

CHAPTER 5
USE OF CITY PARKS

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- 9-5-1: **PURPOSE:** The rules and regulations of this chapter shall govern the use of all facilities which are a part of the Garnett City Park system, including, but not limited to, Lake Garnett, Crystal Lake and Cedar Valley Reservoir. (Ord. 2732, 7-8-1985)

9-5-2: **INJURING PARK AND LAKE PROPERTY:** The destruction or injury to any sign, guideposts or property of any kind is unlawful. This includes the peeling of bark, carving, and chopping of trees, cutting branches, driving nails, digging ground from roots and the removal of trees, shrubs, plants and other injuries. (Ord. 2142, 6-8-1970)

9-5-3: **FIREARMS:** The use or discharge of any firearms is prohibited in any city park except:

(A) In designated areas of the north city park surrounding and adjacent to Lake Garnett; and

(B) The city park surrounding and adjacent to Cedar Valley Reservoir as may be designated for waterfowl hunting. (Ord. 2732, 7-8-1985)

9-5-4: **QUIET TIME TO BE OBSERVED:** It shall be unlawful and a violation of this chapter to make, or cause or permit to be made, any loud or repetitive noise which tends reasonably to disturb others within any city park between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. the following day. (Ord. 3667, 10-24-2006, eff. 1-1-2007)

9-5-5: **SANITARY USES:** The use of woods as toilets or the use of toilets for bathhouses is prohibited in all parks. (Ord. 2142, 6-8-1970)

9-5-6: **FIRES:** Building or starting fires in the open or in any place, except where the proper provisions have been made, or to leave fires burning is prohibited. (Ord. 2142, 6-8-1970)

9-5-7: **DOGS IN PARK:**

(A) Except for dogs trained to assist, and actually then assisting a handicapped person, no dog shall be permitted in, at or upon:

1. Garnett Municipal Stadium and any ball field, including the adjacent spectator areas, and all parking lots adjacent thereto; or

2. Any tennis court, volleyball court, basketball court or other playground, including the area commonly called the "tot lot" adjacent to the municipal swimming pool; or

3. Within any municipal park.

- (B) Dogs elsewhere within any municipal park shall at all times be either: 1) controlled on a leash or restrained by chain or other suitable cable or restraint or 2) under voice command of an adult person who is capable of controlling the dog and to whose command the dog is obedient. No dog shall be left unattended.
- (C) Any person having any dog in any city park shall at once pick up and properly dispose of all feces or vomitus from such dog. (Ord. 3826, 6-22-2010)

9-5-8: **SPEED LIMITS:** (Rep. by Ord. 2732, 7-8-1985)

9-5-9: **OPERATORS OF MOTORIZED, NONHIGHWAY VEHICLES REQUIRED TO BE ISSUED PERMIT:**

- (A) It shall be unlawful and a violation of this section to operate a motorized, nonhighway vehicle within any Garnett park without having first obtained a permit issued by the city clerk. In the case of annual permits, no proration of fees shall be allowed for registration less than for the full twelve (12) month period. The following fees shall be collected:

1. Annual permit fees:

(a) Anderson County residents: Ten dollars (\$10.00).

(b) General (nonresident of Anderson County): Fifteen dollars (\$15.00).

2. Seven (7) day temporary permit fees:

(a) Anderson County residents: Five dollars (\$5.00).

(b) General (nonresident of Anderson County): Seven dollars fifty cents (\$7.50).

3. Lost or damaged permit cards will be replaced on the payment of two dollars (\$2.00).

(B) Upon payment of the above fee, as applicable, and

1. If the permit applicant is sixteen (16) years of age or older, furnishing evidence of a motor vehicle operator's license valid in Kansas, the city clerk shall issue a permit card of distinctive design, which shall be changed annually to correspond with the registration period. The permit card shall contain the name of the permittee, his or her motor vehicle license number and state of issuance, and such other information as the city clerk shall deem appropriate or necessary; and

2. If the permit applicant is under sixteen (16) years of age, upon application in the name of the permit applicant by his or her parent or legal guardian, the city clerk shall issue a permit card of distinctive design, which shall be changed annually to correspond with the registration period. The permit card shall contain the name of the permittee, his or her date of birth and parent's or legal guardian's name and address, and such other information as the city clerk shall deem appropriate or necessary.

Such permit cards shall be carried by the operator at all times of operation.

(C) Terms used in this section shall have the same meaning as if used in Kansas Statutes Annotated.

