

ORDINANCE NUMBER 1306

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An ordinance describing a certain tract of land on which the City has constructed a dam across Canning Creek creating a lake, naming the lake, regulating the use thereof, and prescribing penalties for the violation of this ordinance, repealing all ordinances or parts of ordinances that may be in conflict herewith and/or ordinance bearing prior dates covering the same situations.

Be it ordained by the governing body of the City of Council Grove, Kansas.

Section 1. That all of the land heretofore acquired by and belonging to the City of Council Grove, Kansas, and located in: Sections Six (6), Seven (7), Eight (8), and Eighteen (18), Township Sixteen (16), Range Eight (8) East, all in Morris County, Kansas;

be and hereinafter is named Council Grove Lake Park, and hereinafter referred to as the Park.

Section 2. The basin in the Park is hereby named, and hereinafter referred to as Council Grove City Lake.

Section 3. Any person, persons, or group of persons, may use the grounds designated picnic grounds, for picnicking purposes, at any and all reasonable times subject to all ordinances, rules and regulations of the City and the supervision of the caretaker in charge of the Park.

Section 4. Any person, persons, or group of persons, may use the public camping grounds for camping purposes in a reasonable manner at any and all reasonable times for a period not exceeding two consecutive days without charge, and thereafter, for a period not exceeding five days by paying a license fee of fifty (50) cents per day subject to all ordinances, rules and regulations of the City and the supervision of the caretaker in charge of the Park.

Section 5. Any person, persons, or group of persons, may obtain a license to build cabins upon any of the tracts designated as cabin sites, upon paying a license fee of \$15.00 and shall have the option to renew and extend such license to use said tract of ground for consecutive one-year periods, so long as the City permits said tract to be used as a private cabin site; subject at all times to revocation as hereinafter mentioned. Any cabin site license shall expire on December 31st, following issuance. The term of cabin licenses shall be from January 1st, to December 31st, of each year. Provided also that when any license is issued after March 1st, of each year, the fee shall be prorated at \$1.50 per month for the remainder of such year. All licenses shall be subject to the following conditions and regulations: No license shall be transferred or assigned. Any person holding a license and making a sale, trade, grant or gift of his cabin shall automatically forfeit his license; and the purchaser or grantee of said cabin shall immediately secure a license, and pay a fee on the basis as herein before stated.

Section 6. The license fee shall be paid in advance to the City Clerk. Applications for license to use cabin sites shall be made in writing to the City Clerk and the issuance of licenses shall be at the discretion and action of the governing body of the City; and a permit therefor issued by the City Clerk. No cabin shall be built in the Lake Park until a written plan therefor, setting out the size, kind of material, and architectural design thereof has been filed with the City Clerk, approved by the governing body of the City and a permit therefor issued by the City Clerk. The structure upon the site shall be at least 100 feet from the high water line of the Lake and the site area itself shall be 75 feet wide and 150 feet in depth. No roads or ways of access shall be made in, upon or across the Park or any part thereof without the written approval of the governing body of the City. If the license of any cabin site, while in or upon the Park or Council Grove Lake violates any law of the State of Kansas, or ordinance, rule, or regulation of the City, or if he knowingly permits another to do so, who violates said laws, ordinances, rules and regulations, the governing body of the City may cancel and terminate the cabin site license. Upon termination of any cabin site license, the licensee shall remove all of his property from said cabin site, and all property not removed therefrom within thirty (30) days after termination of such license, shall be ipso facto, forfeited to and become the property of the City. Cabin site licenses may not be assigned, but all rights under such license for the remainder of the term thereof, may pass by will or the laws of descent,

distribution and inheritance of the State of Kansas. Each licensee shall provide his own water supply and will be responsible for toilet and other sanitary conditions on his site. The toilets must meet requirements as set forth by the State Board of Health. The City will not be responsible for the protection and safety of any property in the Park nor on Council Grove Lake. Each licensed cabin owner shall take the necessary precaution to prevent grass fires originating on licensee's premises to spread to adjacent lots, sites or grounds and said owner shall be responsible to cause a safe and proper fire guard to be effected to prevent grass fires originating on adjacent lots, sites or grounds to spread to licensee's grounds.

An annual inspection shall be made by the governing body and/or the State Board of Health. The governing body and they shall be and are vested with authority to make requirements pertaining to cottages and cabins on lake sites such as general maintenance, painting, general appearance, etc. and in the event an owner or owners fail to comply the governing body may cancel or renew such license. If on the inspection it shall be revealed that the construction of a cottage does not comply with the original plans the owner may be directed to meet the specifications of his approved plan or have his license and permit cancelled. The owner or owners shall not in any way alter the original construction plan and/or construction by the addition to or the removal of such structures as a garage, boat house, and other attachments without submitting a specific plan therefor which shall show the structure after such proposed alteration or addition.

