natural Resources authorizing the holder to operate motorboats. Parents, guardians or designees born on or after January 1, 1998 must possess a valid Boating Safety Certificate accepted by the Illinois Department of Natural Resources. Other Boating Safety Certificates, approved by the Illinois Department of Natural Resources, are deemed acceptable for the provisions of this Section. (Amended, Ordinance 2023-08, February 21, 2023)

#### **8. PERSONAL FLOTATION DEVICES.**

A. All boats must have at least one U. S. Coast Guard approved wearable personal flotation device for each person on board or being towed. All boats 16 feet or longer, except canoes and kayaks, also must carry one U. S. Coast Guard approved throwable device.

B. All children under the age of 13 must wear a personal flotation device on boats less than 26 feet in length when underway, unless they are below decks in an enclosed cabin.

C. A personal watercraft, specialty prop-craft or eFoil board may not be operated unless each person on board is wearing a U. S. Coast Guard approved personal flotation device. Inflatable personal flotation devices are not approved for personal watercraft, specialty prop-craft or eFoil board use.

D. In addition to being U. S. Coast Guard approved, all personal flotation devices must be:

- (1) In good and serviceable condition;
- (2) Readily accessible;
- (3) Of the proper size for the intended wearer; and,
- (4) Legibly marked with the U. S. Coast Guard approval number.

(Amended, Ordinance 2023-08, February 21, 2023)

#### **9. MUFFLERS REQUIRED.**

A. All motorboats shall be equipped and maintained with an effective muffler or underwater exhaust system. For the purpose of this Section, an effective muffler or underwater exhaust system is one which does not produce sound levels that create excessive or unusual noise, or sound levels that exceed 90 decibels when subjected to a stationary sound level test or 75 when in operation on the Lake. (Amended, Ordinance 2023-08, February 21, 2023)

B. This Section does not apply to: (1) A motorboat tuning up for or participating in official trials for a sanctioned race or regatta conducted under a permit by the Lake Supervisor or designee; or (2) a motorboat being operated by a boat or marina engine manufacturer for the purpose of testing or development, as authorized by the Lake Supervisor or designee.

C. Any person violating subsections A or B of this Section: (1) shall be required to install an effective muffler system on the motorboat in violation; and (2) shall be required to pass the sound level test prescribed by the appropriate Society of Automotive Engineers procedure before putting the motorboat back into use on the Lake.

E. Any person who operates any motorboat upon the Lake shall be deemed to have given consent to the test or tests prescribed in this Section to determine if the motorboat is in compliance with the provisions of this Section.

#### **10. WATER SKIING.**

A. No person may operate a boat having in tow, or otherwise be assisting, a person on water-skis, aquaplane or similar device from the period of one-half hour after sunset to one-half hour before sunrise.

B. All water skiers, personal watercraft, specialty prop-craft operators, sail, surf or eFoil board riders, or any person being towed or otherwise assisted by a boat of any kind must wear a

U.S. Coast Guard personal flotation device approved for the specific use. (Amended, Ordinance 2023-08, February 21, 2023)

C. No water skiing, surf board riding, or any type of towing or dragging of a person behind a boat is permitted within 200 feet of the shore line, docks or piers, or under any bridge, or in a no-wake area as herein defined, or in any other areas designated by the Lake Supervisor or designee.

D. When towing a person on water skis, aquaplane or similar device, the towing boat must have a capacity of at least three persons and must be occupied by at least two competent people. All persons being towed are considered part of the boat's carrying capacity. The operator of any boat that is towing a person or persons shall display on the boat a bright or brilliant orange flag measuring not less than 12 inches per side. The flag shall be displayed at the highest point of the area surrounding the boat's helm as to be visible from all directions, continuously, while the person or persons being towed depart the boat in preparation for towing and until reentry into the boat when the activity has ceased. Display of the flag for purposes other than the activity described in this Section is prohibited. The operator of such boat must be at least fifteen (15) years of age and the observer must be at least ten (10) years of age.