(D) All park rules and regulations shall be observed when operating a motorized, nonhighway vehicle, and the failure to observe the same may form the basis for revoking the permit issued under this section, in addition to any other penalty which may apply. In the case of multiple violations of subsection 9-5-10(A)5 of this chapter, such revocation may be in perpetuity, as ordered by the municipal court.

(E) The city manager is hereby authorized to promulgate reasonable regulations in order to carry out the administration and operation of this section. (Ord. 3669, 10-24-2006, eff. 1-1-2007)

9-5-10: **MOTORIZED, NONHIGHWAY VEHICLE OPERATING REGULATIONS:**

(A) It shall be unlawful and a violation of this chapter to operate a motorized, nonhighway vehicle (as defined in the preceding section) within any Garnett park in violation of these rules:

1. No motorized, nonhighway vehicle shall be operated by anyone not possessing a city permit for the operation of such type of vehicle, issued pursuant to this chapter. A permittee possessing an age restricted permit shall only operate such a vehicle while accompanied by an adult possessing such a valid city permit and who is riding in the general proximity of such age restricted permittee. The city permit card shall be carried by the operator at all times of operation. (Ord. 3668, 10-24-2006, eff. 1-1-2007)

2. No motorized, nonhighway vehicle shall be ridden in any municipal park of the city of Garnett, Kansas, except Cedar Valley Reservoir Park; provided, however, the governing body of the city of Garnett, Kansas, may allow such vehicles to be ridden in any park for any special event and upon specified conditions for such event. No motorized, nonhighway vehicle shall ever be ridden in any campground or playground areas of any park. (Ord. 3885, 9-27-2011)

3. No motorized, nonhighway vehicle shall be operated at a speed of greater than fifteen (15) miles per hour on any park roadway or elsewhere within any park, except on designated nonhighway riding trails and areas.

4. When operating any motorized, nonhighway vehicle, except on designated nonhighway riding trails and areas, the operator shall make all reasonably possible efforts to avoid unnecessary engine or gear noise.

5. No motorized, nonhighway vehicle shall be operated under the influence of alcohol or drugs. The same rules shall prevail for presumption of influence as apply on public streets in any other motor vehicle. Refusal to submit to a requested test of blood or breath for alcohol concentration shall be grounds to revoke the operator's city permit issued under this chapter. In addition to any other penalty applicable to such, the conviction of a third violation of this section, without regard to when such convictions shall have occurred, shall be grounds for revocation of the operator's permit issued under this chapter and shall forever bar the person from the operation of motorized, nonhighway vehicles in any city park.

6. No motorized, nonhighway vehicle shall be ridden on the trails in the north end of Cedar Valley Reservoir except between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.

- (B) Terms used in this section shall have the same meaning as if used in Kansas Statutes Annotated.
- (C) In addition to any other penalty applicable to any violation of this section, upon any conviction for a violation of this section, the municipal court may order the motorized, nonhighway vehicle impounded. Such impounded vehicles shall be subject to disposition in the manner provided by Kansas statutes for motor vehicles towed or impounded for law violations. (Ord. 3668, 10-24-2006, eff. 1-1-2007)

9-5-11: **SWIMMING GENERALLY PROHIBITED; CERTAIN EXCEPTIONS:** No person shall bathe, swim, wade or otherwise go into the waters of any lake, stream, creek, river, or reservoir, including, but not limited to, any basin, outfall area, sluice, or other integral part thereof, within any city park, except:

- (A) For the purpose of waterskiing and then only when, where, and under the rules or conditions by which waterskiing is permitted; or
- (B) When expressly permitted by the governing body in connection with a special event and then only when, where, and under the rules or conditions specified in a written contract between the city of Garnett

and the producer or sponsor of such special event. (Ord. 3721, 2-12-2008)

9-5-12: **HUNTING:**

- (A) The hunting, shooting, trapping, or capturing in any manner and the injuring, pursuing, or molesting in any way of any bird or animal on or within any city park is prohibited, except as provided in subsection (B) of this section.
- (B) Waterfowl hunting within the park area surrounding Cedar Valley reservoir shall be permitted from October 1 of each year through January 31 the following year. Anyone hunting shall observe all Kansas waterfowl seasons and all applicable hunting or trapping regulations. The hunting area within the Cedar Valley reservoir shall be limited to that part of the park adjacent to the reservoir lying north of the northernmost boat ramp. No hunting, shooting, trapping, or other similar activities shall be allowed in any area lying south of said boat ramp, which shall be preserved exclusively for a fishing and camping area. (Ord. 3454, 3-12-2002)

9-5-13: **FISHING:**

(A) Permit Required; Exception:

1. No person shall fish or attempt to fish from any city lake without having been issued and having in his or her possession a valid city fishing permit; provided, however, no person under sixteen (16) years of age shall be required to have such a city fishing permit. Any person having a current Kansas fishing license or any person exempt from licensure under Kansas law may make application for a city fishing permit to the city clerk, who shall issue a permit upon payment of the following fees:

Deleted

(a) A resident of the city \$ 8.00

(b) A resident of Anderson County 10.00

(c) All other persons 12.00

(d) Five (5) consecutive day permit 8.00

(e) Single day permit 5.00

City boating and fishing permits not required at this time.

