

## **ARTICLE IV. BOATING/SKIING ON LAKE SHAWNEE**

### **Sec. 21-131. Definitions.**

(A) *Vessel* means every description of watercraft other than a float tube or a seaplane on the water, used or capable of being used as a means of transportation on water.

(B) *Motorized vessels* means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

(C) *Personal watercraft* are motorized vessels which use 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.

(D) *Power boats* are motorized vessels which use either an inboard or outboard motor as their primary source of propulsion and are designed so that the operators and passengers are sitting, standing, or kneeling inside the vessel.

(E) *Owner* means a person, other than a lien holder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing a payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(F) *Person* means an individual, partnership, firm, corporation, association, or other entity.

(G) *Operate* means to navigate or otherwise use any vessel.

(H) *Operator* means the person who operates or has charge of the navigation or use of any vessel.

(I) *Ski area* means all of the area of Lake Shawnee, hereinafter referred to as the Lake, north of the buoys which extend from a point situated approximately four hundred (400) yards south of the east side of the dam thence westerly across the Lake to the point on the north side of the cove which is about four hundred (400) yards south of the west end of the dam.

(Code 2006; History: Res. 2004-35, § 3.1; amended by Res. 2005-30, § 3.1; amended by Res. 2005-189, § 3.1)

### **Sec. 21-132. General Rules.**

(A) All persons keeping, maintaining, operating, or riding in private or rented vessels do so entirely at their own risk.

(B) Operating any vessel in a reckless or unsafe manner is prohibited.

(Code 2006; History: Res. 2004-35, § 3.2; amended by Res. 2005-30, § 3.2; amended by Res. 2005-189, § 3.2)

### **Sec. 21-133. Licensing Application For License; Exemptions.**

(A) It shall be unlawful to operate any vessel upon the Lake unless duly licensed as provided, and then only in strict accordance with this article. Parks and Recreation officials have the right not to issue licenses for vessels that in their opinion do not meet minimum standards.

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(B) Persons desiring to keep, have, and maintain any vessel upon the Lake shall make application for that privilege to the Director of Shawnee County Parks and Recreation. It shall be unlawful for any person to operate a vessel on the Lake without having obtained a valid Lake Shawnee season or daily license and paid the required fee prior to operating such vessel on the Lake. However, any vessel whose owner is the United States, a state, or a subdivision thereof shall be exempt from the requirements of this rule.

(C) No vessel shall be licensed to any person under eighteen (18) years of age.

(D) The Director of Parks and Recreation reserves the power to grant any owner and/or operator of a vessel participating in a regatta, boating tournament, or other special event exemption for the requirement to obtain a Lake Shawnee license. Such authorization is not automatic and is given exclusively at the discretion of the Director of Parks and Recreation. All other rules and laws apply to the owners and operators of such vessels unless otherwise exempt by law.

(Code 2006; History: Res. 2004-35, § 3.3; amended by Res. 2005-30, § 3.3; amended by Res.

2005-189, § 3.3)

**Sec. 21-134. Season Licenses.**

(A) A Lake Shawnee boating license will only be issued when a current and valid State of Kansas boating registration certificate is presented at the time of purchasing your Lake Shawnee boating license (if such registration is required for the applicant's type of boat by the State of Kansas).

(B) If an application for a season license is approved, a season license certificate and two (2) permit decals will be issued.

(C) All season licenses shall expire on December 31 of the year of issuance.

(Code 2006; History: Res. 2004-35, § 3.4; *amended by* Res. 2004-215, § 1; *amended by* Res. 2005-30, § 3.4; *amended by* Res. 2005-189, § 3.4)

**Sec. 21-135. Daily Licenses.**

(A) No daily licenses will be issued unless the applicant possesses and presents a valid Kansas boating registration certificate, or a certificate issued by any state other than Kansas, if such registration is required for the applicant's type of vessel by the laws of the State of Kansas.

(B) If an application for a daily license is approved, a daily license certificate will be issued.

