

ORDINANCE NO. 2936

AN ORDINANCE TO AMEND ARTICLE II – MIOLA LAKE – IN GENERAL, ARTICLE III – BOATING, ARTICLE IV – FISHING, AND ARTICLE V - PENALTY OF TITLE II OF THE CODE OF THE CITY OF PAOLA

Be it ordained by the governing body of the City of Paola, Kansas, as follows:

SECTION 1. That Article II, Article III, Article IV, and Article V of Title II of the Code of the City of Paola are hereby repealed in their entirety and new Articles are hereby enacted in their place to read as follows:

SECTION 2.

ARTICLE II. MIOLA LAKE – IN GENERAL

**SECTION 220.070: PARK AND LAKE RECREATIONAL PURPOSES—
CONFLICTING WITH WATER SYSTEM**

Miola Park and Miola Lake are hereby declared to be dedicated to park and recreational purposes incidental thereto, as provided by Section 14-2001, Kansas Statutes Annotated, insofar as the said uses are not in conflict with the use by said City of said lake as a municipal water supply system.

**SECTION 220.080: CITY RESERVES RIGHT TO CLOSE LAKE OR TO
BLOCK ENTRANCES**

The lake may be closed at any time for any reason deemed advisable by the Governing Body of the City, and the boat licenses herein authorized are conditioned thereon. The Governing Body of the City reserves the right to block all entrances into Miola Park or any part thereof for the purpose of collecting admissions for any events staged at said Miola Park or Lake by the City or any organizations having the approval of said City to charge admission.

**SECTION 220.090: LAKE AND PARK FOR PUBLIC USE—PERSONAL
RISK**

The public, at its own risk, shall be permitted the lawful, sanitary, safe and orderly use of Miola Park and Miola Lake for various activities of a recreational nature as herein provided.

SECTION 220.095: LAKE MIOLA FEE SCHEDULE

All fee schedules referenced in Article II, III, and IV of this Chapter shall be posted at the Lake Miola Caretaker’s House and kept on file with the City Clerk where they shall be available for public inspection during regular business hours. The Lake Miola Fee Schedule may, from time to time, be revised by a motion of the City Council, without publication of such schedules.

SECTION 220.100: CAMPING REGULATIONS

Any persons, or groups of persons, may use the designated public camping grounds in a manner specified by the lake Caretaker provided said person, persons, or groups observe all general rules and regulations concerning Lake Miola and said public lands. The Lake Miola Campground will close November 1 until March 1, no camping will be allowed during this time.

- A. Any camping unit parked within twenty (20) feet of the established electrical connections shall pay a daily electrical fee whether connected to electricity or not.
- B. Fees shall cover any camping device or vehicle that in the opinion of the lake Caretaker shall be classified as a “camper, camper trailer, camping truck or tent”. All campers, camp trailers, camping truck, tent and camping devices are limited to a stay of not more than 14 consecutive days, beginning two (2) weeks prior to Memorial Day through Labor Day. A period of five (5) days out of park must be observed before re-entry to campground is allowed. The penalty imposed for violation of these stay restrictions shall be \$25.00 dollars per day of violation in addition to the camping fees.
- C. Recognized non-profit organizations may use such camping grounds without paying the camping fee, provided that they observe the general rules and regulations of Lake Miola.

SECTION 220.110: SOLICITING PROHIBITED

No person, firm or corporation or their representative shall engage in or solicit any business in Miola Park without permission from the Governing Body of said City.

SECTION 220.120: RUBBISH CONTAINERS

Rubbish of any kind shall be placed in cans provided by the City.

SECTION 220.130: POLLUTION OF WATER PROHIBITED

Any act which will pollute the water in Lake Miola is prohibited. Any recreational vehicles manufactured with a "holding tank" shall retain all waste water including water from sink and shower drains in said holding tanks and dispose of same only in proper dumping stations provided for that purpose.