#### **11. LIGHTS REQUIRED.**

A. It is unlawful to operate any boat less than 26 feet in length from sunset to sunrise unless the following lights are carried and displayed when underway:

(1) A bright, white light aft to show all around the horizon, visible for a distance of 2 miles. The word "visible" as used herein means visible on a dark night with clear atmosphere;

(2) A combination light in the forepart of the boat lower than the white light aft, showing green to starboard and red to port, so fixed as to throw a light from dead ahead to 2 points abaft the beam on their respective sides and visible for a distance of not less than one mile;

(3) Lights under International Rules may be shown as an alternative to the above requirements.

B. Boat propelled by muscular power when underway shall carry on board from sunset to sunrise, but not fixed to any part of the boat, a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of two miles or more, and shall display such lantern in sufficient time to avoid collision with another boat.

C. Every boat 26 feet or more in length shall carry and display when underway such additional or alternate lights as shall be required by the U. S. Coast Guard for boat of equivalent length and type.

D. Sailboats equipped with motors and being propelled partly or solely by such motors shall carry and display the same lights required for motorboats of the same class. Sailboats of less than 26 feet in length, equipped with motors but being propelled entirely by sail between sunset and sunrise, shall have lighted the combination running light, but not the white light aft. Sailboats 26 feet or more in length, equipped with motors but being propelled entirely by sail between sunset and sunrise, shall have lighted the colored side lights suitably screened, but not the white lights prescribed for motorboats.

E. Dinghies, tenders and other boats, whose principal function is as an auxiliary to other larger boat, when so operating need carry only a flashlight visible to other boats in the area.

F. Boats at anchor between the hours of sunset and sunrise shall display such anchor lights as shall be required by the U. S. Coast Guard for boats of equivalent length and type.

## **12. BOAT PERMITS AND REGISTRATION.**

A. No boat shall be kept or used on or in Lake Decatur unless the same is registered and currently permitted by the City of Decatur. (Amended, Ordinance 2023-08, February 21, 2023)

B. Applications for initial registration shall be accompanied by a then current State license.

C. Applications for permits shall be accompanied by a fee as follows for each boat:

Effective: March 1, 2022		
Row boats, canoes, kayaks and other boat propelled by muscle power		\$30.00
Sail boats		\$50.00
Motor boats		
1-50	horsepower	\$57.50
51-100	horsepower	\$70.50
101-150	horsepower	\$80.50
151-200	horsepower	\$93.50
over 200	horsepower	\$103.50

The horsepower of an engine is that determined by the manufacturer thereof. In case a boat is so constructed or rigged to be propelled by more than one type or size of propulsion, the fee to be paid shall be the higher fee specified herein for the several sizes or types of propulsion. Boats owned or operated by government agencies, and boats participating in an event preapproved by the City Manager or designee, are exempt from permitting fees.

D. Permits shall be evidenced by such tags, tickets, plates, decals, stickers or other such devices as may be determined by the departments concerned therewith, may be furnished by the City and shall be so affixed to and continuously displayed on the subject boat for the time the same is currently in effect as may be directed by the Lake Supervisor or designee.

E. A boat may be kept or used on or in the Lake without a permit or registration for a period of twenty-four (24) hours, if a temporary permit is issued therefore and is displayed thereon, which said permits may be issued upon payment accompanying the application of Fifteen Dollars (\$15.00) for each boat for each respective twenty-four (24) hour period. (Amended, Ordinance 2023-08, February 21, 2023)

F. Boats may be kept or used on or in the Lake without registration if the same is owned by a boat dealer licensed by the State of Illinois and is used for business purposes and said dealer obtains a City permit upon application accompanied by a fee of \$367.00, effective March 1, 2022, for not more than four boats.

G. Boat registration numbers shall remain with the boat upon transfer of title thereto. No part of a permit fee shall be refundable, or shall fees be prorated, or permits be transferred between boats.

H. Permits shall be issued for the period of one year commencing March 1, and expire on the last day of February next after issuance.