All plumbing shall meet with the approval of the City plumbing inspector and no septic tanks or cesspools shall be put in operation excepting as same may comply strictly with the requirements of the State Board of Health as same exists as of this date or may be changed from time to time.

It shall be unlawful for any cabin site owner to use or permit to be used any chemical for the purpose of killing or destroying weeds or moss or other vegetation on any of the Lake premises without first having obtained a written permit from the governing body to use such chemical and then the use of such chemical must be in the presence of and under the supervision of the caretaker of the Lake.

Section 7. After a site is acquired the owner thereof shall have one year to start construction and shall have the exterior completed within two years or the City may forfeit such site and re-lease said site to another.

Section 8. All licensed rentals shall be paid by each March 1st hereafter or a penalty of 10 per cent per month shall be assessed against such license whether said tract be vacant or has a building thereupon.

Section 9. The owner of a cabin license may, under the supervision of the caretaker, build a temporary duck blind on his premises without additional charge. All others must pay a fee of \$2.00 per season for the privilege of building a blind which shall not conflict with any license holder. All such blinds if built below high water level shall be removed at the close of each duck season.

BOATING

Section 10. It shall be unlawful to keep, have maintain, or operate an outboard motor on Council Grove Lake, hereinafter called the Lake, unless duly licensed, as hereinafter provided, and then only strictly in accordance with this ordinance. Boat includes canoes, kayaks, row boats, sail boats, motor boats having either in-board motors or outboard motors, and any craft suitable for use on such bodies of water.

Section 11. Persons keeping, maintaining, operating, or riding in boats or on skis or surf boards on the Lake do so entirely at their own risk so far as the City is concerned and are warned that there are many shoals, rocks, stumps, and logs, both floating and submerged, and other refuse in the Lake and that the City does not maintain it for boating purposes nor represent that it is safe to use boats thereon.

Section 12. Persons desiring to keep, have, and maintain any boat upon the Lake shall make application for that privilege to the City Clerk and/or caretaker upon the premises, in writing stating: the name of the boat owner; the type, size, capacity, condition, a general description of the boat and accompany the application with proof that the boat complies with the requirements of this ordinance. The City Clerk shall issue such license

to any person showing himself entitled thereto and assign to him a boat number. The licensee shall paint and maintain said number, in letters three inches high and of comparative width, on the outside of both sides of the bow of the boat, in a conspicuously contrasting color of the color of the boat.

Section 13. No boat shall be licensed except one that is seaworthy, well constructed, balanced, manageable, not likely to capsize, leak or damage other boats upon coming in contact therewith, and having sufficient buoyancy when loaded to capacity. Provided, however, that the burden of making this decision is upon the applicant and/or the owner or owners and not the City.

Section 14. No person shall have charge of the operation or guidance of any boat propelled by sail or mechanical power on the Lake without having obtained and holding a boat operator's license. Application for license to operate one or more kinds of boats shall be made to the City Clerk and/or caretaker on the premises, in writing, signed by applicant, stating applicant's experience in operating such boat. Applicant shall accompany the application with proof that he is competent to operate the kind of boat for which license is desired and shall tender the license fee.

Section 15. No person may be granted a boat operator's license unless such person is physically competent to operate such boat, has had experience in doing so, has good eyesight, is not color blind, is a fair swimmer and know by memory the traffic rules herein after contained.

Section 16. The boat license fees shall be based on a graduated scale on the horse power of motors used for out-board motors as follows:

\$3.00 per year for Boat and Motor up to and including 7½ HP.
\$5.00 per year for Boat and Motor over 7½ HP to 16 HP Inc.
\$7.50 per year for Boat and Motor over 16 HP.

\$10.00 per year for all in-board Motor Boats.

The daily rate for boats shall also be based on the graduated scale provided, however, that two day permits shall be the minimum as follows:

\$3.00 for Boat and Motor up to and inc. 7½ HP Motor (2 days)
\$1.00 for Boat and Motor over 7½ HP to 16 HP inc. (2 days)
\$1.50 for all out-board Motors over 16 HP. (2 days)
\$2.00 for in-board Motor Boats (2 days)

Severely Permits:
\$1.00 for Boat and Motor up to and inc. 7½ HP Motor
\$2.00 for Boat and Motor over 7½ HP to 16 HP inc.
\$3.00 for Boat and Motor over 16 HP.

\$4.00 for all in-board Motor Boats.

Individual operators license shall be 50c per person per year. In the event the applicant does not have his own boating permit.

