

## **CHAPTER 8. PARKS, FAIRGROUNDS AND OTHER COUNTY FACILITIES**

|  |    |
|--|----|
| Article 1. DOUGLAS COUNTY 4-H FAIRGROUNDS .....                            | 1  |
| Article 2. LONE STAR PARK AND LAKE .....                                   | 8  |
| Article 3. WELLS OVERLOOK COUNTY PARK.....                                 | 20 |
| Article 4. PROHIBITION OF NUDITY ON PUBLIC PROPERTY. ....                  | 21 |
| Article 5. PROHIBITION OF MOTORIZED VEHICLES AND<br>ANIMALS ON PATHS ..... | 22 |

### **ARTICLE 1. DOUGLAS COUNTY 4-H FAIRGROUNDS**

#### **8-101 RESERVATIONS.**

- a) **Priorities.** The Douglas County Fair shall be entered on the reservations schedule first and have priority over other events during Fair Week. This priority shall be followed by 4-H, other Extension and County or other government agency sponsored activities in order of requests and building availability. If the director determines it necessary, the director is authorized to move previously scheduled regular (i.e. weekly, biweekly, monthly, etc.) meetings or activities to a different facility in order to accommodate specific meeting needs of the County Extension Service, Douglas County or other government agency, or the needs of other groups requiring the use of a particular facility for a major event.
- b) **Administration.** The Director of Buildings and Grounds shall be responsible for Building and Grounds, and for all requests for reservation of facilities at the Fairgrounds. Except for major events, which are defined in section 8-103, all reservations shall be made with the Director at least two weeks prior to the date of the activity. The Director or the person delegated that duty by the Director shall give copies of the completed reservation forms to the Director, the Commissioners' Secretary, the Extension Office, and the person requesting the reservation.
- c) **Limitations on Reservations; Multiple Reservations.** Except for major events, which are defined in section 8-103, no facility may be reserved for more than two (2) consecutive days without the approval of the Director. Except for "major events", no reservation shall be accepted more than 12 months in advance of the event or activity. Any individual may reserve a facility up to 12 months in advance for purposes of regular meetings or activities. Such advance reservations for monthly use may be renewed on a year-to-year basis. The failure for two

consecutive months to use a facility which has been reserved for regular monthly meetings may result in the forfeiture of any additional reservations that have been made by the same group or individual for that purpose.

- d) Holidays; Fairgrounds Unavailable. The fairgrounds shall be closed and unavailable for use on all holidays designated by the Board of County Commissioners. (HR 97-11, Sec. 1)
- e) Exceptions. Except for “major events” and functions of the County Extension Service, Douglas County 4-H Clubs, Douglas County or any other governmental agency, any individual or group reserving the fairgrounds or any fairgrounds facility shall post a cash deposit with the fairgrounds caretaker within 14 calendar days of the date the reservation is made, to guarantee the reservation and that all facilities and grounds are cleaned and returned to their original condition immediately after the use or event. The failure to do so may result in the cancellation of the reservation or the forfeiture of the deposit, as the case may be. All deposits so forfeited shall be deposited by the director in the county treasury to the credit of the fair fund. The amount of the deposit shall be determined by the County Administrator and set forth in the Schedule of Fees identified in Section 8-105. (HR-06-3-2, Sec. 1)

#### 8-102 ELIGIBLE USES OF FAIRGROUNDS.

- a) General Policy. Unless otherwise prohibited herein, the Fairgrounds facilities may be used by any individual, family, or organization that agrees to abide by the policies, rules and regulations contained in this Code.
- b) Student Functions. Fairgrounds facilities shall be available for activities sponsored by students or student groups, including parties and dances, if the Director receives adequate assurances in writing that the activity will be supervised by a sufficient number of parents or other individuals 21 years of age or older who agree to be responsible for the student activity. If such supervision is not provided, the Director may cancel the reservation for the scheduled event.
- c) Restrictions on Animals and Vehicles. With the exception of seeing eye dogs or other working dogs that are actually assisting a disabled person, no animals are allowed in Buildings 1 and 2. No animals or vehicles are allowed in the park area in the southwest corner of the Fairgrounds without prior Commission approval.
- d) Camping.

- 1) Except during the Douglas County Fair, Boy Scouts, Girl Scouts, and other youth groups, including those sponsored by religious organizations, may camp on the east side of the park area if adequate adult supervision is provided. Camping also is allowed in the same area in conjunction with other scheduled, approved events. Unless otherwise authorized, all campers shall use the judging arena rest rooms.
- 2) During the Douglas County Fair overnight camping at the fairgrounds may occur as authorized by the Douglas County Fair Board. Each individual authorized by the Fair Board to be present on the fairgrounds for overnight camping shall be required to possess and display upon request of the Fair Board's representatives an identification card or pass issued by the Fair Board. The Fair Board may adopt rules and regulations governing the issuance of such identification cards or passes overnight camping and governing conduct during such camping. Such rules and regulations shall be approved by the Board of County Commissioners. A failure to abide by the requirements of such rules and regulations shall constitute grounds for immediate ejection from the fairgrounds by authorized representatives of the Fair Board. Furthermore, such failure also shall constitute a violation of this article and shall be punishable by a fine as provided in section 8-108.
- e) Sales of Goods or Services. Organizations using the fairgrounds facilities may authorize the sale of goods, products or services that bear some reasonable relationship to the scheduled activity. A list of such vendors shall be provided to the Director, and the County Administrator one week prior to the scheduled event. (HR 78-7-3, Sec. 2; HR 88-4-3, Sec. 2, 97-11)

8-103 INSURANCE AND PERFORMANCE DEPOSITS FOR MAJOR EVENTS.