13. **BOAT RENTALS.** The business of renting boats for hire or carrying passengers for hire on the Lake is prohibited except as may be authorized by permit issued by the Lake Supervisor or designee and only to those persons currently licensed by the State of Illinois for the same activity. All provisions of this Chapter shall apply to such boats; and all such boats may be inspected by the City from time to time during their period of operation on the Lake. Any such boats failing to have adequate life preservers in place as when permitted, or otherwise failing to pass inspection, shall be made to comply with the provisions hereof before further operation. No individual operator or employee or anyone operating any boat carrying passengers for hire shall be permitted to operate such boat unless they are physically fit for such duty, has adequate knowledge of the boat mechanism, is familiar with the ordinances, rules and regulations for the operation of boats on the Lake and with the commonly approved safety regulations and measures to be used in case of accident or emergency, including instructions of passengers in the use of safety equipment and their conduct in case of emergency. Each such operator or employee shall at all times be subject to an examination and approval by the City as to such qualifications; and

any determination by the City as to such qualifications shall be conclusive. The provisions of this section shall apply to the owner or operator of such boat or to the person, firm or corporation in whose name a permit was obtained. It shall be unlawful for an agent or employee of a permittee to allow the operation of such boat for hire in violation of this Chapter or any applicable State law. Such permit shall apply to all boats rented by any person, firm or corporation and may be revoked upon evidence that the permit holder has been convicted of any violation of this Chapter or applicable State law.

#### **14. ICE BOATING.**

A. No person shall operate or use any ice boat upon the ice of Lake Decatur unless such boat is permitted therefor. Applications for such permits shall be made to the Finance Department. No permit for any ice boat shall be issued unless and until the owner of such boat agrees to indemnify and hold harmless the City from and against all causes of action arising out of the operation of said boat upon the Lake, in a form to be approved by the Corporation Counsel. Such permits shall be effective from December 1 through the last day of February of the succeeding year. The fee for such permit shall be Fifty Dollars (\$50.00). (Amended, Ordinance 2023-08, February 21, 2023)

B. A temporary permit for an ice boat, good for not to exceed three (3) days, may be obtained. Such temporary permits shall be issued in like manner and with such indemnities as are provided for in Section A hereof. The fee for such permit shall be Twenty-Five Dollars (\$25.00).

**15. ANNUAL PERMIT FEE ADJUSTMENT.** All permit fees contained in Sections 12(D), 12(G) and 14(A) of this Chapter will increase by 2.5 percent or by the annual percentage change of the U.S. Department of Labor Midwest Urban Consumer Price Index for each corresponding preceding January 1 to December 31 time period, whichever is greater, except for



the year 2023 for which the increase will be by 2.51 percent, and rounded up to the next \$0.50 increment. The City Council must authorize any annual increase that is 5.0 percent or higher. (Amended, Ordinance 2023-08, February 21, 2023)

16. **REVOCAION OF PERMITS.** Any permit issued under the provisions of this Chapter may be revoked or suspended for violation of the rules or regulations hereof, in whole or in part. Under no condition may the holder of a boat permit which has been suspended or revoked operate any boat of any type during such period of revocation or suspension. (Amended, Ordinance 2023-08, February 21, 2023)

17. **PENALTIES.** Any person, firm or corporation who shall violate any of the provisions of any section of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance 2023-08, February 21, 2023)

18. **VIOLATION NOTICE AND COMPLAINT.** Whenever a Lake Patrol or full time Lake Services Section employee witnesses or has knowledge of a violation by any person, firm or corporation of any section of this Chapter, a Violation Notice and Complaint for said violation may be issued by the Lake Patrol or full time Lake Services Section employee, as set forth in Chapter 29 of this Code.

19. **PAYMENT OF VIOLATION NOTICE AND COMPLAINT.**

A. A person cited for a violation of any section of this Chapter may terminate any further proceedings by the City due to said violation by making payment to the City at the office of the City Treasurer. Payment is considered as being made only when the City Treasurer is in receipt of the full amount.

B. If a person is given a citation for a violation as herein provided, no complaint may be filed by an attorney on behalf of the City in any court having jurisdiction thereof seeking to prosecute and fine such person for said violation sooner than ten (10) days after such citation is issued, and no complaint may be filed if the citation is timely paid.