

ORDINANCE NO. 2059

AN ORDINANCE SETTING ANNUAL BOAT FEES AT THE COUNCIL GROVE LAKE PARK FOR BOTH RESIDENT AND NON-RESIDENT USERS; EXEMPTING CERTAIN BOATS; REQUIRING A CERTIFICATE OF COMPLETION OF THE KANSAS WILDLIFE AND PARKS AQUATIC NUISANCE SPECIES EDUCATION COURSE; SETTING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND REPEALING ORDINANCE NO. 2057.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

Section 1. Purpose. The purpose of this ordinance is to establish annual boat user fees and the issuance of boating permits at the Council Grove Lake Park and to require boaters' participation and certification in an aquatic nuisance species (ANS) education course, prior to launching or operating a boat, in an effort to keep the lake free of aquatic nuisance species (ANS).

Section 2. Definitions. The following words shall have the following definitions for the purpose of this ordinance, and only this ordinance:

- A. **Resident.** A "resident" shall be any person that is a resident of the City of Council Grove, Kansas; a person having a cabin lease at the Council Grove Lake Park or any person who is a City water customer outside the city limits of the City of Council Grove, Kansas.
- B. **Non-resident.** A "non-resident" shall be all persons who do not fall within the definition of "resident" above.
- C. **Approved Aquatic Nuisance Species (ANS) Education Course.** The "approved aquatic nuisance species (ANS) education course" is the course offered online by the Kansas Department of Wildlife and Parks (KDWP) and which can be found at the KDWP website. The web address as of January 28, 2010 is www.kdwp.state.ks.us.
- D. **Boat.** "Boat" means any vessel that is required to be registered by the State of Kansas as well as any water craft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on water.

Section 3. Exemption from Ordinance. Inflatable non-motorized vessels shorter than 10 feet in length are exempt from the requirements of this ordinance. Any boat operated below wake speed and used solely and exclusively for fishing is exempt from this ordinance.

Section 4. Certification Required. No boating permit shall be issued to any person who has not completed and received a certificate of completion of an approved Aquatic Nuisance Species (ANS) education course within the immediately preceding three years.

Section 5. Resident Boat Fees for Persons Who Have Completed an Approved Aquatic Nuisance Species (ANS) Education Course. The annual boat fees for residents who have completed an approved aquatic nuisance species (ANS) education course shall be based on a graduated scale on the horsepower of the motors used to propel boats. Fees for such residents are as follows:

- A. \$10.00 per year for vessels, sail boats or motor boats with a motor up to and including 50 horsepower.
- B. \$20.00 per year for a boat with a motor from 51 to 100 horsepower.
- C. \$30.00 per year for a boat with a motor from 101 to 150 horsepower.
- D. \$40.00 per year for a boat with a motor from 151 to 200 horsepower.
- E. \$50.00 per year for a boat with a motor from 201 horsepower and up.
- F. \$40.00 for personal water craft.

Section 6. Non-resident Boat Fees for Persons Who Have Completed an Approved Aquatic Nuisance Species (ANS) Education Course. The annual boat fees for non-residents who have completed an approved aquatic nuisance species (ANS) education course shall be based on a graduated scale on the horsepower of the motors used to propel boats. Fees for such non-residents are shown below:

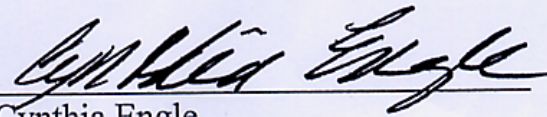
- A. \$20.00 per year for vessels, sail boats or motor boats with a motor up to and including 50 horsepower.
- B. \$40.00 per year for a boat with a motor from 51 to 100 horsepower.
- C. \$60.00 per year for a boat with a motor from 101 to 150 horsepower.
- D. \$120.00 per year for a boat with a motor from 151 to 200 horsepower.
- E. \$150.00 per year for a boat with a motor from 201 horsepower and up.
- F. \$120.00 for personal water craft.

Section 7. Penalty. Any person who launches or operates a boat or allows a launching or operation of a boat in the water at the Council Grove Lake Park prior to purchasing or obtaining a permit and properly displaying such permit issued by the City of Council Grove shall be fined \$250.00. If the boat launcher or operator had previously obtained an ANS certificate in their name but did not have a boating permit purchased or properly displayed, then such boat operator or launcher must produce such ANS certificate to the Council Grove Municipal Court, within three business days after being issued a citation, showing that the ANS course had been completed prior to such person launching or operating a boat, then such fine shall be reduced to \$50.00 for a permit violation only. Otherwise any fine set forth herein shall not be reduced or suspended by any court.

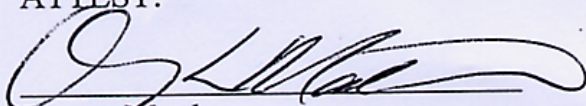
Section 8. Repeal. Ordinance 2057 of the Ordinances of the City of Council Grove, Kansas as well as any and all other ordinances in conflict herewith are hereby repealed.

Section 9. Effective Date. This ordinance shall take effect upon its publication in the Council Grove Republican.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS ON THIS 19 day of April, 2010.


Cynthia Engle
Mayor

ATTEST:


Danny Matthews
City Clerk