City boating and fishing

Such permit, except the five (5) day and single day permits, shall be valid for the year in which issued and shall expire on December 31 in the year of issuance, and there shall be no prorated year charges, regardless of when the license shall be applied for and issued.

The five (5) day and single day permit fees shall apply uniformly, regardless of residence of applicant. Five (5) day permits shall expire at eleven fifty-nine o'clock (11:59) P.M. on the fifth day of said five (5) day period for which it shall be issued. Five (5) day permits shall only be issued for five (5) consecutive days. Single day permits shall expire at eleven fifty o'clock (11:50) P.M. on the day for which it shall be issued. All such permits shall entitle the holder to fish in any city lake. (Ord. 3544, 3-9-2004)

permits not required at this time.
Kansas permits are required.

2. A duplicate city fishing permit or trout permit may be issued to the original holder or permittee upon furnishing evidence that the same has been lost or destroyed and upon payment of a one dollar (\$1.00) replacement fee to the city clerk. (Ord. 3440, 11-13-2001)

(B) Violation: It shall be unlawful and punishable as a misdemeanor for any person:

1. To fish at any one time with more than the permitted number of rods and lines, or to fish with any one rod or line to which is attached more than the permitted number of baited hooks or artificial lures, according to the Kansas fishing regulations adopted by the Kansas department of wildlife and parks.

2. To fish without having a valid Kansas fishing license, unless exempt therefrom by Kansas law; or to fish with lines or other equipment exceeding the permitted limit of such license, including endorsements thereto or additional permits supplementary thereto; or to fish for any species without appropriate permits when required by the Kansas department of wildlife and parks; or to fish outside of season for any particular species when a special season is established for such species by the Kansas department of wildlife and parks.

3. Reserved. (Ord. 3600, 5-24-2005)

4. To take, or attempt to take, or catch any species of fish by hand fishing, toe fishing, snagging, snaring or gigging.

5. To use, operate, install or to possess with the intent to use, operate, or install, any trotline, setline, float, bank or limb line on any city lake, other than south of the Missouri-Pacific Railroad overpass on Cedar Valley reservoir.
 6. To fish in any city lake at a time when such fishing is prohibited by resolution of the governing body, or to fish in violation of any restrictions established by such a resolution for such lake or for taking any species of fish from such lake.
 7. To have, retain or possess fish of the size or in a quantity greater than established by this section or any resolution adopted under the authority granted by this section.
- (C) Fishing Restrictions: The governing body, on recommendation of the city manager, in consultation with appropriate, qualified fish biologists or state game agencies, may establish restrictions on the taking of fish. Such restrictions may include the hours at which fish may be taken from one or more lakes; classification by species and limitation of retention and possession of species by length, weight, or both, and the establishment of daily (12:00 midnight to 12:00 midnight) creel limits. Such resolution may, from time to time, be adopted or amended by the commission, and shall make reference to this subsection and when published once in an official newspaper of the city, shall have the same effect as if set out word for word in this section.
- (D) Bullfrogs: Anyone entitled to fish in any city lake may also hunt and take bullfrogs so long as it is done in compliance with the regulations of the Kansas state forestry, fish and game commission. The daily (12:00 midnight to 12:00 midnight) bag limit on bullfrogs is eight (8).
- (E) North Park: It is unlawful and punishable as a misdemeanor to fish in, wade or otherwise molest the north park rearing pond, rearing cages, or fish feeders.
- (F) Unlawful Devices: Any unlawful device used in or as an aid facilitating the violation of any of the provisions of this section shall be and is hereby declared to be contraband and may be seized and confiscated and may, upon the order of the municipal judge, be destroyed.
- (G) Application Of Provisions: Nothing in this section shall be construed to supersede applicable statutes of the state or regulations

promulgated thereunder by the state forestry, fish and game commission. (Ord. 2999, 11-26-1991)