(C) All daily licenses shall be valid and in full effect from 8:00 A.M. on the date set forth in the certificate and shall become void at 8:00 A.M. on the day immediately following the said date.

(D) Daily licenses shall be available at all times for inspection on the vessel for which issued, whenever such vessel is in operation.

(Code 2006; History: Res. 2004-35, § 3.5; *amended by* Res. 2005-30, § 3.5; *amended by* Res. 2005-189, § 3.5)

**Sec. 21-136. Lost Or Damaged Decals Must Be Replaced.**

If said license and/or one (1) or both permit decals should be lost or damaged, the licensee must purchase a replacement set from Shawnee County Parks and Recreation.

(Code 2006; History: Res. 2004-35, § 3.6; *amended by* Res. 2005-30, § 3.6; *amended by* Res. 2005-189, § 3.6)

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**Sec. 21-137. License Transfer.**

(A) A Lake Shawnee boating license is not transferable from either person-to-person or boat-to-boat.

(B) If a person sells a vessel after the current year's permit has been installed, the person may remove the permit stickers from the boat being sold and bring them to the Parks and Recreation administration office to transfer the permit over to a new boat. The person will be required to pay only the sticker replacement fee and not the full price of a new permit.

(Code 2006; History: Res. 2004-35, § 3.7; *amended by* Res. 2005-30, § 3.7; *amended by* Res. 2005-189, § 3.7)

**Sec. 21-138. Minimum Age Requirements For Vessel Operators.**

(A) It shall be unlawful for any person under sixteen (16) years of age to operate any motorized or wind powered vessel. Exception stated in § 21-138(B).

(B) Any person twelve (12) through fifteen (15) years of age may operate a sailboat fourteen (14) feet in length or less when said person is under the direct and audible supervision of an adult instructor. The instructor will be held accountable for the conduct and safety of the operator.

(C) It shall be unlawful for any person under the age of twelve (12) years to operate any manually propelled vessel. All persons under the age of twelve (12) must be accompanied by a person at least sixteen (16) years of age in the vessel at all times. Youth in attendance at day camps and programs operated by Shawnee County Parks and Recreation and other organizations/camps may operate paddleboats and canoes under the direct and audible supervision of adult supervisors or counselors with the prior approval of the Director of Parks and Recreation or a designee.

(Code 2006; History: Res. 2004-35, § 3.8; *amended by* Res. 2005-30, § 3.8; *amended by* Res.

2005-189, § 3.8)

**Sec. 21-139. Operating Restrictions.**

(A) Operating any vessel on any part of the Lake where boating is forbidden as indicated by markers, buoys, or other signs is prohibited.

(B) All motorized vessels entering and operating on the Lake between sunrise and sunset shall proceed in a counter clockwise direction of travel.

(C) Only motorized vessels may operate in the ski area between sunrise and sunset.

Topeka Rowing Association rowing craft may be launched from its dock located in the hazard area west of its building and must immediately proceed south within one hundred (100) feet to the shoreline out of the ski area.

(D) Operating within one hundred (100) feet of the shoreline and docks except at minimum speed is prohibited.

(E) Passing within one hundred (100) feet of another craft, following within one hundred (100) feet of a vessel's wake, or within one hundred (100) feet of a person being towed is prohibited.

(F) The ski jump located in the northeast cove of the Lake may only be used between the hours of sunrise and 9:00 A.M. Users must be members of the Shawnee Boat and Ski Club and be trained in the safe use of a ski jump. The County will set special rules and times for official ski tournaments.

(G) The maximum speed limit of any vessel is thirty-five (35) miles per hour.

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(H) Persons may not operate any vessel on the Lake outside the ski area at a speed that creates a wake and/or wash.

(I) Persons may not operate any vessel at a speed that creates a wake and/or wash between sunset and sunrise.

(Code 2006; History: Res. 2004-35, § 3.9; *amended by* Res. 2005-30, § 3.9; *amended by* Res. 2005-189, § 3.9)

**Sec. 21-140. Open Boating From September 15 Through April 14.**

(A) The line of *No Wake* boating is removed from the middle of the Lake. During this time all vessels will be allowed to use the entire Lake.