SECTION 220.140: SWIMMING

Swimming or wading is restricted to the area designated as the swimming area on the Official Map and within twenty-five (25) feet of an anchored watercraft in a no wake area. Swimming shall be limited to daylight hours. The swimming areas shall be vacated when the light next to the boat ramp closest to the Caretaker's house is on. The use of the lake for swimming in any other area is prohibited.

Pets are not allowed in the sand beach area, all pets must be kept in the grass area above sand beach and kept on a leash at all times.

Glass containers of any kind are not allowed in beach area.

SECTION 220.150: ANNUAL FEES, PERMITS AND LICENSES

All annual fees, permits and licenses shall be effective from January first (1st) to December thirty-first (31st) of each year. The cost of all annual fees, permits and licenses shall be the full annual amount whether purchased for the full year or a fraction thereof. The payment of an annual fee, permit or license does not entitle the payor to any preferential use of Lake Miola's facilities since all use is on a first come first serve basis.

SECTION 220.160: LICENSE FEES TO BE PLACED IN THE GENERAL FUND

All license fees collected under any provisions of this Article shall be placed in the General Fund of the City.

ARTICLE III. MIOLA LAKE- Skiing and Pleasure Boating

SECTION 220.170: Skiing LICENSES ARE REQUIRED

It shall be unlawful to keep, have or maintain any boat upon Miola Lake unless duly licensed. All boats must be registered with the caretaker office. Boats shall include any craft suitable for use on the lake including personal watercraft. "*Personal watercraft*" means a vessel which uses an inboard motor powering a jet pump as its primary source of propulsion and which is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting, standing or kneeling inside the vessel.

SECTION 220.180: PERSONS USING LAKE DO SO AT THEIR OWN RISK

All persons using the lake for recreational purposes do so entirely at their own risk, 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 220.190: PERMIT

Persons desiring to keep, have, and maintain any boat upon the lake, shall make application for that privilege to the 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 Article. The City shall issue such boat license to any person showing himself/herself entitled thereto and assign to him/her an annual boat sticker. This sticker will be of contrasting colors one color for fishing and one for general boating, (fishing, skiing, tubing, or wake boarding or pleasure boating). The license holder of an annual license shall paint and maintain said number, in letters three (3) inches high and of comparative width, on the outside of both sides of the bow of the boat, in colors sharply contrasting with the color of the boat: provided, that all motor boats requiring numbering by State law shall be registered with the Kansas Forestry, Fish and Game Commission prior to their operation on the lake, and the number awarded to such registered motor boat or granted reciprocity by the said Commission. The annual City sticker shall be placed on the starboard side of boat in front of the KA number issued by the state.

SECTION 220.200: LICENSE FEE

Licenses and fees at Lake Miola are identified on the Lake Miola Fee Schedule and licenses will expire on December thirty-first (31st) of each year. License fees shall be the same amount whether for a full year or fraction thereof.

SECTION 220.210: LICENSES NOT TRANSFERABLE

The boat licenses shall not be transferable or refundable. No fractional year licenses are authorized.

SECTION 220.220: (Deleted)

SECTION 220.230: EQUIPMENT SHALL BE OPERATED IN A SAFE MANNER

- A. The license holders shall operate their equipment in a safe manner at a reasonable speed considering the conditions. Each person shall operate any boat or personal watercraft at no wake speeds of five miles per hour (5 m.p.h.) or less when within one hundred (100) feet of:
1. A no wake zone;
 2. A dock;
 3. A boat ramp;
 4. A person swimming;
 5. A moored or anchored vessel;
 6. A non-motorized watercraft;
 7. A skier.
 8. A fisherman or fishing boat.
- B. Each person shall operate a personal watercraft in a reasonable and prudent manner. Maneuvers which unreasonable or unnecessarily endanger life, limb or property shall be prohibited. This includes weaving through congested vessel traffic or jumping the wake produced by another vessel at an unsafe distance, or circling another vessel. No boat shall be loaded with passengers beyond its safe carrying capacity.

