

ORDINANCE NO. 4303

AN ORDINANCE REPEALING CURRENT WELLINGTON LAKE RECREATION AREA REGULATIONS AND ORDINANCES AND ENACTING NEW REGULATIONS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WELLINGTON, KANSAS:

SECTION I

That Article III of Chapter 30 of the Code of the City of Wellington, Kansas is hereby repealed. Further, Ordinances #3660, 3681, 3926, 4037, 4189 and 4284 are hereby repealed.

SECTION II

That Article III of Chapter 30 of the Code of the City of Wellington, Kansas is as follows, to-wit:

**Sec. 30-102. - Establishment.**

There is hereby established an area to be known as the Wellington Lake Recreation Area located on real estate owned by the City of Wellington, Kansas, in Sumner County, Kansas.

(Code 1996, § 12-301; Ord. No. 3660, § 1)

**Sec. 30-103. - Declaration of policy.**

It is hereby declared to be the policy of the city to provide to the residents of the city and its environs as well as the present water customers of the city a supply of potable water from the waters of Wellington Lake and at the same time promote the safe and prudent use by the public of The Wellington Lake Recreation Area for recreational purposes in a manner compatible with the maintenance of the waters of Wellington Lake as a municipal water supply.

(Code 1996, § 12-302; Ord. No. 3660, § 3)

**Sec. 30-104. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcoholic liquor* means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

*Bicycle* means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter.

*Cereal malt beverage* as used in this act includes "enhanced cereal malt beverage" and is defined as cereal malt beverage and enhanced cereal malt beverage as those terms are defined in K.S.A. 41-2701, and amendments thereto, as defined by and such terms, in this article, shall include beer containing not more than six percent alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

*City* means the City of Wellington, Kansas.

*Commercial activity* means any activity which involves the buying and selling of any goods, wares and merchandise or the providing of any service of any nature whatsoever, or the renting or leasing of boats or other recreational equipment or sporting goods of any sort for a valuable consideration.

*Concessionaire* means any person, firm, association or corporation that by written contract with the Governing Body of the city has been granted the right to conduct a commercial activity in the Wellington Lake Recreation Area.

*Craft* means any boat or vessel designed for use on water.

*Household* means all members of one family living together at a single residence.

*Lake* means all waters impounded by the dam located in the Wellington Lake Recreation Area.

*Motor vehicle* means every vehicle, other than a motorized bicycle or a motorized wheelchair, that is self-propelled.

*Motorcycle* means every motor vehicle, including autocycles, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

*Motor-driven cycle* means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with a motor attached, except a motorized bicycle or an electric-assisted bicycle.

*Nonresident* means any person who does not maintain a permanent residence within Sumner County, Kansas.

*Officer* means any person authorized or designated by the City to enforce all rules and regulations set forth in this article, including members of the City Police Department, the County Sheriff's Department and the State Highway Patrol as well as any person authorized or designated by the State or the United States government or any agency thereof to enforce any state or federal laws, rules or regulations applicable to the Wellington Lake Recreation Area or any activities permitted or carried on in the recreation area.

*Lake Supervisor* means the person appointed by the City Manager to oversee the operation and maintenance of the recreational facilities in the area and the use of the area, including the use of the waters of Wellington Lake for recreational purposes, by the public.

*Resident* means any person who maintains a permanent residence within Sumner County, Kansas.

*Roadway* means those areas in the recreation area which are specifically designed and improved for vehicular travel.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1996, § 12-303; Ord. No. 3660, § 4)

**Sec. 30-105. - Recreation permit.**

(a) All persons desiring to use the Wellington Recreation Area for any purpose other than for sightseeing and fishing shall first obtain a recreation permit for the person's vehicle from the Lake Supervisor or the Lake Supervisor's duly authorized agent and pay the fees established therefore. Additional permits may be purchased for vehicles owned by members of the same household for the prescribed fees. The permit shall be issued for the vehicle owned by the person requesting the permit and stickers showing that a permit has been issued shall be provided for attachment to the vehicle for which the same was issued. The permit shall entitle the owner of the vehicle to use the facilities of the recreation area for recreational purposes. Vehicles entering the recreation area without a permit for any purpose other than sightseeing and fishing shall be in violation of this section and shall be subject to penalties set forth in section 30-118.

(b) Fees for recreation permits and additional permits are as set by the Governing Body and on file in the City Clerk's office.

(c) The fees for permits shall be in addition to fees established in sections 30-106, 30-107(h), and 30-109 for specific activities.

(Code 1996, § 12-304; Ord. No. 3681, § 1; Ord. No. 3926, 4-5-2005; Ord. No. 4172, § 1, 12-16-2014)

**Sec. 30-106. - Boating; rules and regulations; fees.**

(a) *Boat operation permitted; exceptions.* Subject to the rules, regulations and payment of boating fees hereinafter set forth, the operation of boats on the waters of Wellington Lake shall be permitted throughout the year, except during those periods of time designated by the Kansas Department of Wildlife, Parks and Tourism as seasons for the hunting of water fowl in the county, provided however, that during such hunting seasons boats propelled only by human power and boats with trolling motors may be used with extreme caution for the purpose of placing or removing decoys and blinds. Hydroplanes, aero propellers, and houseboats shall not be permitted on the waters of Wellington Lake.

(b) *Licenses.* Before any boat shall be operated on the waters of Wellington Lake a license for such boat shall be obtained from the Lake Supervisor. If the boat to be licensed is a motor boat or a sail powered boat satisfactory evidence that the boat is insured for public liability and property damage with a single limit coverage of not less than \$25,000 shall be furnished to the Lake Supervisor before a license is issued. No license shall be issued unless the appropriate fee as hereinafter set forth has been collected by the Lake Supervisor.

(c) *Hours.* No boats, except fishing boats being operated at a speed that produces no visible wake, shall be operated on the waters of Wellington Lake between one-half hour after sunset and one-half hour before sunrise.

(d) *Launching.* Motorboats shall be launched on and removed from the waters of Wellington Lake only at designated launching areas. Small human powered boats may be launched where convenient.

(e) *Life jackets.* Approved life jackets sufficient in number to supply one jacket to each occupant of the boat shall be carried on all boats. Persons 12 years of age and under shall actually wear an approved life jacket at all times such person is on a boat.

(f) *Traffic.* Boats shall travel in a generally counterclockwise direction on the waters of Wellington Lake; boats shall turn to the right when meeting another boat; when overtaking another boat the overtaking boats shall turn to the left; boats approaching each other at right angles shall give the right-of-way to the boat on the right; motor powered boats shall at all times give the right-of-way to sailboats and human powered boats.

(g) *Rough waters.* Notwithstanding contrary language in this article, no person shall operate a boat on the waters of Wellington Lake when the waters of the lake are sufficiently rough to be considered dangerous.

(h) *Swimming.* No boat shall proceed into any area of the waters of Wellington Lake, which is designated and marked as a swimming area.

(i) *Boat trailers.* Boat trailers shall be parked only in the areas of the Wellington Lake recreation area that are specifically designated and marked for boat trailer parking.

(j) *Transportation for hire.* No person, other than a duly authorized concessionaire, shall carry or transport any person upon the waters of Wellington Lake for hire, or for any valuable consideration whatsoever.

(k) *Duty to render assistance.* All owners and/or operators of boats on the waters of Wellington Lake shall render assistance at times of emergency and in the enforcement of these rules and regulations when called upon by the Lake Supervisor or the Lake Supervisor's duly authorized representative.

(l) *Boat docks.* Boat docks are provided on Wellington Lake for the purpose of loading and unloading onto and from boats, and no privately owned boat docks shall be constructed or maintained on the waters of Wellington Lake.

(m) *Water skiing.* Water skiing shall be permitted on the waters of Wellington Lake in those areas designated for water skiing; when meeting or passing other boats, skiers shall take and maintain a position behind the skiers towing boat until the other boat is safely passed; skiers shall be retrieved from the water as soon as possible after the skier falls from the skis into the water; no boat shall be operated with ski lines behind the boat unless a skier is being towed or retrieved from the water. Water skiers shall wear approved ski vests.

(n) *Boat fees.* Boat fees shall be as set by the Governing Body and on file in the City Clerk's office. Such fees which shall be in addition to fees charged for a recreation permit, shall be charged for boating on the waters of Wellington Lake except for boats used only for fishing purposes.

(Code 1996, § 12-305; Ord. No. 3660, § 6; Ord. No. 3926, 4-5-2005; Ord. No. 4172, § I, 12-16-2014)

**Sec. 30-107. - Camping; rules and regulations; fees.**

(a) Camping shall be permitted in those parts of the Wellington Lake Recreation Area which are designed, marked and posted for camping and in no other parts of the recreation area, by any person who holds a valid recreation permit for the Wellington Recreation Area. Such camping shall be in conformity with the camping fees hereinafter specified. No advance reservations will be made for the utilization of any camping area or campsite.

(b) Primitive camping is permitted in areas designated therefore, but not in camping areas served by electricity, except that campers occupying an area served by electricity may set up one (1) tent not exceeding 100 square feet in size for use by an immediate family member, specifically, dependent children, grandchildren, parents or grandparents, for a limited time, at no additional cost. Violations of this provision shall be required to pay the appropriate fee for primitive camping for the number of days the violation occurred and to remove the tent/individual causing said violation. The Public Works Director shall have the discretion to temporarily suspend this provision on holiday weekends if the camping facilities are full and only if said suspension does not violate other sections of this ordinance, life safety measures or the enjoyment of others using the facility.

(c) Any person desiring to set up camp shall first pay the Lake Supervisor the appropriate camping fee in accordance with the schedule of fees hereinafter set forth and obtain from the Supervisor the assignment of a camp site location and number, and the camper shall use the assigned site and no other site.

(d) No camper or other person shall make any connection to water outlets in the Wellington Recreation Area prior to paying the appropriate fees or for a period longer than necessary to fill water tanks or storage facilities on a trailer, camper or recreational vehicle.

(e) Only vehicles using electrical outlets provided for campers shall be parked near such outlets. Any other vehicles parked near said electric outlets will be required to pay camping fees for the additional vehicle. No 50 amp electrical adapters shall be plugged into or used in 30 amp outlets.

(f) Shelter houses in the Wellington Lake Recreation Area shall not be used for camping, nor shall any electric outlets in said shelter houses be used to supply electrical power to trailers, campers, or other recreational vehicles.

(g) No vehicle, trailer, camper or other recreation vehicle shall be parked in boat ramp areas or under shelter houses in the Wellington Lake Recreation Area.

(h) During cold weather, public restrooms in the recreation area will be closed and will not be available for use by campers; campers using the recreation area during the time when the public restrooms are closed must provide or make provision for their own restroom facilities.

(i) Camping fees shall be as set by the Governing Body and on file in the City Clerk's office. Such fees, in addition to fees charged for a Recreation Permit, shall be charged for camping in the Wellington Lake Recreation Area. Monthly camping permits shall be renewed prior to the expiration date of said permit unless leaving the Wellington Lake Recreation Area. Overdue camping fees shall be paid at the daily rate until such time the overdue fees are paid in full. At that point the customer may pay by the month at the monthly fee set by ordinance.

(j) Camping in the Wellington Lake Recreation Area between the first day of waterfowl season each year and the following January 31st shall be allowed only in the areas designated as "Old West" and "Shade".

(k) All campsites in the Wellington Lake Recreation Area will be closed for camping the month of February each year for maintenance by Lake staff.

(l) All trailers, campers and other recreational vehicles shall be placed or parked on top of the improved camping pads provided with all tires on the pad and in the same direction as the pad lays.