9-5-14: **BOATING:**

(A) **Speed Restrictions:** Boating and canoeing shall be permitted at any time on Lake Garnett or Cedar Valley reservoir; provided, however, that with respect only to Lake Garnett the speed of the boat shall be restricted to trolling speed unless such boat be operated for waterskiing. No motorized boat shall be permitted on Crystal Lake; provided, however electrically powered motors may be mounted upon a boat and used on Crystal Lake provided such electric power source is not generated onboard by an internal combustion engine and provided further that such boat shall be restricted at all times to trolling speed. Rowboats and canoes without motors shall be permitted at any time on Crystal Lake. For purposes of this subsection "trolling speed" shall mean a speed not in excess of five (5) statute miles per hour. Any boat traveling in excess of trolling speed where such is applicable shall be considered to be a speedboat and subject to other regulations of this chapter. At all times, pilot or operator of any boat or vessel on any city lake shall operate the same at a speed that is reasonable and prudent given consideration to conditions and actual hazards then existing, and nothing in this subsection shall be construed to the contrary. (Ord. 2919, 12-28-1989)

(B) **Permits:**

1. All boats, canoes, or other vessels used upon the waters of any lake within any city park shall be required to have a valid Kansas boat registration number and to obtain a boating permit from the city clerk. If annual, such permits shall be issued upon a calendar year basis and when fees apply, no proration of fees shall be allowed for registration less than for the full twelve (12) month period. The following fees shall apply to the class of licensee:

ANNUAL PERMIT FEES

Garnett Residents:

Boats with motors in excess of 40 hp	\$20.00
Boats with motors with 40 hp or less	10.00
Nonmotorized craft, i.e., sailboats, canoes, etc.	5.00

City boating and fishing permits not required at this time.

City boating and fishing

Anderson County Residents

permits not required

Boats with motors in excess of 40 hp	\$40.00
Boats with motors with 40 hp or less	10.00
Nonmotorized craft, i.e., sailboats, canoes, etc.	10.00

All Others:

Boats with motors in excess of 40 hp	60.00
Boats with motors with 40 hp or less	20.00
Nonmotorized craft, i.e., sailboats, canoes, etc.	15.00

Kansas permits are

required.

TEMPORARY PERMIT FEES

Five Consecutive Days:

Boats with motors in excess of 40 hp	20.00
Boats with motors 40 hp or less	10.00
Nonmotorized craft, i.e., sailboats, canoes, etc.	5.00

Single Day:

All classes of boats, motorized and nonmotorized	10.00
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Temporary permit fees shall apply uniformly, regardless of residence of applicant. (Ord. 3545, 3-9-2004)

2. (a) Upon furnishing evidence of a valid Kansas boat registration number in force for the period for which a city boating permit is sought for each such boat, canoe, or other vessel and upon payment of the required permit fee provided in subsection (B)1 of this section, the city clerk shall issue a decal or other insignia of distinctive design, which shall be changed annually to correspond with the registration period, and which such decal or insignia shall be permanently affixed to the boat to which it is issued and displayed at all times thereon and so maintained as to be clearly visible and legible. The decal or insignia shall be placed within one foot (1') of the transom and within two feet (2') of the left corner of said vessel.

(b) Nonresidents of Kansas may furnish evidence of a valid boat registration in their state of residence in lieu of Kansas boat registration called for in subsection (B)2(a).

3. In order to permit participation in single-day events of City or area wide importance, the City Manager is hereby authorized to waive the provisions of subsection (B)1 hereof and cause to be issued a temporary, one-day permit for any boat, canoe or other vessel to be used upon the waters of any lake within any City park for participation in that event and for the purpose only, which said temporary permit shall expire at midnight on the day of such event and shall thereafter be of no purpose.

4. An annual permit may be transferred upon the sale of the boat for which it was issued, to a replacement boat, canoe, or vessel titled or owned by the same person upon the applicant's demonstrating the replacement boat, canoe, or vessel has a valid Kansas boat registration number and upon the payment of a two dollar (\$2.00) transfer fee. Lost or damaged decals will be replaced on the payment of two dollars (\$2.00).