SECTION 220.240: LIFE PRESERVERS

Each boat when in use shall carry as many adequate and sufficient life preservers as there are persons in the boat. Provided that no child twelve (12) years of age or under shall ride in a boat without wearing a life

preserver. Provided further that each person operating or riding upon a personal watercraft shall wear an adequate life preserver regardless of age. All skiers surf boarders or disc riders shall wear U.S. Coast Guard approved life preservers.

SECTION 220.250: LIGHTING OF BOATS

When in use on the lake between dusk and dawn, each motor boat over ten (10) horsepower shall display one (1) white light and a red light on the left, and a green light on the right at the bow. Other boats shall display a white light. All lights must be plainly visible for a distance of three hundred (300) feet. Personal watercraft are prohibited from operating on the lake between sunset and sunrise.

SECTION 220.260: OPERATION OF BOATS

Boats operation on the lake shall not cross buoy lines or come within one hundred (100) feet of shore in excess of ten (10) miles per hour. Boat operators shall not annoy fishermen. The speed of boats shall be reduced to ten (10) miles per hour less when the pole light next to the boat ramp closest to the Caretaker's house is on. All watercraft will move in a counter clockwise pattern from the boat ramp.

SECTION 220.270: STORAGE OF BOATS, BOAT PARTS, AND BOAT TRAILERS PROHIBITED

It shall be unlawful to store boats, boat parts, or boat trailers in any undesignated area at Miola Park for a period longer than fourteen (14) days. For the purpose of this Section, boats shall include all watercraft. Boat trailers attached and unattached are allowed in designated trailer parking areas only as shown on the official map. The penalty imposed for violation of this Section shall be twenty-five dollars (\$25.00) per day.

SECTION 220.280: LOADING AND UNLOADING OF BOATS

All trailed watercraft shall be unloaded and loaded at the boat ramp east of the Caretaker's house. The ramp shall be kept clear of obstructions except when loading and unloading boats. All loading and unloading shall be at the operators own risk.

SECTION 220.290: OBSTRUCTIONS

No person shall anchor a boat in such a position as to obstruct a passageway ordinarily used by other boats. No boat shall be moored or tied to the NO Wake or marker buoy at any time. Boat trailers attached and unattached are allowed only in designated trailer parking areas.

SECTION 220.300: INFLUENCE OF INTOXICATING LIQUOR, ETC., PROHIBITED BY OPERATOR OF BOAT

It shall be unlawful for any person who is under the influence of intoxicating liquor or controlled substance as defined in K.S.A. Chapter 65 Article 41 or any person who is an habitual user of same to operate a boat on the lake. It shall be unlawful for any person having charge of a boat to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic drugs, or barbitol or any person who is an habitual user of same.

SECTION 220.310: TYPES OF BOATS AND FLOTATION DEVICES AND EQUIPMENT PROHIBITED

- A. Houseboats are expressly prohibited. *"Houseboats"* shall include any boats with toilet facilities.
- B. The use of barrels, drums and any other device not originally manufactured for use as a flotation device is expressly prohibited.

SECTION 220.320: PRIVATE BOAT DOCKS

Private boat docks are to be of the floating type only. There shall be a charge of thirty dollars per year for private boat dock permits including. All private boat dock permits shall expire on December thirty-first (31st) in the year of issuance. Private boat docks may be constructed by owners of boats and permits shall be issued upon request for construction, alterations, or removal of existing docks upon approval of the Building Inspector and Lake Caretaker.. Upon termination of any boat dock permit, the permit holder shall remove his/her boat dock from the lake and if not removed within ten (10) days after termination, the dock shall become City Property. The City reserves the right to revoke any boat dock permit and to remove said dock from the lake when said dock becomes unsafe and detrimental to said lake in any way, all after having given ten (10) days' written notice to the permit holder at his/her last known address. Fees for removal (man and machine hours as well as

dump fees) will billed to owner. If your dock does not meet city standards no permit will be issued, no dock may be transferred or sold without the Lake Caretakers approval and no new permits will be issued to new owner till dock meets city standards, and Lake Caretaker has inspected said dock.