- a) Major Events. Major events, as used in this article, shall include, but not be limited to: circuses; demolition derbies; carnivals; livestock, pet or animal shows; antique car shows and swap meets, baseball, softball and soccer games; and extended trailer or tent camping. The Director shall determine which activities not listed herein also shall constitute major events subject to the requirements of this section. (HR 88-4-3, Sec. 3, 97-11, Sec. 3)
- b) Liability Insurance Required. General liability insurance shall be required for all activities of organizations which constitute major events. A certificate of insurance for such major events shall be filed by the sponsors with the fairgrounds caretaker no less than 30 calendar days in

advance of the event. The certificate of insurance shall provide evidence of a general liability insurance policy covering the sponsoring group for the scheduled activity in the minimum bodily injury coverage. The certificate of insurance shall be forwarded to the Assistant County Administrator for review and approval. No major event may be publicized by the sponsor thereof until such approval has been granted. (HR-06-3-2, Sec. 2)

- c) Performance Deposit. Within 14 calendar days of the date the reservation is made for each "major event", the sponsors of major events thereof also shall post with the fairgrounds caretaker cash, a money order or a cashier check as a deposit to guarantee the reservation and that all facilities are cleaned and returned to their original condition within 24 hours of the last activity or performance. The amount of the deposit shall be determined by the County Administrator and set forth in the Schedule of Fees identified in Section 8-105. (HR-06-3-2, Sec. 2)
- d) Exceptions. No activities of Douglas County or its officers, the Douglas County 4-H Clubs or the Douglas County Extension Service shall be considered major events and subject to the requirements of this section. (HR 88-4-3, Sec. 3, 97-11, Sec. 3)

#### 8-104 RESPONSIBILITY FOR DAMAGE TO FACILITIES.

- a) Entity Responsible.
  - 1) The organization or individual reserving facilities at the Fairgrounds shall be responsible for informing all participants about the policies, rules and regulations governing the use of the Fairgrounds.
  - 2) The organization or individual using the facility shall be responsible for all damages to facilities as set forth in this Code. The rules and regulations shall be posted for public inspection in Buildings 1, 2 and 21.
  - 3) These Code Sections and any subsequently adopted rules and regulations shall be posted for public inspection in Buildings 1, 2, and 21. (HR 97-11, Sec. 4)
- b) Additional Deposit; When Required. In the event a Fairgrounds facility is not cleaned and restored by a user group to its original condition as provided in the Fairgrounds rules and regulations, the Director shall request the responsible group or individual to return to complete the cleanup. If the cleanup is not completed within the time specified by the Director, the group shall be billed by the Director for the actual cost thereof and fined an additional \$100.00. Furthermore, the group shall be prohibited from further use of any facility without the approval of the

County Commission. If such approval is granted, the group shall deposit cash, a money order or cashier's check with the Commission in the amount of \$200.00 prior to the use of any building or \$500.00 prior to the use of the livestock barns. This deposit shall be in addition to any deposit determined by the County Administrator and set forth in the Schedule of Fees identified in Section 8-105. (HR-06-3-2, Sec. 3)

- c) Application and use refusal due to prior failure to comply with rules, misuse of facilities, or failure to care for property. If any group, individual or entity requesting use of the fairgrounds has on prior occasion previously used the grounds and (1) failed to comply with use regulations and rules adopted by the County, (2) failed to properly care for or clean up the property or facilities, or (3) allowed or caused significant damage to the property or facilities, the County Administrator may thenceforth discretionarily decline to approve an application for use and deny future use by the same group, individuals or entity in question. (HR 97a-11)

#### 8-105 USAGE FEES.

- a) Schedule of Fees. Usage fees for facilities at the Fairgrounds shall be set at such amount as the County Administrator shall, from time to time, set. The County Administrator shall set and amend the schedule of fees for usage of the facilities at the Fairgrounds (the "Schedule of Fees") in accordance with policy directives given by the Board, based upon the percentage of operating costs of the Fairgrounds that the Board desires to recover from usage fees. The Schedule of Fees may also contain requirements for deposits for the usage of specified facilities. The Board may, at any time, overrule or amend the Schedule of Fees set by the County Administrator. The Schedule of Fees in effect as of the effective date of this Section shall continue until the County Administrator adopts a new Schedule of Fees.
- b) Waiver of Event Fees. No fees shall be charged to Douglas County or its offices, the Douglas County 4-H Clubs, or the Douglas County Extension Service for usage of the Fairgrounds. In addition, with the consent of the County Administrator, fees may be waived for charity events that benefit citizens of Douglas County and youth organizations that contribute to and benefit the youth of Douglas County. Examples of such groups and events include the Salvation Army's Share the Warmth coat give-away and Round-Up for Hunger, Boy Scouts, Girl Scouts, youth sports, Campfire Girls and Boys, and the United Way.
- c) Damage. All groups and individuals using these facilities shall be held responsible for and shall pay for any and all damages done to the

ground, building or contents which may occur during or as a result of such use.