(Code 1996, § 12-306; Ord. No. 3660, § 7; Ord. No. 3775, § 1, 2-4-1997; Ord. No. 3834, § I, 12-18-2001; Ord. No. 4172, § I, 12-16-2014; Ord. No. 4189, § I, 12-1-2015)

**Sec. 30-108. - Fishing; rules and regulations.**

(a) Fishing shall be permitted in the waters of Wellington Lake by all persons. Those who are required to hold a valid fishing license issued by the state must do so. No unattended fishing lines, including drop lines, may be used between sunrise and sunset, and no trout lines or link lines may be used at any time.

(b) To ensure quality fishing in the waters of Wellington Lake in the future the size and possession limits of fish taken shall be as provided by state law.

(Code 1996, § 12-307(c); Ord. No. 3681, § 2; Ord. No. 3801, § 1, 5-4-1999; Ord. No. 3926, 4-5-2005)

**Sec. 30-109. - Hunting; rules and regulations; fees.**

(a) The hunting of water fowl in the Wellington Lake Recreation Area shall be permitted during seasons established by the state for the hunting of waterfowl in the county, and at no other time. The hunting of upland game birds, fur-bearing animals, deer and predatory animals, as well as the trapping of fur-bearing animals in the recreation area is at all times prohibited, except as conducted by the City of Wellington to control and prevent damage to real or personal property.

(b) The display or discharge of firearms in the Wellington Lake Recreation Area, except during a state-established waterfowl season, is prohibited.

(c) Those persons who are required to hold a valid hunting license issued by the state, must also hold a valid Wellington Recreation Area waterfowl hunting permit and all persons must hold a valid recreation permit for the Wellington Lake Recreation Area. Hunting is allowed only in those areas designated by the Lake Supervisor as blind locations. Each year the Lake Supervisor will designate an individual with rights to a specific blind location, referred to as the blind holder. All hunters shall be a blind holder or have the permission of the blind holder to hunt or otherwise use a specific blind location. Hunters may also rent locations designated by the Lake Supervisor as rental blinds upon the payment of fees as set forth herein.

(d) The fees shall be as set by the Governing Body and on file in the City Clerk's office. Upon the payment of the fees and the showing by the hunter that, if required, holds a valid hunting license issued by the state and such waterfowl stamps as are required by the state and the government of the United States, the recreation area supervisor, or the recreation area supervisor's duly authorized agent shall issue to the hunter a license to hunt waterfowl in the recreation area in accordance with the rules and regulations in this article.

(Code 1996, § 12-308; Ord. No. 3681, § 9; Ord. No. 4172, § I, 12-16-2014)

**Sec. 30-110. - Picnicking; use of shelter houses.**

(a) Picnicking shall be permitted in all areas of the Wellington Lake Recreation Area, with purchase of the recreation permit, which are safe and suitable for that purpose and in shelter houses therein located; picnic tables and shelter houses in the area are available for use on a first come first served basis, and no advance reservations shall be made for the utilization of the same except the large rock shelter located at Eagle Cove and the shelter at Loga Vista Cabin. All picnickers shall be responsible for the policing of the picnic area or shelter they have used to see that all food, waste paper, paper cups, dishes and other utensils and containers used are properly disposed of and the area left in a neat and orderly condition for the next user.



(b) Shelter houses are not to be used as carports, for parking or for camping of any kind whatsoever, nor shall campers use electrical outlets at shelter houses for camping equipment, appliances or similar uses.

(Code 1996, § 12-309; Ord. No. 3660, § 10)

**Sec. 30-111. - Swimming.**

(a) Swimming will be permitted in the swimming beach area of the waters of Wellington Lake located in the southwest corner of the lake and marked by buoys or floating pipe establishing the limits of the swimming area; when buoys or floating pipe are not in place no swimming will be permitted; swimming may be restricted when, in the opinion of the Lake Supervisor, the waters of the lake are, for any reason, unsafe for swimmers. A recreation permit shall be required for swimming and use of the beach area.

(b) No lifeguards will be provided in the swimming area and swimmer will assume all risks of injury which may result from such swimming; children under the age of 12 years must be accompanied by an adult; no glass, alcoholic liquor or cereal malt beverages, or dogs will be permitted in the swimming beach area; the area shall be closed from one-half hour after sunset to one-half hour before sunrise.

(Code 1996, § 12-310; Ord. No. 3660, § 11)

**Sec. 30-112. - Archery.**

The sport of archery, whether for purposes of practice, or archery competition or otherwise, shall not be permitted in the Wellington Lake Recreation Area without specific written authority from the City. Such authority shall not be granted unless adequate insurance coverage is provided to protect the City as well as others using the recreation area and surrounding territory against personal injury and property damage resulting from shooting bows and arrows, each participant in the sport agrees in writing to abide by and comply with all rules, regulations and requirements set forth in this article and in the written document granting such authority, and unless the City Park Board recommends that such authority be granted.

(Code 1996, § 12-311; Ord. No. 3660, § 12)

**Sec. 30-113. - Commercial activities.**

Commercial activities may be carried on in the Wellington Lake Recreation Area only by persons who have by written agreement with the City obtained approval to carry on such activity. This shall include guide services for hunting, fishing and other services in which a monetary transaction has been made for such service.

(Code 1996, § 12-312; Ord. No. 3660, § 13)

**Sec. 30-114. - Special events.**

The Governing Body of the City may at any time permit special events at the Wellington Lake Recreation Area by large groups or by the community as a whole and to close such parts of the recreation area for such period of time as deemed necessary to accommodate such special event. A special event, for purposes of this section, shall be deemed to be an event which occurs or is held not more frequently than once a year and which extends for no longer than two consecutive days and in which an unusually large number of persons would participate.

(Code 1996, § 12-313; Ord. No. 3660, § 14)

**Sec. 30-115. - Rights reserved by the City.**

Because the waters of Wellington Lake serve as the water supply for residents of the City and its environs as well as for several rural water districts, the City shall have the right, notwithstanding any language herein that may be construed to the contrary, at any time to change, amend, repeal or suspend for any period of time recreational privileges granted by this article in order to protect such water supply for human consumption, and such action by the City may be taken without notice and without any requirement that permit and license fees collected under the provisions of this article be refunded to the person from whom such fees were collected.

(Code 1996, § 12-314; Ord. No. 3660, § 15)

**Sec. 30-116. - Acts prohibited.**

It shall be unlawful for any person to do any of the following acts in the Wellington Lake Recreation area:

- (1) To sell, possess or consume alcoholic liquor unless the Governing Body agrees to enter into an agreement for the purpose of providing live entertainment on specific dates and times within a designated area to be agreed upon between the contracting parties located within the Wellington Lake Recreation area.

- (2) To drive any vehicles at a speed greater than as posted.
- (3) To drive any vehicle, including dune buggies, at any place except on roadways.
- (4) To park or leave any vehicle on any roadway in such a manner as to block or impede traffic.
- (5) To violate any traffic laws of the state.
- (6) To permit domestic pets to run at large, except that hunting dogs shall be permitted to run at large during hunting seasons if kept under the control of the owner.
- (7) To transport any person on the waters of Wellington Lake for hire or for any valuable consideration without a valid concessionaires written agreement from the City.
- (8) To build, start, or maintain a fire in or about the Wellington Lake Recreation Area except in permanent fireplaces, firepits or other facilities provided in the area, except for portable barbeque grills provided by the camper.
- (9) To move or transport any fire pit, picnic table, bench or other appurtenance placed or set by the Lake Supervisor from one location to another.
- (10) To engage in or solicit any business in any manner whatsoever, including the dissemination or posting of handbills and notices without a valid concessionaire's agreement or specific permission granted by resolution of the Governing Body of the City.
- (11) To throw or leave along any roadway or on the ground in any picnic or camping area, any refuse, garbage, rubbish, sewage, gray water or waste of any kind.
- (12) To dispose of any refuse, garbage, rubbish, sewage, gray water or water of any kind whatsoever except in depositaries provided therefore.
- (13) To in any manner pollute the waters of Wellington Lake.
- (14) It shall be unlawful for any unauthorized person to go upon the dam, the emergency spillway, or any part thereof, located at Lake Wellington which is within the city limits except by a person under the person's own muscular power.
- (15) To make a false statement or representation in order to secure a permit, license or agreement provided for therein.

(16) Only vehicles authorized under city ordinance shall be operated on lake property or roadways. Said vehicles shall be properly registered as required by City Ordinance.

(17) To set up, construct, grow, or otherwise possess or allow fences, pallets, swimming pools larger than 50 gallons, gardens, or appliances on lake property. Items such as carpets, mats, swimming pools 50 gallons or smaller, clothes lines, pens and runs, and outdoor furniture shall be stored away when not in use. All satellite dishes, antenna, digital receivers and similar equipment shall be mounted on a trailer, camper or recreational vehicle or within fifteen (15) feet of said vehicle.

(18) Campers shall maintain the grass around their respective satellite dishes, antenna, digital receivers, electric cord, hoses and camper and the spaces in between.

(19) Any item brought into the Wellington Lake Recreational Area found to be damaging to the facility grounds, structures or improvements, or hinders reasonable access by Fire or Police personnel, or creates a hazard to other persons may be required to be moved or removed to prevent further damage, hindrance or hazard.

(Code 1996, § 12-315; Ord. No. 3628, § 1; Ord. No. 3660, § 16; Ord. No. 3926, 4-5-2005; Ord. No. 4037, § I, 4-7-2009)

**Sec. 30-117. - Enforcing officer.**

The City Manager or the City Manager's duly authorized agent shall have the duty to enforce ordinances of the City pertaining to the Wellington Lake Recreation Area.

(Code 1996, § 12-316; Ord. No. 3660, § 17)

**Sec. 30-118. - Penalties.**

(a) Any person who shall violate any provision of this article, unless otherwise referenced herein, shall, upon conviction thereof, be fined not more than \$500.00, or be imprisoned for not more than 30 days, or be both so fined and imprisoned, and in addition thereto may be ordered by the municipal court to make restitution to the City for damages resulting from such violation.

(b) Any person who shall violate any provision of this article relating to traffic or to alcoholic liquor or cereal malt beverage shall, upon conviction thereof, be punished in the manner provided for in other ordinances of the City relating to such conduct.

(c) In addition to the foregoing penalties any violator of the provisions of this article or the applicable laws of the state may be removed from the Wellington Lake Recreation Area and barred from further use of such recreation area until the violator complies with or demonstrates

to the Lake Supervisor that the violator can comply with this article and the laws of the state in the future. Actions of the Lake Supervisor under this subsection may be appealed and heard by the Governing Body of the City.

(d) In addition to the foregoing penalties the boating privileges of any person who habitually operates a boat on the waters of Wellington Lake in a wanton and reckless manner may be forfeited or terminated.

(Code 1996, § 12-318; Ord. No. 3660, § 18)

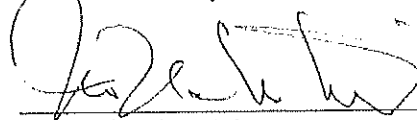
Secs. 30-119—30-149. - Reserved.

### SECTION III

This ordinance shall take effect and be in force from and on March 1, 2022, and after its publication in the official city newspaper, as approved by law.

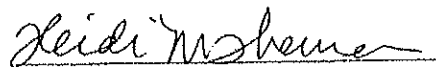
PASSED by the City Council this 1st day of February, 2022.

APPROVED by the Mayor

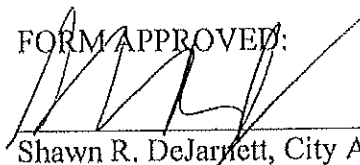
  
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Jim Valentine, Mayor

(SEAL)  
ATTEST:



  
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Heidi Theurer, City Clerk

FORM APPROVED:

  
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Shawn R. DeJarnett, City Attorney