

ORDINANCE NO. 2170

AN ORDINANCE PREVENTING THE DISCHARGING OF DREDGED MATERIAL AND FILL MATERIAL INTO THE COUNCIL GROVE LAKE.

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

WHEREAS, the U.S. Department of Army Corps of Engineers has regulatory jurisdiction over all waters in the United States, including the Council Grove Lake Park, and any discharge of dredged or fill material in the Council Grove Lake requires prior authorization of the Corps of Engineers under Section 404 of the Clean Water Act; and

WHEREAS, the discharge of dredged material into the Council Grove Lake also requires a City of Council building permit; and

WHEREAS, studies have indicated that bacteria levels are higher in beach sand than in surrounding areas. Beach sand also washes into the Council Grove City Lake in violation of Corps of Engineers' regulations.

NOW THEREFORE, BE IT ORDAINED BY GOVERNING BODY OF COUNCIL GROVE, KANSAS:

Section 1. PURPOSE. The purpose of this ordinance is to prevent the discharge of dredged material and fill material into the water at the Council Grove Lake Park. This promotes the health, safety and general welfare of the citizens of the City of Council Grove and those at the Council Grove Lake Park.

Section 2. DEFINITIONS.

- A. **Dredged Material:** Material that is excavated or dredged from waters in the United States.
- B. **Fill Material:** Material placed in waters of the United States where material has the effect of either replacing any portion of the waters with dry land or changing the bottom elevation of any portion of the waters. Examples include rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from excavation activities and materials used to create any structure or infrastructure.
- C. **Standard Water Level (SWL):** The level of water in the City Lake when it is full, not running over the spillway, but at spillway level.

Section 3. PROHIBITED DISCHARGES. The following are all prohibited discharges at the Council Grove Lake Park:

- A. Any discharge, including redeposit other than incidental fall back, of dredged material or fill material into the Council Grove City Lake.
- B. Any discharge of dredged material or fill material onto areas that drain into the Council Grove City Lake.
- C. Any discharge of dredged material or fill material below the standard water level of the Council Grove Lake, with the exception of construction materials for boat ramps and sea walls for property protection.

Section 4. SAND BEACHES PROHIBITED. Sand beaches which are not contained so as to prevent sand washing into the Lake are prohibited at the Council Grove Lake Park. Any such sand beach that was installed at the Council Grove Lake Park without Corps of Engineer authorization and a City of Council Grove building permit shall be removed before June 1, 2016.

Section 5. PENALTIES. Any person violating this ordinance shall be guilty of a code violation and upon conviction thereof shall be punishable by a fine of not less than \$100.00 or more than \$200.00 per day for each day that the offense occurs. Each day shall constitute a separate offense.

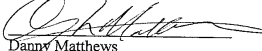
Section 6. REPEAL. This ordinance repeals any and all ordinances in conflict herewith.

Section 7. EFFECTIVE DATE. This ordinance shall be effective upon its publication in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS ON THIS 6<sup>th</sup> DAY OF October, 2015.

  
Steven Shepard  
Mayor

ATTEST:

  
Danny Matthews  
City Clerk