- d) Changes In Fees. Groups or individuals making and receiving conformations of reservations prior to the effective date of any change in the Schedule of Fees, for a reservation to take place less than 6 months from the effective date of the change, shall be charged the usage fees based upon the Schedule of Fees in effect as of the confirmation of the reservation. (HR-06-3-2, Sec. 4)

#### 8-106 RULES AND REGULATIONS.

- a) Alcohol. Pursuant to K.S.A. 41-719 (e), the Board exempts the Douglas County Fairgrounds from K.S.A. 41-719 (c). Alcoholic liquor, wine, beer or cereal malt beverages may be served, consumed, possessed or carried on the Fairgrounds premises, but only in accordance with policies, procedures, and permits of Douglas County. The Board will adopt policies and procedures, authorizing the County Administrator, or his or her designee, to issue event permits for the serving, consumption, possession, and carrying or alcoholic liquor, wine, beer, and cereal melt beverages on the Fairgrounds premises. Violators shall be subject to fine under Section 8-107. (Res. 15-026, Sec. 1)
- b) Equipment. All equipment shall be cleaned and returned to its original place. All tables, chairs and coat racks shall be put away. Floors and restrooms shall be cleaned. Any decorations, garbage and trash shall be deposited in outside trash barrels. Any excess trash shall be disposed of by the sponsoring group or individual.
- c) Electrical. Upon leaving a facility, all lights and electrical equipment and appliances shall be turned off, during the heating season, the thermostat shall be turned to 60 degrees, and all air conditioning equipment that is in use shall be turned off.
- d) Closing. All activities shall be completed by 12:30 a.m. Buildings and windows shall be locked upon leaving. Buildings 1 and 2 may be locked by pressing in on the lock in the end of the door handle on the inside of the door, then stepping outside and closing the door. Building 21 will be locked by the Director or the person delegated that duty by the Director. (HR 88-4-3, Sec. 6) (Res. 97-11, Res. 97-11a)

#### 8-107 PENALTIES.

- a) In addition to all other penalties provided by law, a violation of the provisions of this Article shall be punishable by a fine of up to \$250.00. (R 01-43, Sec. 1)

8-108 GUN SALES.

- a) It shall be unlawful for any person to offer, display for sale, or sell firearms at the Douglas County Fairgrounds, or any part thereof, unless such person is a licensed importer, a licensed manufacturer, a licensed dealer, or an agent of any of the foregoing. All such licensed importers, licensed manufacturers, and licensed dealers must have proof of licensure readily available for inspection and shall provide such proof to any representative of Douglas County or any law enforcement officer upon demand. The group, organization, or individual reserving the Douglas County Fairgrounds, or any part thereof for a gun show or other event at which firearms are offered, displayed for sale, or sold (including swap meets, flea markets and auctions) shall be responsible to ensure that all persons offering, displaying for sale, or selling firearms are licensed importers, licensed manufacturers, and licensed dealers and to further ensure that all such licensees have proof of such license available for inspection as required herein. The failure to comply with the foregoing provisions shall, in addition to other penalties provided by law, subject the violator to the penalties imposed in Section 8-107(a).
- b) The group, organization, or individual using the Fairgrounds or any part thereof for a gun show or other event at which firearms will be offered, displayed for sale, or sold shall, prior to such event, sign an agreement by which it acknowledges reading and understanding this Section 8-108, agreeing to comply with its provisions, and agreeing to pay a fine up to the amount set forth in Section 8-107(a) for each violation of this Section.
- c) If a group, organization, or individual reserving the Fairgrounds for a gun show or other event at which firearms will be offered, displayed for sale, or sold fails to ensure compliance with this Section, the County Administrator may discretionarily decline to approve an application for use and deny future use by the same group, organization, individual, or any affiliate of such group, organization, or individual.
- d) Any gun show or other event held at the Fairgrounds at which firearms will be offered, displayed for sale, or sold shall be considered a "major event" as defined in Section 8-103(a).
- e) For purposes of this Section, the following terms have the following definitions:
  - 1) The term firearm shall have the meaning set forth at 18 U.S.C. 921(a)(3), as amended.
  - 2) The term gun show shall mean any show or similar event at which firearms are offered for sale, displayed for viewing, or actually sold.

- 3) The term licensed dealer shall have the meaning set forth at 18 U.S.C. 921(a)(11), as amended.
- 4) The term licensed importer shall have the meaning set forth at 18 U.S.C. 921(a)(9), as amended.
- 5) The term licensed manufacturer shall have the meaning set forth at 18 U.S.C. 921(a)(10), as amended. (R 01-43, Sec. 2)

8-109 DANGEROUS EXOTIC ANIMALS.

- a) It is unlawful to Own or Possess a Dangerous Exotic Animal at the Douglas County Fairgrounds without the explicit approval of the Board of County Commissioners of Douglas County, Kansas. The approval of any employee or other official of Douglas County shall not constitute the approval of the Board of County Commissioners.
- b) For purposes of this Section, the following terms have the following definitions:
  - 1) The term Own or Possess shall have the meaning set forth in Section 2-101 of the Douglas County Code, as amended.
  - 2) The term Dangerous Exotic Animal shall have the meaning set forth in Section 2-101 of the Douglas County Code, as amended. (HR 05-7-6, Sec. 3)

**ARTICLE 2. LONE STAR PARK AND LAKE**

8-201 The Rules and Regulations governing Lone Star Lake Park (hereinafter the "Park") are as follows:

- 8-201.1 GENERAL RULES AND REGULATIONS. The following use rules and regulations for the Park are hereby adopted:
- (a) Except as provided herein, the Park is open to the public. Visitors are welcome to use it for the various activities permitted during the times permitted. Fees are charged for certain activities as described herein.
  - (b) All Park rules and regulations shall be enforced 24 hours a day by the Douglas County Sheriff. The Camp Host and County employees shall report observed violations to the Douglas County Sheriff.
  - (c) The Park shall be open only during the hours of 6:00 a.m. to 10:00 p.m. with the exception of those in the Park area for the express and demonstrated purpose of fishing or camping.



Quiet hours shall be observed from 10:00 p.m. until 6:00 a.m. in all areas of the Park.