All such licenses shall be effective until and expire at midnight on December 31st following unless sooner suspended or revoked. The City reserves the right either by its governing body or anyone of its police officers at the time or to suspend for any period of time or to revoke any license because of violation of this ordinance or for carelessly or recklessly operating any boat or for any other good cause. Any person whose license is suspended or revoked may have such license restored or obtain a new license only upon application to and approval by the governing body of the City.

Section 17. Each boat when in use, shall carry as many adequate and sufficient life preservers as there are persons in the boat. While out on the Lake each person shall wear a life preserver who is not a fairly good swimmer, also each woman or girl wearing a skirt or dress shall wear a life preserver. Skiers and surf board riders must wear life preservers.

Section 18. When in use on the Lake, between dusk and dawn, each boat being operated by motor or other power shall display one white light, plainly visible in all directions for a distance of three hundred feet, and also display a red light on the left and a green light on the right, at the bow, and visible for a distance of three hundred feet in front of said boat; and other boats shall display a white light plainly visible in all directions for a distance of three hundred feet.

Section 19. Boats when meeting shall turn to the right and when overtaking another shall pass on the left and when their courses are converging the operator of the boat on the left shall yield the right

of way to the boat on the right. Sail boats shall have the right of way over all other boats.

Section 20. It shall be unlawful to operate any boat at such speed or in such manner as to endanger the life of any person or tend to cause such boat to capsize, wreck or collide with any other boat or to cause or permit gasoline or oil to be spilled upon or placed upon the water.

Section 21. It shall be unlawful to operate any speed boat on any part of the Lake where speed boating is forbidden as indicated by markers, buoys or other signs, except in caring for the Lake or rescuing persons in danger. All boats shall proceed at slow speed when near shoreline and shall not imperil or deliberately annoy fishermen or anchored boats. Speeding boats must keep 150 feet from shore.

Section 22. A person maintaining, operating or riding in boats on the Lake or being upon the grounds surrounding the Lake shall obey all directions, requests, orders, and demands of the City's officers or police in charge of the Lake and surrounding grounds.

Section 23. All transient boats which shall refer to parties not owning cabin sites shall use the boat ramp for unloading and re-loading purposes.

Section 24. Any person who violates this ordinance, or does anything forbidden herein or fails to do anything required herein is declared to be a trespasser.

HUNTING

Section 25. All hunting on or about the Lake premises at any time or season shall be in strict compliance with the rules and regulations of the State Forestry Fish and Game Department of the State of Kansas and/or any subdivision of the State having jurisdiction and any violation of any rule or regulation shall likewise be a violation of the city ordinance and such rules and regulations are by reference hereby made a part of this ordinance and the same shall apply to all regulations now in existence or any that may be hereafter established by the proper subdivision. The use of rifles is strictly prohibited on the Lake at all times of the year.

FISHING

Section 26. It shall be lawful to fish in Lake Council Grove provided that all rules and regulations of the State of Kansas and the fish and game laws of said State of Kansas be held in strict compliance and that all other rules and regulations that the governing body of the City of Council Grove may establish from time to time hereafter. Any person who finds it necessary to have a State license to fish shall also and likewise be required to have a permit and license to fish in Lake Council Grove. The charge for the permit and license to fish in Lake Council Grove shall be \$1.00 per person per year and a daily permit may be obtained for 50c per day.

Section 27. Each person fishing in Lake Council Grove must on demand exhibit his State license, his City license and his catch to any sheriff, policeman, fish and game warden, the deputy of either or any person in authority including the caretaker at the Lake and must submit to search of himself, his boat and/or his vehicle for such purposes.

Section 28. Fishing with trout lines, throw lines, limb lines or bank lines is forbidden. It will be unlawful to take channel cat under 14 inches in length from the Lake.

Section 29. All rules and regulations of the Forestry Fish and Game Department of the State of Kansas and/or any other subdivision of the State of Kansas having authority shall be and are hereby made a part of this ordinance the same as if set out herein in full. This to apply to such regulations as may now be in existence or may hereafter be established and the violation thereof on the premises covered by this ordinance shall likewise be a violation hereof.

Section 30. Any person or persons found guilty of violating any provision, section or subdivision of this ordinance shall be punished as hereinbefore provided and in addition thereto may be fined in a sum not less than \$5.00 nor more than \$100.00 together with the costs of this action.

This ordinance passed by the governing body this 19 day of December, 1955. For final vote see journal page No. 469.

Published in the Council Grove Republican, the official publication of the City of Council Grove, this 26 day of December, 1955.

HARRY ROSSER

Mayor

Attest: Mildred Kirkpatrick
City Clerk
(SEAL)