

FINAL

CHAPTER 13. CONSTRUCTION CODES OF DOUGLAS COUNTY, KANSAS

ARTICLE 8. LONE STAR LAKE PARK CONSTRUCTION RULES AND REGULATIONS

13-801 Definitions.

For the purpose of this Article, certain terms are herewith defined as follows:

- A. "Boat" for the purpose of this Article shall mean every description of watercraft, other than a seaplane, used or capable of being used as a method of transportation on the water which is either mechanically propelled, or propelled by wind or human and which requires a permit from the State of Kansas Department of Wildlife and Parks. Nothing in this definition shall be considered to contravene Sections 8-201.3 or 8-201.4 of the Douglas County Code.
- B. "Chapter" shall be construed to mean Chapter 13 of the Douglas County, Kansas Code.
- C. "Code" shall be construed to mean the Douglas County, Kansas Code, as now in effect or hereafter enacted.
- D. "Marine debris" shall mean any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned, into Lone Star Lake or park lake shore environment.
- E. "County" shall be construed to mean the Douglas County, Kansas, and its authorized employees and elective officials.
- F. "Director" shall be construed to mean the Douglas County Director of Zoning and Codes.
- G. "Fence" for the purpose of this Article, shall be any barrier, railing, or other upright structure, typically of wood, wire, stone, or other material, enclosing an area of ground to mark a boundary, control access, or prevent escape.
- H. "Floating boat dock" is a boat dock or swimming platform that floats on the water, supported by floatation devices, not anchored, or connected to pilings, posts, or pier structures by guides, or any other hardware. Floating boat docks are not subject to flood review.
- I. "Grading" shall include any activity that disturbs the soil or vegetation of Lone Star Lake, as defined herein.
- J. "Laws of Kansas" shall be construed to mean the Kansas Statutes Annotated or any supplement thereof or the regulations of any department of the State of Kansas authorized to issue the same.
- K. "Lone Star Lake" as used herein shall include such lake owned by Douglas County, Kansas.
- L. "Park," for purposes of this Article, shall mean the County owned park land below, around, and behind the dam for Lone Star Lake as identified on the Douglas County Lone Star Park plat.

- M. "Permanent improvement" shall include any manmade structure or construction, including, but not limited to, storage sheds, decks, concrete slab, retaining walls, stationary or floating docks or swimming platforms, or grading placed on or over park property. Permanent improvement shall include any electrical, plumbing, or mechanical equipment or installation regulated by this chapter.
- N. "Permit holder" shall be the resident or person to whom a dock permit or license has been issued.
- O. "Person" shall include all persons, firms, partnerships or corporations; provided, however, any license permit or rights herein granted shall be to an individual and shall not include or be granted to a partnership, firm or corporation.
- P. "Residents" includes only those lot owners owning lots in the Douglas County Lone Star Park plat with property adjacent to and contiguous with the County property comprising the actual lake and lake shore.
- Q. "Retaining wall" for the purposes of Lone Star Lake or Park as defined herein, shall include any construction that retains a surcharge.
- R. "Stationary boat dock" is a boat dock supported by or anchored to pilings, posts, or pier structures. Boat docks which float on the water, but are attached to posts or piers by guides or other hardware and poured concrete dock structures are considered stationary boat docks. New stationary boat docks will be subject to flood review by the State of Kansas Division of Water Resources.
- S. "Swimming platform" is a floating or stationary platform used for the purpose of swimming or diving that is not a dock.
- T. "Unsafe" for the purpose of this Article is a structure on park property or Lone Star Lake that is found to be unsound or dangerous to life, health, property, navigation, or safety of the public or the resident because the structure contains improperly installed equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction, unstable foundation or flotation device, that partial or complete collapse or immersion is possible as defined in Section 13-117 of this Chapter.

13-802 Permits or licenses.

It shall hereafter be unlawful for any person to keep, maintain or use any permanent improvement upon the Lone Star Lake or park property without first having obtained a permit or license to do so. Permanent improvements on park property, except for boat docks, or swimming platforms which float on the lake shall be subject to Article 1 of this Chapter. Boat docks and swimming platforms, the permit fee for which has been paid, may be placed at the location designated on the permit. Each boat dock or swimming platform permit may include the installation of a concrete slab, deck, or ramp attendant to the permitted boat dock or swimming platform. Each separate concrete slab, deck, or ramp attendant to a permitted boat dock or swimming platform may be not larger than 200 square feet. A maximum of two boat dock or swimming

platform permits shall be issued per lot. Existing permanent improvements once permitted may continue in their use unless they are determined to be unsafe or are removed.

13-803 Boat Docks, Swimming Platforms, and Privately Owned Permanent Improvement.