- (d) The destruction of any sign, guidepost, or property of any kind is unlawful. This includes the peeling of bark, carving and chopping trees, cutting branches, driving nails, digging ground from roots, and the removal of trees, shrubs and plants, picking wild flowers, and other destruction of public property.
- (e) The discharge or use of any firearm, air gun, spring gun, blank gun, paintball gun, slingshot, blow gun or any other device in which force is used to propel projectiles is prohibited. This prohibition shall not apply to any law enforcement officer who is engaged in the discharge of official duties.
- (f) Fireworks are allowed in designated areas on the dates and times allowed by the Board of County Commissioners.
- (g) Throwing of cans, bottles, paper, junk or refuse of any kind on the ground or in the Lake is prohibited. The alteration, destruction or removal of seats, tables, park buildings, and other park equipment is prohibited.
- (h) Washing or throwing of waste of any kind around water faucets or fountains or the use of woods as toilets, or the use of toilets as bathhouses is prohibited.
- (i) Building or starting fires in the open or in any place except in county provided fire rings and grills, or personal grills used for cooking purposes only is prohibited.
- (j) No cats, dogs or other pets shall be allowed (a) in the swimming area, (b) on the swimming beach, or (c) on any dock. Unless in a designated Off-Leash area, dogs shall not be allowed in other areas of the Park unless restrained by a chain or controlled by a leash of no longer than 6 feet. This paragraph shall not apply to dogs present to assist the blind, the visually impaired and persons who are otherwise disabled, pursuant to the legislative declaration of public policy set forth at K.S.A. 39-1101 et seq. and amendments thereto.
- (k) The speed limit on Park roads is 20 miles per hour except where otherwise posted.
- (l) Horseback riding in the Park is prohibited. Driving automobiles, all-terrain vehicles (ATV's), motorcycles or other motorized vehicles anywhere other than on developed roads and in developed parking lots is prohibited.

- (m) Camping in the Park is prohibited except by permit in the designated camping area. Persons using the campground must comply with the Park Rules and Regulations Pertaining to Camping (see Section 8-201.5).
- (n) It is prohibited to engage in disorderly conduct at the Park. Disorderly conduct shall include:
  - (1) Those acts prohibited by K.S.A. 21-4101, and amendments thereto, which is hereby incorporated herein by this reference; or
  - (2) Intoxication due to the consumption of alcohol, drugs, or controlled substances or a combination thereof.
- (o) There is no lifeguard is on duty. All persons swim at their own risk. Bathing, swimming, and wading is prohibited, except in the designated swimming area from May 1 through September 15 from dawn (30 minutes before sunrise) to dusk (30 minutes after sunset) or as otherwise permitted by the Director of Public Works or the Board of County Commissioners. Bathing, swimming and wading in the cabin arm of Lone Star Lake (hereinafter the "Lake") by lake front property owners or their guests is permitted only within 50 feet of each lake front property owner's shoreline. Swimming beneath docks or dock catwalks is prohibited anywhere in the Lake including the designated swimming area and in the cabin arm of the Lake.
- (p) The use of rubber rafts, air mattresses, tubes and other flotation devices which are not U.S. Coast Guard approved is prohibited (i) outside of public swimming areas and (ii) more than 50 feet from the shoreline in public swimming areas. This prohibition does not include inflatable float tubes, inflatable pontoon boats, inflatable canoes, inflatable kayaks, or other inflatable personal watercraft manufactured and designed primarily for fishing while such watercraft is used for fishing activities.
- (q) Ice skating, ice boating, ice sledding, and ice fishing on the Lake are prohibited.
- (r) The Park is a game sanctuary. Hunting, shooting, killing, trapping, injuring, pursuing, harassing or molesting in any way any bird or animal on or within the Park is prohibited.
- (s) The use of unmanned aerial vehicles, i.e., drones are prohibited in the campground and the swimming arm areas.

- (t) The use of water craft on the Lake is subject to State of Kansas laws and regulations, and amendments thereto, which are incorporated herein by this reference, and rules and regulations set forth in Section 8-201.3 and Section 8-201.4.
- (u) The possession, use or consumption on Park property of any controlled substance in violation of K.S.A. 65-4101 et seq., and amendments thereto, is prohibited. The possession, use or consumption of alcohol, alcoholic liquor or beer, as such terms are defined in K.S.A. 41-102, and amendments thereto, or cereal malt beverage, as such term is defined in K.S.A. 41-2701, and amendments thereto, is prohibited in or on the designated beach area(s), any floating dock, the established swimming area, and where otherwise prohibited by State of Kansas law. No alcohol, alcoholic liquor, or cereal malt beverage may be possessed, used or consumed in or from containers with a capacity in excess of one U.S. gallon.
- (v) The Board may adopt special rules to govern special events.
- (w) Parking is prohibited on Park roads at such locations as the Board or the Director of Public Works determines necessary or advisable to facilitate traffic flow or enhance the safety or enjoyment of the patrons of the Park; provided that the Director of Public Works shall post appropriate "No Parking" signage prior to enforcement. Without limiting No Parking areas on other Park roads, each of the following locations are designated and shall be appropriately signed to prohibit parking:
  - (1) The road across the Lake Dam and the Spillway, more particularly described as follows: Commencing at the east end of the Lake Dam Flood Wall, which is 230 feet east of the intersection of Douglas County Route No. 1-W, also known as E. 582 Road, and Douglas County Route No. 1-E, also known as E. 715 Road, thence westerly across the Lone Star Lake Dam a distance of approximately 1,880 feet, thence southerly on a curve to the left across the Lone Star Lake Spillway a distance of 380 feet to the intersection with a side road leading toward the lake and terminating at said intersection.
  - (2) The road past the Marina and Swimming Beach area, more particularly described as follows: Beginning at a point approximately 277.47 feet North and 218.60 feet East of the Southeast corner of the North half of the