CONSTRUCTION STANDARD FOR DOCKS AT LAKE MIOLA

1. All dock plans must be approved by Building Inspector and Lake Caretaker. Permits are required for any dock being build at Lake Miola
2. All dock plans or slips areas for double dock will be 20' feet wide. Single dock will be 10' feet wide. All walkways to docks shall be not less than 36" wide.
3. All wood components new or replacement shall be CCA material.
4. All docks must be anchored at base and additional anchors shall be concrete and evenly spaced. NO STEEL OR WOODEN POSTS.
5. No docks shall extend more than 65' from shore line.
6. All new docks MUST BE NO LESS THAN 36" WIDE.
7. All flotation devices must be approved by the Building Inspector and Lake Caretaker. If flotation device is encased in plastic, it must be accompanied by letter from manufacturer stating that the product contains nothing harmful to Lake Water or fish.
8. All docks 36" wide shall have a handrail on one side of the entry and tees. Wood railings must have up-right support at least every 2' on center. Metal railings every 4' on center. All Railings must be made of wood or metal only, rope is not allowed.
9. All docks wider than 42" shall have handrail both sides of entry. On center spacing same as item 8.
10. All shore line areas around the dock must be kept clear of all brush, weeds, or grass by the dock owner.
11. All docks shall comply by June 1, 2007 or be approved by the Building Inspector and Caretaker.

12. All docks must be kept in good repair, to the satisfaction of the Building Inspector and Lake Caretaker.

ARTICLE IV. FISHING

SECTION 220.330: FISHING LICENSES REQUIRED

A valid fishing license issued by the State of Kansas shall be required of any person who is fishing at Miola Lake.

SECTION 220.340: (DELETED)

SECTION 220.350: STATE OF KANSAS FISHING LICENSE NOT REQUIRED – WHEN

All Paola residents under sixteen (16) years of age and accompanied by a properly licensed adult and all Paola residents sixty-five (65) years of age holding a Kansas Senior Sportsman’s card may fish in said lake without a license; provided, that such persons produce proof of age on the request of a City Official.

SECTION 220.360: FISH WITH POLE OR ROD ONLY AND REMOVAL OF CERTAIN FISH FROM MIOLA LAKE

- A. It shall be unlawful to fish in the lake except with pole or rod and line, and it shall be unlawful for any person to use, operate or have set at any one time, more than two (2) poles or rods and lines, unless they obtain a third pole license from State of Kansas Wildlife and Parks. No trot lines, throw nets or limb lines allowed.
- B. Species length limits and creel limits shall be as posted.
- C. It shall be unlawful to exceed the creel limit and possession limit of all species of fish as set forth in the Kansas Fishing Regulations.

SECTION 220.370: PENALTY

Any person, firm, partnership or corporation violating any of the provisions of this Article may upon conviction thereof, be fined in any sum not exceeding three hundred dollars (\$300.00) and in addition thereto, any license herein authorized by the aforesaid Sections of this

Article may be suspended without refund for the balance of the term of said license, and may be denied the right to use or apply for a license upon said lake for a period not exceeding two (2) years, or by both such fine, loss of license and privilege.

ARTICLE V. PENALTY

SECTION 220.380: PENALTY

Where no other penalty is specified any person violating any of the provisions of this Chapter shall upon conviction thereof be fined any sum not exceeding three hundred dollars (\$300.00) or imprisoned not to exceed thirty (30) days or be both so fined and imprisoned.

SECTION 3. That any part or parts of ordinances in conflict herewith be hereby repealed.

SECTION 4. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper, as provided by law.

PASSED By the Council this 13th day of March, 2007.

APPROVED By the Mayor this 13th day of March, 2007.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk