

ORDINANCE NO. 90

AN ORDINANCE REGULATING USE OF WATER CRAFT UPON BODIES OF WATER
WITHIN THE CITY OF LINN VALLEY, KANSAS.

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF LINN VALLEY, KANSAS:

1. DEFINITIONS: "Body of Water" shall mean any lake, pond or any other navigable body of water within the City of Linn Valley which is publicly owned or privately owned, when the owner of said privately owned body of water has filed with the City a formal enactment or affidavit requesting the City to enforce these regulations on such privately owned body of water.
2. It shall be unlawful for any person to operate a boat, a personal water craft ("PWC"), or any other motorized water craft on any body of water within the City of Linn Valley in violation of the following requirements:
 - a. All boats and PWC shall comply with all Federal, State and Local operating requirements.
 - b. All boats and PWC shall carry U.S. Coast Guard approved life-saving equipment for each passenger.
 - c. All boats and PWC shall be registered with the City of Linn Valley in compliance with the following procedures:
 - (1) The registering of boats and PWC for use within the gated region known as Linn Valley Lakes shall be administered by the Linn Valley Lakes Property Owners Association (the "POA"), acting as an agent of the City for this purpose. Records of all registrations shall be retained by the POA, as custodian thereof, and shall be available to the City for audit and review upon request by the City Council.
 - (2) No application for registration shall be accepted from any person or entity who is not a property owner of Linn Valley or a member in good standing of the POA.
 - (3) Applications for registration must be accompanied by (a) proof of ownership of the craft, (b) documentation verifying the horsepower of the craft, (c) proof of current liability insurance on all craft with a length of 16 feet or longer or with an engine of 20 horsepower or more, and (d) proof

of residence or status as a member in good standing of the POA.

- (4) Upon compliance with the registration procedures herein, owners of craft registered shall be issued two Linn Valley Lakes identification stickers for each craft registered, which shall be affixed to the craft registered, with one sticker on each side of the craft, placed just below the gunnel or as close thereto as possible. Any craft not properly displaying the identification sticker assigned to that craft will be deemed to be unregistered.

d. On any body of water in excess of 100 acres in size, boat motors shall be limited to 160 horsepower and boats shall be limited to a length of 22 feet, with the exception that pontoon boats shall be limited to a length of 30 feet.

e. On any body of water less than 100 acres in size, boats shall be limited to water craft of no more than 16 feet in length, powered by manual means or an electric motor. No other power source shall be permitted. No PWC shall be permitted on any such body of water.

f. On any body of water greater than 100 acres in size, all boat and PWC traffic shall travel in a counter-clockwise direction. No boat or PWC shall approach or leave a docking area nor travel inside any posted "No Wake" area at greater than idle speed. No boat traveling at greater than idle speed shall approach to within 100 feet of any shore line or dock. No craft shall operate near any swimming beach or near any warning buoy.

g. No boat, PWC or any other craft of greater than 10 horsepower shall be operated by an individual under 16 years of age unless that individual is accompanied by (on the same craft) and under the supervision of a person 18 years of age or older.

h. No water skiing shall be allowed before 9:00 AM nor after sundown on any day. Any craft, other than a PWC, towing a skier, tube, aqua-board or any other object of any kind shall have aboard, in addition to the driver of the craft, a rear-facing observer at least 12 years of age.

i. Between sundown and 9:00 AM, no craft shall travel at a speed of greater than 10 MPH. No craft shall operate after dusk or before dawn unless that craft shall have appropriate running lights installed and operating. No PWC shall operate before 12:00 Noon nor after 6:00 PM.

j. No craft shall be used as a residence, temporary or permanent, nor shall any craft be used for sleeping, nor shall any craft with toilet facilities be used on any body of water.

k. All craft shall be docked, launched, and stored only at authorized locations.

l. No swimming, fishing or diving shall be allowed in the vicinity of any boat ramp or in

any location with signs prohibiting swimming, fishing, or diving.

3. All ordinances of the City of Linn Valley, including those in the Standard Traffic Ordinances or the Uniform Public Offense Code, pertaining to water craft or their use, shall apply and be enforceable on any Body of Water as defined herein, within the City of Linn Valley.
4. Conviction of any violation of this ordinance shall be punishable by fines of up to \$500 per violation.
5. This ordinance shall become effective upon its passage and publication in the official newspaper of the City of Linn Valley, Kansas.

ORDAINED THIS 12th DAY OF June, 2006.

Ralph S. Fitch
MAYOR

ATTEST:

Joyce Virgin
CITY CLERK

CORPORATE RESOLUTION

WHEREAS, the Linn Valley Lakes Property Owners Association is the owner of record of certain bodies of water within the gated region known as Linn Valley Lakes; and

WHEREAS, said Linn Valley Lakes lies entirely within the city limits of the City of Linn Valley, Kansas; and

WHEREAS, said Property Owners Association desires to provide for the safety and wellbeing of all propertyowners of Linn Valley Lakes as they use said bodies of water within Linn Valley Lakes; and

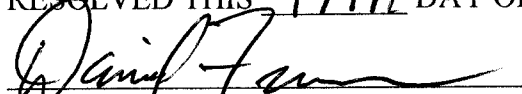
WHEREAS, the City of Linn Valley, Kansas has enacted certain ordinances regulating use of bodies of water within the City; and

WHEREAS, the said Property Owners Association desires that said ordinances be enforced by City Police Officials on the privately owned bodies of water within the gated region known as Linn Valley Lakes;

NOW THEREFORE IT IS HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE LINN VALLEY LAKES PROPERTY OWNERS ASSOCIATION:

1. The Governing Body of the City of Linn Valley, Kansas, is hereby requested to enact whatever ordinances and other enactments may be necessary to allow the Police Department of the City to enforce the ordinances of the City regarding bodies of water within the gated region known as Linn Valley Lakes, and upon all bodies of water owned by the Linn Valley Lakes Property Owners Association.
2. Said enactment and enforcement should begin at the earliest possible date, upon the said enactment by the Governing Body of the City, and upon published notice in the official newspaper of the City.
3. This request shall remain in effect through subsequent revisions of the Standard Traffic Ordinances and subsequent enactments of said revisions, until such time as the Board of Directors of the Linn Valley Lakes Property Owners Association revoke this request in writing and by Resolution, or until the Governing Body of Linn Valley, Kansas repeals said enactments.

RESOLVED THIS 17th DAY OF June, 2006


DAVID FREER, PRESIDENT

CERTIFICATION:



BOARD SECRETARY - Robert M. Burns