Northeast Quarter (N. ½, N.E. ¼) of Section 14, Township 14 South, Range 18 East of the Sixth Principal Meridian, said point being on the centerline of Route 1-E, thence Westerly on the centerline of said Route 1-E to a point approximately 460.82 feet North and 724.28 feet West of the Southeast corner of the North half of said Northeast Quarter (N. ½, N.E. ¼) and terminating at said point. Also, from a point on said centerline of Route 1-E, approximately 650 feet westerly from said point of beginning, thence southerly along the centerline of a side road 400 feet and terminating at that point. (Res. No. 20-22, Sec.1)

- 8-201.2 RULES AND REGULATIONS PERTAINING TO FISHING. The following rules and regulations pertaining to fishing are hereby adopted:
- (a) Fishing in the Lake is subject to State of Kansas laws and regulations. All laws of the State of Kansas, as amended, pertaining to fishing in state lakes are hereby adopted and incorporated herein by reference.
  - (b) Except from the designated accessible fishing dock on the north shore of the swimming arm, it shall be unlawful for any person to fish in the swimming arm from May 1st through September 15th, or to fish in any part of the Lake where “No Fishing” signs have been posted. Fishing with a seine, throwline, trotline, spear, bow, hand fishing or any other method than with a pole and line is illegal. (Res. No. 20-22, Sec. 1)
- 8-201.3 RULES AND REGULATIONS PERTAINING TO BOATS, MOTORS AND BOATING. The following rules and regulations pertaining to boats, boating and motors are hereby adopted:
- (a) The boating and watercraft regulations of the State of Kansas as set forth in K.S.A. 32-1101 et seq., and amendments thereto, and the regulations adopted pursuant thereto, are hereby adopted and incorporated herein by reference.
  - (b) All persons keeping, maintaining, operating or riding in boats on the Lake do so entirely at their own risk.
  - (c) The use of inboard motor boats, jet skis, wave runners, and similar personal watercraft is prohibited on the Lake. Inboard-outboard and outboard motor boats shall be permitted.

- (d) All power boat activity is prohibited in the swimming arm from May 1st to September 15th. Canoes, kayaks and stand up paddle boards (SUP's) are permissible in the swimming arm during this period. All minors involved in such activity shall be supervised by persons 21 years of age or older and there shall be no interference with swimming activities of Lake Patrons or with fishing activities from the designated accessible fishing dock on the north shore of the swimming arm.
- (e) No boats shall be left unattended on the Lake overnight. Cabin owners may use their own private docks. All boats shall be launched at boat ramps.
- (f) Except when fishing or going to or from the shore, no motor boats shall be operated within 100 feet of shoreline. Operators of motor boats shall be extremely careful and prudent at all times so as not to endanger life or safety, unnecessarily discomfort others, or interfere with any person who may be fishing from the shore. (Res. No. 20-22, Sec.1)

8-201.4 RULES AND REGULATIONS PERTAINING TO WATER SKIING AND BOAT SPEED. The following ski and speed regulations are hereby adopted:

- (a) The minimum crew of any skiing boat shall be not less than one pilot and one observer.
- (b) No owner or person in possession of a ski boat shall permit a person under 14 years of age to operate the ski boat. Persons 14 through 17 years of age shall not operate a ski boat unless accompanied and under the direct and audible supervision of a parent or other person 21 years of age or older.
- (c) All skiers shall wear U.S. Coast Guard approved life preservers while skiing, and all other State of Kansas safety regulations shall apply to both skier and boat. Those waiting to ski shall not wade or swim.
- (d) All areas of the Lake are "**No Wake**" areas, except for the designated ski area. The speed limit in the designated ski area on non-ski days is 8 mph. Skiing outside of the ski buoy markers is prohibited.
- (e) Skiing is allowed on Lone Star Lake only on and between May 20 and September 15 each year on Wednesday through Sunday of each week, on Memorial Day, the Fourth of July, and Labor Day, and on such other days as the Board of County Commissioners of Douglas County, Kansas approve.

Skiing is only allowed on such days between 12:00 noon and 8:00 p.m., and at such other times as the Board approves. Skiing is prohibited on all other days and at all other times.

- (f) Speed limits in "Fishing Only" water shall be trolling speed which shall not create a wake. (Res. No. 20-22, Sec. 1)

8-201.5 RULES AND REGULATIONS PERTAINING TO CAMPING. The following rules and regulations pertaining to camping are hereby adopted:

- (a) The Park camping season shall be from April 1st to October 15th. The Park shall be closed for camping from October 16th through March 31st. A Park Permit for camping is required. No reservations are accepted. Check out time is 4:00 PM.
- (b) Quiet hours shall be observed from 10:00 p.m. to 6:00 a.m. No noise or activity shall be discernible outside each campsite during such quiet hours.
- (c) You must be 18 years of age or older to rent a campsite.
- (d) Camping facilities are for recreational camping only. No camping term at the Park shall exceed fourteen continuous calendar days. Any camping term in excess of fourteen continuous calendar days shall be followed by an absence of at least five continuous calendar days.
- (e) Camping shall be allowed only at developed sites designated for camping.
- (f) A maximum of two camping shelters shall be allowed per camping site with a maximum of 8 persons per site. A suitable camping shelter is required. A suitable camping shelter is one whose primary purpose is for camping and is appropriate for anticipated weather during the camping visit. Suitable shelter may include camping gear intended to protect the camper from the elements. Other than recreational vehicles, vans converted for camping, or truck beds equipped with a camper unit or camping shell cover, a suitable camping shelter does not include motor vehicles.
- (g) Violation of any camping regulation shall result in immediate revocation of the camping permit and expulsion from the Park. In addition, penalties as described in Section 8-201.8 may be enforced.
- (h) The Director of Public Works may allow non-profit groups special permission to exceed the number of camping shelters

and campers allowed on any specific camp site. (Res. No. 20-22, Sec.1)