- A. Boat docks and Swimming Platforms. It shall hereafter be unlawful for any person to build or maintain a boat dock or swimming platform on Lone Star Lake or park property without first presenting a plan or design, together with the proposed location thereof, to the Director, and only after receiving a permit. The permit shall require the payment of a fee as listed in this Chapter. A separate permit shall be required for each separate boat dock, swimming platform. The plot plan showing the location of the improvement shall be provided. The plot plan or design shall include the proposed boat dock or swimming platform location, as well as any proposed concrete slab, ramp, or deck proposed for placement on private or park property in conjunction with the boat dock or swimming platform. Construction plans shall be provided. Boat docks or swimming platforms shall be constructed in accordance with the design standards for docks and swimming platforms provided by the County or shall be designed by a Kansas licensed Engineer. Dock or swimming platform designs designed by a Kansas licensed Engineer shall bear the seal and signature of the Kansas licensed Engineer. The permit to remodel an existing boat dock or swimming platform shall be valid for 180 days, subject to the provisions of Section 13-107.14.
- B. Permit Required to Remodel Existing Permanent Improvement. Hereafter no dock shall be changed or altered as it was originally approved in any manner, including widening, extending, adding to or removing any portion of the dock, without first submitting a plan and design in writing to the Director for approval, together with a plot plan and construction plans for the proposed alteration. The permit to remodel an existing boat dock or swimming platform shall be valid for 180 days, subject to the provisions of Section 13-107.14. This Section shall not prohibit or be construed to require an additional permit for maintenance of an existing boat dock or swimming platform where no alteration or structural change is contemplated.
- C. Unsafe Permanent Improvement Removals. No permit shall be granted for a boat dock, swimming platform, or permanent improvement determined unsafe by the Director. The permit holder of any boat dock, swimming platform, or permanent improvement designated unsafe must correct the unsafe condition within 90 days of the date of the written notice from the Director. If no action is taken by the permit holder, the County may remove said boat dock, swimming platform, or permanent improvement from the Lake, at owner's expense, and refuse thereafter to authorize a boat dock, swimming platform, or permanent improvement at said location. Any boat dock or swimming platform as herein authorized and licensed shall display its permit number during the period of time that the license has been paid as herein provided.

- D. Permission to Use Boat Docks, Swimming Platforms, or Permanent Improvement. Permitted boat docks, swimming platforms, or other permanent improvements shall be for the exclusive use of the permit holder and/or their guests.
- E. Numbering of Permanent Improvements. With all permits for permanent improvements, the owner will be assigned a permanent number by the County which shall be displayed on the lake side on the boat dock, swimming platform, or permanent improvement. If any boat dock, swimming platform, or permanent improvement owner fails to comply with this numbering requirement, the County will identify the boat dock, swimming platform, or permanent improvement and notify the owner in writing that unless the owner complies with the numbering requirement within 30 days of the date of the notice, a the County shall install the number placard and a numbering fee as stated in this Chapter be assessed to the owner of the permanent improvement.
- F. Anchor Buoys. Anchor buoys are not permitted.
- G. Any boat dock, swimming platform, or permanent improvement placed prior to adoption of this Article, shall be allowed to remain in place, as long as it is kept in good repair and the boat dock, swimming platform, or permanent improvement permit fees are paid and kept current.
- H. Residents may appeal decisions or request a variance relative to this Article made by the Director, to the County Administrator. The appeal must be made within 30 days of the Director's decision by submitting a letter to the County Administrator stating all reasons for the appeal. The County Administrator shall hear and decide appeals and requests for variances from the requirements of this section The County Administrator shall hear and decide appeals, within 30 days of receipt of the appeal.
- I. Persons shall prevent marine debris origination on their property from entering Lone Star Lake or the park.

13-804 Privately Owned Permanent Improvement Permit fees.

A permit fee of \$15 per permanent improvement shall be assessed for each permanent improvement. Unless otherwise specified, the boat dock or swimming platform license and boat dock or swimming platform permits shall not expire unless the boat dock, swimming platform or privately owned permanent improvement is modified or determined to be unsafe. Boat dock or swimming platform permit fees, boat dock or swimming platform remodel permit fees, late fees, and boat dock or swimming platform numbering fees shall be determined by the Governing Body through resolution. If the annual fee is not paid within 90 days after becoming due, the County may remove the boat dock or swimming platform from the Lake at owner's expense, and refuse thereafter to authorize a boat dock or swimming platform at the location. Permanent improvements other than boat docks or swimming platforms not otherwise exempt shall be subject to the regulations and fees as specified in this Chapter.

13-805 Fencing.

It shall be unlawful for any person to in any way, install fencing of any type on park property.