5. The City Manager is hereby authorized to promulgate reasonable regulations in order to carry out the administration and operation of this subsection. (Ord. 3131, 6-13-95)

9-5-15: BOATING REGULATIONS:

- (A) All regulations adopted by the Kansas Forestry, Fish and Game Commission and all laws of Kansas governing boat operations shall at all times be adhered to on City lakes and the violation thereof shall constitute a violation of this subsection the same as if each regulation was set out word for word and the prosecution for such violation may be brought in the Municipal Court of the City.
- (B) On all boats and vessels manually propelled and all canoes and kayaks regardless of length there must be one Coast Guard approved I, II, III (wearable lifesaving device) or IX (throwable) device carried for each person on board and being towed. Manually propelled vessels shall also carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.
- (C) All Class A (under 16 feet) motor boats and sailboats shall have on board:

1. Valid certificate of number on board.
2. Registration number on both sides of bow.
3. One Coast Guard approved lifesaving device type I, II, III or IV for each person aboard and being towed.
4. Fire extinguisher, one B-I for motorboats in which inflammable gases may accumulate.
5. Lights while underway from sunset to sunrise.

Motorboats - combination red and green light on bow, white horizon light aft.

Sailboats - combination red and green light on bow, twelve (12) pt. white light aft.

6. Ventilation on motorboats using volatile fuels.
 7. Flame arrestor on inboard boats.
- (D) All Class I (16 foot to under 26 foot) motor boats and sailboats shall have on board:

1. Valid certificate of number on board.
2. Registration number on both sides of bow.
3. One Coast Guard approved lifesaving device type I, II, III for each person aboard and being towed plus one throwable device, type IV Coast Guard approved.
4. Fire extinguisher, one B-I for motorboats in which inflammable gases may accumulate or fixed system.
5. Lights while underway from sunset to sunrise.

Motorboats - combination red and green light on bow, white horizon light aft.

Sailboats - combination red and green light on bow, twelve (12) pt. white light aft.

6. Ventilation on motorboats using volatile fuels.

7. Flame arrestor on inboard boats.

8. Whistle, horn or other mechanical sound-producing device for motorboats.

(E) All Class 2 (26 foot to under 40 foot) motorboats and sailboats shall have on board:

1. Valid certificate of number on board.

2. Registration number on both sides of bow.

3. One Coast Guard approved lifesaving device type I, II, III for each person aboard and being towed plus one throwable device, type IV Coast Guard approved.

- E) 4. Fire extinguisher, one B-II or two (2) B-I, or fixed system plus one B-I for motorboats in which inflammable gases may accumulate.
5. Lights while underway from sunset to sunrise.
- Motorboats - Twenty (20) pt. white light forward, red and green side lights, white horizon light aft.
- Sailboats - red and green side lights, twelve (12) pt. white light aft.
6. Ventilation on motorboats using volatile fuels.
7. Flame arrestor on inboard boats.
8. Whistle, horn or other mechanical sound-producing device for motorboats.
- (F) All Class 3 (40 foot to not more than 65 foot) motorboats and sailboats shall have on board:
1. Valid certificate of number on board.
2. Registration number on both sides of bow.
3. One Coast Guard approved lifesaving device type I, II, III for each person aboard and being towed plus one throwable device, type IV Coast Guard approved.
4. Fire extinguisher, one B-II plus one B-I or three (3) B-I; or fixed system plus one B-II or two (2) B-I for motorboats in which inflammable gases may accumulate.
5. Lights while underway from sunset to sunrise.
- Motorboats - Twenty (20) pt. white light forward, red and green side lights, white horizon light aft.
- Sailboats - red and green side lights, twelve (12) pt. white light aft.
6. Ventilation on motorboats using volatile fuels,
7. Flame arrestor.
8. Whistle, horn or other mechanical sound-producing device for motorboats.
9. Bell for motorboats.
- (G) All lifesaving devices or P.F.D.'s must be Coast Guard approved, serviceable and readily accessible at all times, in each boat or vessel.

- (H) Boats anchored in open water between sunset and sunrise must display a white light visible to another boat approaching from any direction.
- (I) Every motorboat and vessel except open boats shall be provided with proper ventilation so as to remove explosive or inflammable gases.
- (J) Every motorboat except one equipped with an outboard motor, using gasoline as fuel shall have the carburetor or carburetors equipped with efficient Coast Guard approved flame arresters or backfire traps.
- (K) 1. Passing: When two (2) vessels are approaching each other "head on", or nearly so, each shall be operated to pass the other on the port (left) side at a distance and speed so that the wake of each will not endanger the other.
2. Overtaking: When a vessel desires to pass another traveling in the same direction, the overtaking vessel shall keep clear of the overtaken vessel and shall not pass until it is safe to do so and then at such a speed and distance so as not to endanger the overtaken vessel.
3. Crossing: In a crossing situation, the vessel which has the other on her own port (left) side shall hold her course and speed; and the vessel which has the other on her own starboard (right) side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other vessel, or stop and reverse if necessary to avoid collision.
4. Any vessel propelled by machinery shall keep clear of any vessel under sail or being propelled by oars or paddles.
- (L) 1. No person shall operate any vessel carrying passengers, cargo or equipment beyond the safe carrying capacity of the vessel or powered by machinery beyond its safe power capacity.
2. No owner or person in possession of a vessel shall permit a person under twelve (12) years of age to operate a motorboat unless accompanied and under the direct and audible supervision of a parent or other person over seventeen (17) years old.
3. No person shall operate a motorboat or other vessel close to swimming areas, moored boats, or vessels engaged in fishing, servicing buoys or markings, or similar activities, without reducing the speed of the vessel so as to prevent wash or wake from the vessel causing damage or unnecessary inconvenience to the occupants of the area or other vessels.
4. No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life or property of any person.
5. No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any narcotic drug, barbituate or marijuana.

6. No person shall operate or moor a vessel within a water area which is marked by buoys or some other distinguishing device as a bathing or swimming area, or as an all boats prohibited area. Further, no person shall operate a boat for purposes other than fishing or hunting in areas marked by buoys or otherwise designated as fishing or hunting areas.

7. No person shall operate or give permission for the operation of a vessel which is not properly equipped with safety devices as required by the law and regulations. (Ord. 2877, 12-27-1988)

8. No person shall anchor any boat or watercraft within fifty feet (50') of any fish feeder on any lake within any city park. (Ord. 3455, 3-26-2002)

9-5-16: **SPEEDBOATS; WATERSKIING:**

- (A) Speedboating and waterskiing shall be permitted on any day on Cedar Valley Reservoir and only on each Wednesday, Thursday, and Sunday and on the first and third Saturdays of each month, from eight thirty o'clock (8:30) A.M. to sunset each permitted day, beginning May 1 and ending on November 15 of each year. In addition, speedboating and waterskiing shall be permitted on Lake Garnett between eight thirty o'clock (8:30) A.M. and sunset on Memorial Day, Independence Day (July 4) and Labor Day of each year. Speedboating and waterskiing on any lake shall not commence before sunrise on any permitted day and shall end at sunset of each such day. Speedboating and waterskiing on Crystal Lake is prohibited at any time and speedboating and waterskiing on any other lake, other than at the times expressly permitted by this section, are prohibited. (Ord. 3830, 8-10-2010)
- (B) No speedboating or waterskiing shall be permitted at any time in the east neck or the far south end of Lake Garnett, both of which restricted areas shall be marked with buoys.
- (C) Any person who exercises the privilege of waterskiing or attempting to waterski shall do so at his own risk, and shall comply with all rules for safety for waterskiing. Any person waterskiing or attempting to waterski shall, before entering the water for such purpose, attach to his body in a proper manner a sufficient life preserver or life jacket.
- (D) All persons operating a boat pulling or towing waterskiers shall do so at a reasonable and prudent speed and shall observe all rules of

safety for the protection of the skier and other persons using the lake for lawful purposes and shall do so with a vessel equipped with a wide angle rearview mirror properly placed to provide maximum vision; or in the absence of such mirror, in addition to the operator of the boat or vessel there must be an observer in the boat at least twelve (12) years of age who is a responsible person.

- (E) All boats on Lake Garnett must follow the following pattern when leaving and returning to the dock:
 1. Boats leaving the dock must keep to the right while in the east neck.
 2. Upon entering the main lake boats must keep to right of center when going south and north.
 3. When entering the east neck boats must keep to the right and slow to five (5) miles per hour.
- (F) Boats pulling skiers or surfboard riders will have the right of way over all other boats. They shall operate at approximately seventy five feet (75') from the shore and on Lake Garnett shall operate in a counterclockwise course from the dam in the main body of the lake only. When a skier or surfboard rider falls, the boat operator must turn right and retrieve him at once. Towrope cannot be more than seventy five feet (75') in length.
- (G) Not more than two (2) skiers may be pulled on any one boat if there are more than eight (8) boats on Lake Garnett.
- (H) Boat trailers are not to be parked on any road leading up from the ramp while the boat is on the lake, but shall be parked so as not to block access to any dock.
- (I) No boat shall be tied to any dock, except as necessary to receive or discharge passengers.
- (J) Any speedboat licensed under the terms of this chapter may be operated on Lake Garnett during the month of March of each year for purposes of testing upon application by the licensed owner to the city for a one day permit, which shall be issued upon application for a date certain, provided, however, that no licensed owner shall be entitled to more than two (2) such permits during any calendar year; and provided further that no waterskiing shall be permitted during the month of March; and provided further that all other rules for the

operation of speedboats upon Lake Garnett shall be observed when operating under any such one day permit. (Ord. 2877, 12-27-1988)

9-5-17: **OPERATING BOAT AT OPERATOR'S RISK:** Anyone operating the motorboat on any city lake shall do so at his own risk and shall comply with all the rules for safety in the operation of said boat. (Ord. 2142, 6-8-1970)

9-5-18: **DUCK BLINDS:**

(A) It shall be unlawful to build, erect, set up, emplace, or otherwise establish, permanently or temporarily, any structure or facility commonly called a "duck blind" within any city park.

(B) Nothing in this section shall prohibit the use of a duck blind that is built or situated upon a boat or raft and which does not require any permanent attachment to the ground. Operation of any such floating duck blind shall be subject to boating regulations applicable to all watercraft in any city park. (Ord. 3454, 3-12-2002)

9-5-19: **GOING UPON ICE ON THE SURFACE OF LAKES PROHIBITED:** It shall be unlawful for any person to go upon the ice on the surface of any lake within any city park for any purpose, including, but not limited to, ice skating or ice fishing. (Ord. 2756, 2-10-1986)

9-5-20: **VEHICLES ON GRASS IN CITY PARKS:** It shall be unlawful for any person to operate any vehicle upon any grass area in a city park. All vehicles shall be driven and operated upon the roads, drive-ways, and parking areas of the city parks. (Ord. 2207, 9-22-1972)

9-5-21: **CAMPING IN CITY PARKS:**

(A) Designated Areas: Camping shall be permitted only in designated areas, and camping in any other area is declared to be a misdemeanor. The city commission may, upon written request, permit camping in other locations upon such terms and conditions as shall be specified by the commission, either in a written resolution approving the same or in a written contract. Anyone camping under the authority of such a resolution or contract shall have a copy of

that document in their possession at all times and shall display such copy to any city police officer or park ranger.

(B) **Payment Of Fees:** Payment of the fees required for each camping unit by the following subsection shall be made to the city in any manner established by the city manager and may include a system of self-pay at the area of the camping sites. The receipt provided by the city for such fee shall be displayed at the campsite, either in the camping unit or in any space provided by the city at the site. In any event, such receipt shall be displayed in such a way as to be readily visible.

(C) **Fees:** The following fees shall be paid for each camping unit as hereinafter defined:

Overnight camping (per unit/per night)
without services (wilderness):

Garnett resident	\$ 5.00
Anderson County resident	7.00
All others	9.00

Overnight camping (per unit/per night)
with electric hookup:

Garnett resident	10.00
Anderson County resident	12.00
All others	14.00

Overnight camping (per unit/per night)
with electric hookup and water:

Garnett resident	12.00
Anderson County resident	14.00
All others	16.00

(D) **Speed Limit:** All vehicles, camper registrants and the general public alike, shall observe a ten (10) mile per hour speed limit on all access roads leading to or running from any campsites or within any campgrounds.

(E) **Rules:** All persons camping shall observe the following rules:

1. No camping permit shall be issued to any person under eighteen (18) years of age, nor shall any camping unit be permitted to remain

at a campsite unless some person eighteen (18) years of age or older is available and responsible for it.

2. No camping unit shall stay at one campsite for more than seven (7) consecutive days, and upon completion of any camping period in excess of five (5) days, the camping unit shall not be readmitted to that park until five (5) additional days shall have elapsed following its departure.

No more than 1 day

3. No camping unit nor any camping equipment shall be left unattended for a period exceeding twenty four (24) hours.

4. Pets are allowed but must be on a leash, not longer than six feet (6'). Pets shall never be left unattended and shall be kept inside the camping unit after eleven o'clock (11:00) P.M. All dogs and cats must have current rabies vaccination and display current collar tags. Campers are required to clean up after his or her pet. Feces must be removed for park cleanliness and health concerns. Any pet creating a nuisance, and in the case of a dog which is noisy and/or barks continuously, will be asked to leave.

5. Radios, TVs and music players/systems; power tools and equipment, including generators; and general conversation, etc., must be kept at a level that is not offensive to camping neighbors. Quiet time shall be observed from eleven o'clock (11:00) P.M. to seven thirty o'clock (7:30) A.M. the following day.