- 8-201.6 RULES AND REGULATIONS PERTAINING TO THE SPILLWAY. Douglas County Home Rule Resolution No. HR-01-8-2, codified at Section 8-202 of the Douglas County Code, relating to the Lake Spillway located at the west end of the earthen dam forming the north shore of the Lake, stipulates that unauthorized access to the spillway is restricted in the following areas:

All areas within 25 feet on either side of the concrete portion of the spillway from the northern edge of County Route No. 1-West where it crosses the spillway to the northern edge of the spillway stilling basin where the spillway becomes Washington Creek.

As set forth in Section 8-202 (c) of the Douglas County Code, any person who violates those restrictions shall be guilty of a misdemeanor, punishable by a fine in the amount of \$250.00. See Section 8-202 of the Douglas County Code for further information concerning regulating access to and use of the spillway. (Res. No. 20-22, Sec. 1)

- 8-201.7 FEES FOR PERMITS ISSUED FOR THE LONE STAR LAKE PARK. The following permit fees for camping are hereby adopted:

- |               |                |                   |
|---------------|----------------|-------------------|
| (a) Camp Site | No Electricity | \$11.00 (per day) |
| (b) Camp Site | w/Electricity  | \$16.00 (per day) |

(Res. No. 20-22, Sec. 1)

- 8-201.8 PENALTIES FOR FAILURE TO COMPLY. The following are hereby adopted:

- (a) Any violation of any of the rules and regulations set forth in Section 8-201.1 through this Section 8-201.8, inclusive, shall be deemed a misdemeanor punishable upon conviction thereof by a fine not exceeding \$100.00, or a term of confinement not exceeding thirty days in the county jail, or both such fine and imprisonment.
- (b) In addition to any other method of initiating a criminal proceeding under applicable law, criminal proceeding may be initiated for violation of any provision of Section 8-201.1 through this Section 8-201.8 by making an offense report and serving a uniform complaint and notice to appear upon the accused. The offense report shall be forwarded to the district attorney for prosecution.

- (c) Each day that any violation occurs shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person is found guilty of a violation hereunder and it shall appear to the court that the violation complained of is continuing, then in addition to the penalty set forth, the court shall enter such order as it deems appropriate to cause the violation to be abated.
- (d) Compliance with the rules and regulations set forth in Section 8-201.1 through 8-201.7, inclusive, is mandatory and is a prerequisite to the use and enjoyment of the Park. Therefore, in addition to the penalties set forth in Section 8-201.8.a, the privilege of any person to use and enjoy the Park may be temporarily suspended or revoked by the Douglas County Sheriff, the Director of Public Works, or their designees for violation of any of the rules and regulations contained herein. Such suspension or revocation may apply to the use or enjoyment of all Park facilities or may be limited to specific items, such as operation of a boat on the Lake. Any such suspension or revocation shall, but only at the request of the alleged violator, be reviewed within two (2) working days by the County Administrator or his/her designee who shall either affirm or reverse the action. A decision to affirm may be appealed to the Board of County Commissioners but such appeal shall be filed within three working days. Revocation of the privilege of a person to operate a boat on the Lake may only be restored by making application to the Board of County Commissioners. The Douglas County Sheriff shall enforce any temporary suspension or revocation. Violation of a temporary suspension or revocation shall be unlawful and shall give rise to a separate offense hereunder. (Res. No. 20-22, Sec. 1)

8-201.9 DESIGNATION OF AREAS AND MAPS. Whenever these regulations reference designated areas, such as designated swimming area, designated skiing area, or designated camping areas, the reference shall mean those areas designated by the Director of Public Works for such use. The Director of Public Works shall appropriately mark all designated areas and may cause maps of the Park to be prepared and distributed providing information as to the location of each designated area. (Res. No. 20-22, Sec. 1)

## 8-202 PROHIBITING SPILLWAY ACCESS

- a) Purpose. The Board of County Commissioners of Douglas County, Kansas enacts this Resolution for the purpose of preventing the



unauthorized use of, and access to Restricted Areas of the Lone Star Lake Spillway.

- b) Authority. This Resolution is enacted under the authority vested in the County Commissioners of Douglas County, Kansas by K.S.A. 19-101 et. seq. and the County's general police powers.
- c) Definitions. As used in this Resolution, the following words and phrases shall have the following definitions:
  - 1) The Lone Star Lake Spillway. The "Lone Star Lake Spillway" and the "Spillway" refer to the artificially created outlet to Lone Star Lake located at the west end of the earthen dam that forms the north shore of Lone Star Lake in Marion Township, Douglas County, Kansas.
  - 2) Restricted Areas of the Spillway. The "Restricted Area of the Spillway" shall include all areas within 25 feet on either side of the concrete portion of the Spillway, and shall extend north from the northern edge of Douglas County Route 1 West, where it crosses the Spillway, to the northern edge of the Spillway stilling basin, where the Spillway becomes Washington Creek. The Restricted Area of the Lone Star Lake Spillway shall be marked by signed placed by the Department of Public Works.
  - 3) Authorized Persons. "Authorized Persons" shall be those persons authorized to use and access the Restricted Areas of the Spillway, as follows:
    - (a) County employees or private contractors and their employees under contract to Douglas County may access the Spillway for the purposes of inspections, maintenance and repair of the Spillway.
    - (b) Other persons who have obtained authorization to use or access the Spillway from the Douglas County Engineer, the Douglas County Administrator, the Board of County Commissioners or from another person or entity that the Douglas County Engineer, the Douglas County Administrator, or the Board of County Commissioners has designated as approved to grant such authorization.
    - (c) Other representatives of local, county, state, and federal agencies requiring use or access the Spillway in the performance of their official duties, including law enforcement activities and purposes relating to the safety or welfare of the general public.