(B) During this time period, §§ 21-139(C) and 21-139(H) will not apply. All other boating rules and regulations will remain in effect.

(C) All Lake coves will be *No Wake* areas during open boating.

(Code 2006; History: Res. 2004-35, § 3.10; *amended by* Res. 2005-30, § 3.10; *amended by* Res. 2005-189, § 3.10)

**Sec. 21-141. Water Skis, Surfboards, And Flotation Devices.**

(A) No person may operate any vessel in such a manner as to cause any marking buoy, vessel or other object, or any person to enter between the towing vessel and any person or object being towed.

(B) Tow ropes are restricted to a maximum length of seventy-five (75) feet.

(C) Skiing starts may not be made from boat docks or the shoreline unless otherwise specified.

(D) It shall be unlawful for the operator of any motorized vessel to leave the motor of said vessel running, except when in neutral, while any person is climbing aboard or leaving the vessel and entering the water.

(E) Towing any inflatable flotation devices such as inner tubes or rubber rafts, unless such device was designed and manufactured to be towed behind a vessel, is prohibited.

(F) All vessels towing skiers or flotation devices must display an orange flag and hold it up when their watercraft skier is down in the water.

(Code 2006; History: Res. 2004-35, § 3.11; *amended by* Res. 2005-30, § 3.11; *amended by* Res. 2005-189, § 3.11)

**Sec. 21-142. Abandoned Vessels.**

(A) All vessels must be removed from the Lake premises by November 1 of each year, or the vessel will be deemed to be abandoned.

(B) Allowing any vessel to drift on the Lake unoccupied is prohibited. Any vessel found unattended on the Lake shall be deemed to be abandoned.

(C) Any vessel that is found moored anywhere upon the Lake or its shoreline or that is found anywhere within park areas and that such vessel is unattended shall have affixed to it a notice advising the owner that such vessel must be removed from the premises within forty-eight (48) hours from the time such notice is issued. Any Parks and Recreation official or any peace officer of competent jurisdiction may issue such notice. It shall be unlawful for the owner of any vessel with such notice affixed thereto to fail to remove such vessel from the park areas within this time period. It shall be unlawful for any person other than any official authorized to issue such notices or the owner of such vessel to remove, deface, or mutilate such notice. At the end of this time period, such vessel shall be deemed to be abandoned.

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(D) The fact that such vessel being found abandoned shall be cause for Parks and Recreation officials to remove such vessel and the trailer or device used for transporting such vessel, if any, from the area in which it is found and said vessel be stored by Parks and Recreation. Towing and storage fees shall be assessed against the owner of the vessel. If the vessel is not claimed by the owner within thirty (30) days, said vessel shall be disposed of as directed by the Board.

(Code 2006; History: Res. 2004-35, § 3.12; *amended by* Res. 2005-30, § 3.12; *amended by* Res. 2005-189, § 3.12)

**Sec. 21-143. Law Enforcement Officers; Pursuit/Emergency Situations.**

(A) Any Parks and Recreation official or any peace officer of competent jurisdiction operating any vessel, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law may disregard the provisions of this article.

(B) The foregoing provisions shall not relieve any Parks and Recreation official or any peace officer of competent jurisdiction from the duty to navigate with due regard for the safety of all persons.

(Code 2006; History: Res. 2004-35, § 3.13; *amended by* Res. 2005-30, § 3.13; *amended by* Res. 2005-189, § 3.13)

**Sec. 21-144. Marina Boat Rental Rules.**

(A) Each person riding in a rental boat must be seated in the seat provided.

(B) All rental boats must be returned to the Marina unless weather conditions prevent such return. In such case, all rental equipment issued including personal flotation devices, oars, and paddles must be returned to the Marina.

(C) Rental fees are posted at the Marina.

(Code 2006; History: Res. 2004-35, § 3.14; *amended by* Res. 2005-30, § 3.14; *amended by* Res. 2005-189, § 3.14)

**Secs. 21-145 — 21-170. Reserved.**