6. All generally applicable park rules and regulations shall be observed by all campers.

- (F) Definition: For purposes of this section, the term "camping unit" may include more than one vehicle, tent, device, or other structure, provided such do not together occupy more than one campsite space; and, provided further, that such multiple components shall be occupied by a group of people who live together in the same residence and have the same residential address.
- (G) Penalty: Any camper or member of the camper's party or their guest failing to observe any provision of this section shall, upon conviction thereof, be punished as provided in the general penalty provisions of this code. In addition or as an alternative to prosecution in municipal court, he or she shall be subject to eviction from the camping area. Any camping registrant who is asked to leave for a violation hereof and who fails to do so shall commit a violation of this section and

each day he or she remains at the site in defiance thereof shall be a separate violation. (Ord. 3914, 6-12-2012)

9-5-22: **RIDING OR LEADING HORSES:** It shall be unlawful for any person to ride or to lead a horse in that park area commonly called the South City Park, which is the park and public area surrounding and about Crystal Lake and within the city, except upon any paved or improved roadway. (Ord. 2686, 3-28-1984)

9-5-23: **VIOLATION; PENALTY:** Any person violating the provisions of this chapter, including amendments to any section or additional section added after the effective date hereof, shall be punished by a fine of not greater than five hundred dollars (\$500.00) nor more than ninety (90) days in jail; or by both such fine and imprisonment. (Ord. 2732, 7-8-1985)

9-5-24: **GUN RANGE REGULATIONS:**

- (A) All motor vehicles shall be parked on the parking area provided or on the adjacent gravel roads and at no time shall motor vehicles be driven upon or parked on the designated gun range area, except for special events as may be approved and expressly authorized by the governing body.
- (B) The use or possession of any alcoholic beverage or cereal malt beverage upon the gun range is hereby prohibited.
- (C) Nothing in this section, or in any rules subsequently adopted by simple resolution under the authority of subsection (D) of this section, shall be construed to prohibit skeet or trap shooting at the area designated as the Garnett gun club in the North City Park.
- (D) The governing body, on recommendation of the city manager, in consultation with appropriate qualified persons, may establish rules and regulations on the use of the municipal gun range. Such regulations may be issued in conjunction with or to provide for the administration by the Lake Garnett Sporting Club, Inc., or its successor and may regulate the persons allowed to use the range, the caliber and type of weapons that can be used on the range, and operational or procedural rules, the purpose of which is to promote and encourage safe use of said range. Such resolution may from time to

time be adopted or amended by the governing body and shall make reference to this subsection and when published once in an official newspaper of the city of Garnett shall have the same force and effect as if set out word for word in this section.

- (E) Violation of this section shall be a misdemeanor and shall be punishable upon conviction by imposition of the general penalty provisions of this code. The city of Garnett reserves the right, in addition to or in lieu of prosecution in the municipal court for any violation hereof, to bar such person or persons violating said rules from the premises of the municipal gun range and to enforce the same if necessary through action in the district court of Anderson County, Kansas, by injunction or otherwise, the cost of such proceedings being taxed to such person or persons. (Ord. 3435, 10-9-2001)

9-5-25: **ROLLERSKATING ON ROADWAYS:**

- (A) Rollerskating shall be permitted, upon the rules and regulations hereinafter set out, on the public roads in the park area around and adjacent to Lake Garnett (commonly called the North City Park), commencing at the intersection of North Lake Road and Park Avenue and thence north throughout the park.
- (B) "Rollerskating" shall mean riding upon a wheeled apparatus either of the conventional four (4) wheel variety or of the newer design wherein the wheels are set in line, commonly called rollerblades. However, such term shall not include skateboards. Except within the park area permitted hereby to be used for rollerskating, the provisions hereof shall not in any way restrict or abridge the city's right to enforce section 136 of the uniform traffic ordinance as presently adopted, or any other regulation limiting or restricting the use of roller skates or coaster vehicles or similar devices upon any other public street or roadway.
- (C) Persons skating in the area provided by this section shall observe the following rules:
1. Skating shall be limited to the hours from sunrise to sunset. No skating after sunset or before sunrise shall be permitted.
 2. Skaters shall keep to the right of the paved surface of the road, moving in line with traffic.

3. Skaters in groups shall skate in single file.
 4. Skaters shall be at least ten (10) years of age; or if under ten (10) years of age, shall be accompanied by an adult.
 5. Skaters shall yield right of way in favor of pedestrians.
 6. Skaters shall, at all times, use due caution and shall be aware of vehicles approaching from behind them.
 7. Nothing herein shall be interpreted to confer a right on skaters to use city streets to skate to the park, other than crossing at intersections as provided by other ordinance or law.
- (D) The city may, but shall not be required to, post one or more signs to advise and alert the motoring public on the roadways in the park adjacent to Lake Garnett that the roadway is open to use by skaters. (Ord. 3023, 8-25-1992)