- (d) **Unauthorized Persons.** “Unauthorized Persons” shall be any person who is not an Authorized Person under Section 3.3.
- d) **Prohibited Access/Use of Restricted Area of the Lone Star Lake Spillway.** It is hereby declared unlawful for an Unauthorized persons to access, use, or trespass upon the Restricted Area of the Lone Star lake Spillway.
- e) **Enforcement.** The provisions of this Resolution shall be enforced as follows:
  - 1) **Criminal Proceedings.** Any person who violates the provisions of this Resolution shall be guilty of a misdemeanor, punishable by a fine in the amount of \$250.00
  - 2) **Initiation of Criminal Proceedings.** In addition to any other method of initiating a criminal proceeding under applicable law, any law enforcement officer may initiate a criminal proceeding under this Resolution by making an offense report and serving a citation and notice to appear in court upon the alleged violator. The offense report shall be forwarded to the district attorney for prosecution.
  - 3) **Other Remedies.** The provisions of this Resolution shall not limit any remedies that the Douglas County may have for unauthorized access to or destruction of County property as may be from time to time provided by other applicable law. (Res. No. HR-01-8-2)

**8-203 CONSTRUCTION OF PRIVATE PROPERTY IMPROVEMENTS ON COUNTY PROPERTY WITHIN LONE STAR PARK.**

- a) **PURPOSE.** Subject to the County Engineer’s approval, the owner of a residential parcel located within the boundaries of Lone Star Park may extend certain private property improvements onto County property. These requirements are intended to facilitate landowner access and enjoyment of the lake, and to protect the interests and safety of the public.
- b) **IMPROVEMENTS ALLOWED.**
  - 1) concrete or masonry sidewalks not exceeding six feet in width;
  - 2) concrete or wood stairways not exceeding six feet in width;
  - 3) concrete, masonry or wood retaining walls not exceeding four feet in height;
  - 4) one concrete or masonry patio not exceeding 200 square feet in area;

- 5) one concrete or masonry patio not exceeding 200 square feet in area;
  - 6) one or two dock structures constructed of wood or steel, with a combined area on the water not exceeding 800 square feet.
- c) **ROOFS.** Roofs may be allowed on dock structures on the lake, provided that the total structure height does not exceed 17 feet above the water surface. Roofs, canopies or similar coverings will not be allowed on patios or decks. Multiple story structures will not be allowed.
  - d) **ACCESS TO THE SHORELINE AND LAKE.** The property owner may construct and maintain the improvements listed in 8-203(b) in the area between their property and the lake. The building setback lines on the parcel will be used to further define where improvements may be constructed. All improvements must be contained within an area determined by extending the side setback lines to the shoreline, continuing an additional 50 feet into the lake. Dock structures must be contained within a distance of 50 feet from the shoreline. Improvements must not obstruct a roadway, driveway or walkway used by other landowners or the public.
  - e) **ACCESS TO ROADS, DRIVES AND PARKING.** The property owner may construct sidewalks or stairways as listed in 8-203(b) to gain access to adjacent driveways or parking areas. Improvements must not obstruct a roadway, driveway or walkway used by other landowners or the public. These improvements will not be allowed if they have the potential to impact park operations or maintenance.
  - f) **ADDITIONAL LIMITATIONS.** The improvements listed in 8-203(b) must be planned and constructed to avoid adverse impacts to the lake, shoreline or hillsides. Excavations will not be allowed if they have the potential to destabilize the shoreline or hillsides. Excavation, footings or ground anchors will not be allowed below the water surface of the lake. Soil, rock or other fill material will not be allowed in the lake.
  - g) **PERMITTING AND APPROVAL.**
    - 1) Prior to construction or modification of any of the improvements listed in 8-203(b), the property owner must obtain a letter of approval from the County Engineer. The property owner must provide a plan drawing of the proposed improvement with enough information to determine compliance with this code.
    - 2) Prior to construction or modification of any dock structure, the property owner must also obtain a building permit from the Douglas County Zoning and Codes Department. The structure must comply with the design standards provided by the County. Structures not

covered by prescriptive requirements of the building code must be designed by an engineer licensed in Kansas. The work will be subject to the inspection and approval requirements outlined for building permits in Chapter 13 of this code.

- h) **MAINTENANCE.** The improvements allowed in 8-203(b) shall be maintained by the private property owner. Structures shall be maintained and repaired as necessary to prevent unsafe conditions or hazards to the public.
- i) **EXISTING NONCONFORMING IMPROVEMENTS.** An existing improvement that is not in compliance with this code may be allowed to remain if it existed prior to January 1, 2021 and it does not create an unsafe condition or hazard to the public. Any alteration or replacement of the existing nonconforming improvement must meet the requirements of this code.
- j) **VIOLATIONS.** The County Engineer, or the Building Official, or their representatives may at any time inspect improvements made on County property. If an improvement is found to violate this code, the County will notify the property owner of the violation and necessary corrections to be made within 90 days. If the property owner fails or refuses to correct the violation within 90 days, the County may remove the improvement at the property owner's expense.
- k) **UNSAFE CONDITIONS.** If an improvement is found to be unsafe, or to present a possible hazard to the public or the user, the County will notify the property owner of the unsafe condition and necessary corrections to be made within 14 days. If the property owner fails or refuses to correct the violation within 14 days, the County may remove the improvement at the property owner's expense. (Res. No. HR-21-1-6, Sec. 2)

### **ARTICLE 3. WELLS OVERLOOK COUNTY PARK**

8-301 **WELLS OVERLOOK RULES AND REGULATIONS.** Wells Overlook County Park is open and free to the public. Visitors are welcome to use it for the various activities permitted.

- a) The destruction of any sign, guidepost, or property of any kind is unlawful. This includes the peeling of bark, carving and chopping trees, cutting branches, driving nails, digging ground from roots, and the removal of trees, shrubs and plants, picking wild flowers, and other injuries.
- b) The possession of firearms or other weapons in the park is unlawful.

- c) Throwing of tin cans, bottles, paper, junk or refuse of any kind on the ground, or the misuse or abuse of seats, tables, park buildings and other park equipment is prohibited.
- d) Washing or throwing of waste of any kind around water faucets or fountains or the use of woods as toilets is prohibited.
- e) Building or starting fires in the open or in any place except where there proper provisions have been made is prohibited.
- f) Dogs in the park must be tied with a chain or controlled by a leash. They are not allowed to run loose about the park.
- g) Speed limit on park roads for vehicles is 10 miles per hour except where otherwise posted.
- h) Horseback riding and the driving of automobiles or other vehicles on picnic grounds children's playgrounds, and areas posted against such traffic or use are prohibited.
- i) Camping in the park is prohibited.
- j) Disorderly conduct in the way of drunkenness, vile language, and fighting is prohibited. Indecent exposure is prohibited.
- k) The use of intoxicating liquors on park premises is prohibited.
- l) Wells Overlook County Park is a game sanctuary. Hunting, shooting, killing, trapping, injuring, pursuing, or molesting any way any bird or animal on or within the park is prohibited.
- m) The park area is open only between the hours of 6:00 a.m. to 10:00 p.m.
- n) Special rules will be adopted to govern special events.
- o) The park superintendent is a deputy sheriff and is assisted by special deputies to preserve order and make arrests for violation of rules. (Res. 74-31, Sec. 1)

8-302 PENALTIES. Any person violating such rules and regulations shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$100 or commitment to the county jail for a period not exceeding 30 days or both such fine and imprisonment. (Res. 74-31, Sec. 1)

#### **ARTICLE 4. PROHIBITION OF NUDITY ON PUBLIC PROPERTY.**

8-401 NUDITY ON PUBLIC PROPERTY; DEFINITIONS.

- a) Nude shall mean any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered.

- b) Public Park and Recreation Area shall mean all real property in the unincorporated area of Douglas County that is owned, operated or managed by Douglas County, the State of Kansas, or the United States of America, or any agency thereof, or any other local unit of government, which is open for public visitation and usage for park or recreational purposes.
- c) Public Rights-of-Way shall mean all real property in which Douglas County has acquired an interest for roadway construction and maintenance purposes, including all improved or unimproved portions thereof. Public rights-of-way also shall include all bridges, culverts, and all appurtenances thereto used in connection with roadways constructed and maintained by Douglas County or any township thereof. (HR 90-4-1, Sec. 1)

8-402 PUBLIC NUDITY PROHIBITED. It shall be unlawful to be nude in any public park and recreation area or on any public rights-of-way in the unincorporated area of Douglas County. This shall include, but not be limited to, nudity during the acts of swimming, sunbathing, changing into or out of swimming garments or other clothes, or any similar act in any such area that is not enclosed or shielded from public view. (HR 90-4-1, Sec. 2)

8-403 PENALTY. Any person who violates section 8-402 shall be subject to a fine of up to \$50. (HR 90-4-1, Sec. 3)

## **ARTICLE 5. PROHIBITION OF MOTORIZED VEHICLES AND ANIMALS ON PATHS**

8-501 PROHIBITION TO MOTORIZED VEHICLES. Other than those vehicles specifically authorized for maintenance purposes, it shall be unlawful to operate or park a motorized vehicle, other than that propelled by a human, upon any pathway or any bike, foot and hike path that is not otherwise designated for use or parking of such types of vehicles. (Res. 97-36, Sec. 1)

8-502 DEFINITION. Motorized and other prohibited vehicles shall include any device in, upon or by which any person or property is or may be transported or drawn, that is self-propelled by any means other than by human power. Motorized vehicles prohibited by this Article shall include but shall not be limited to cars, trucks, tractors, trailers, passenger vehicles, mopeds, motorized bicycles, motorcycles, go-karts and ATVs. (Res. 97-36, Sec. 2)

8-503 RIDING ANIMALS PROHIBITED. No animal of any kind shall be ridden on bike, foot and hike paths nor shall they in any way be used to propel or draw

- any vehicle or human on the designated bike, foot and hike paths. (Res. 97-36, Sec. 3)
- 8-504 DEFINITION. Animal shall mean any horse, mule, donkey, or canine. (Res. 97-36, Sec. 4)
- 8-505 PENALTY. Any person found guilty of violating this resolution shall be guilty of a Class C misdemeanor or subject to a civil fine not to exceed \$100.00 per each violation. (Res. 97-36, Sec. 5)