

ORDINANCE NO. 2009-10

AN ORDINANCE OF THE CITY OF WILLIAMSTOWN, IN GRANT COUNTY, KENTUCKY AMENDING ORDINANCE 2008-17 AND SECTION 95 OF THE WILLIAMSTOWN CODE OF ORDINANCES, REGULATING CERTAIN ACTIVITIES AND PRACTICES WHICH ARE OR MAY BE ENGAGED IN, ON, AND AROUND LAKE WILLIAMSTOWN, AND AMENDING ORDINANCE 1996-09 AND SECTION 95 OF THE WILLIAMSTOWN CODE OF ORDINANCES PROVIDING AGE PARAMETERS FOR THE OPERATION OF PERSONAL WATERCRAFT AND MOTORBOAT(S) ON OR IN THE PUBLIC WATERS OF LAKE WILLIAMSTOWN; REQUIRING PERSONAL WATERCRAFT OR MOTORBOAT(S) TO BE OPERATED IN A REASONABLE AND PRUDENT MANNER SO AS NOT TO ENDANGER HUMAN LIFE, PHYSICAL SAFETY OR PROPERTY; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND ESTABLISHING STANDARDS FOR THE CONSTRUCTION AND MAINTENANCE OF BOAT DOCKS ON LAKE WILLIAMSTOWN; AND ESTABLISHING STANDARDS FOR SAFE TOWING PRACTICES FOR MOTORBOATS OPERATING ON THE PUBLIC WATERS OF LAKE WILLIAMSTOWN; AND PROHIBITING THE OPERATION OF “BLADDER BOATS” ON THE PUBLIC WATERS OF LAKE WILLIAMSTOWN.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WILLIAMSTOWN, IN GRANT COUNTY, KENTUCKY AS FOLLOWS:

SECTION I

Ordinance 16, Section III, is hereby amended with the words and numbers being added indicated by a single line beneath them and the words and numbers being deleted indicated by a broken or straight line through them as required by K.R.S. §83A.060.(3) as follows:

§95.02 ALTERATION OF LAND

No person, firm, or corporation shall alter the present contour, by plowing, grading, bulldozing, bogging, or by any method whatsoever, or construct any man-made structure(s) of the land adjacent to the waters of the supplemental lake or reservoir for a distance of 50 feet parallel to the high water mark of the lake around the entire circumference thereof, within the City’s fifty (50) foot easement and/or on/in City’s owned property, with the exceptions of walkways not to exceed 48 inches in width, and handicapped accessible paths not to exceed 72 inches in width. This would apply to those persons who have handicapped stickers/permit.

DEFINITION:

MAN-MADE STRUCTURE - a building, fence, structure or any artificial construction to the land of any kind constructed by a person [as defined in 95.09(4)] above grade or below grade for any purpose with the exception of a walkway/path or handicapped accessible walkway/path to a boat dock; further excepted are shoreline protection, boat docks, ramps, boat dock walkways as further defined by this Ordinance.

Said man-made structures shall be subject to removal and further Penalties as set forth herein.

SECTION II

Ordinance 1996-09 (as previously amended by Ordinance 2007-15, et. seq. , is hereby amended with the words and numbers being added indicated by a single line beneath them and the words and numbers being deleted indicated by a broken or straight line through them as required by K.R.S. §83A.060.(3); as follows:

§95.09 WATERCRAFT REGULATIONS.

(A) For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) “BLADDER BOAT, BALLAST OR WAKEBOARD BOAT.” A Bladder, Ballast or Wakeboard Boat shall mean a monohull motorboat artificially filled with water or other liquid in a cavity chamber Ballast tanks on or within the motorboat or artificially weighted with foreign material on or in the monohull motorboat and/or utilizes hydraulically controlled devices that alters the way a boat planes on the waters of Lake Williamstown or designed to create large wakes, but does not include live bait wells intended solely to store or hold live fishing bait, or live wells for the purpose of holding live fish.

(2) “MOTORBOAT.” Any vessel propelled by motor or machinery whether or not such machinery is the principal source of propulsion, except for the following:

- (a) Boats propelled by human power employing the use of hand or foot operation;
- (b) Personal watercraft as defined in this chapter;
- (c) Electrical trolling motor;
- (d) Pontoon boats; and
- (e) Sailboats.(3) “OPERATE.” Operate means to navigate or otherwise use a personal watercraft or motorboat with engine(s) running.

(3) “OPERATE.” Operate means to navigate or otherwise use a personal watercraft or motorboat with engine(s) running.

(4) “PERSON(S).” Every human being, and every organization or combination thereof, in the form of a corporation, limited liability company, partnership, joint venture, unincorporated association or otherwise.

(5) “PERSONAL WATERCRAFT.” A vessel which uses an internal combustion engine to power a jet pump for its:

- (a) primary source of propulsion; and
- (b) is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than to be operated by a person sitting or standing inside the vessel.

(6) “SAFE BOATING CERTIFICATE.” A document attesting to the successful completion of instruction, approved by the Kentucky Department of Fish and Wildlife Resources or given by the United States Coast Guard or Coast Guard Auxiliary or the U.S. Power Squadron, to prepare an individual to safely operate a motorboat or personal watercraft on the waters of the Commonwealth of Kentucky.

(7) “TOW ROPE.” A tow rope means a rope that connects the water-skier or wakeboarder to a motorboat. Also known as a “tow line.”

(8) “INFLATABLE FLOATING DEVICES.” An Inflatable Floating Device is any artificial floating device designed for use by one (1) or more person and/or not pulled by a motorboat, including, but not limited to inflatables that become airborne, Kite Tube, Flyer, Crazy 8, Maxx, and/or all boat tube(s) that can become airborne, buoys and markers, summer inflatables, water toys, floats, islands, slides, inflatable bounces/trampolines, any inflatables designed for bouncing, and in or about the waters of Lake Williamstown, that are permanently and/or temporarily anchored or moored to the shoreline, docks and/or bottom of the waters of Lake Williamstown, and would not include inflatable boats designed for various uses, including recreational boating, tender/dinghys(s), towing various watersports activities, and fishing, excluding official navigation devices as approved by City Administrator or Chief of Police.

It shall be permissible to use “Inflatable Floating Devices” on weekends (Saturday and Sunday) and the holidays of Memorial Day, July 4th and Labor Day (Saturday-Sunday) from 6:00 a.m. – 6:00 p.m., not permanently affixed, not beyond any front end of boat docks, and cannot interfere or extend to areas of others’ property.

(B) Age parameters for the operation of personal watercraft and motor boat(s) on or in the waters of Lake Williamstown are:

(1) A person under thirteen (13) years of age shall not operate a personal watercraft or motorboat on Lake Williamstown.

(2) A person thirteen (13) years of age through seventeen (17) years of age shall not operate a personal watercraft or motorboat on Lake Williamstown unless the person is in possession of a safe boating certificate or is accompanied on board by a person eighteen (18) years of age or older in possession of a safe boating certificate.

(3) While operating a motorboat or a personal watercraft on Lake Williamstown, nonresidents of the Commonwealth of Kentucky who are thirteen (13) years of age through seventeen (17) years of age shall have in their possession a Kentucky safe boating certificate or a recognized and equivalent boat operator license or safe boating certificate from another state or country.

(C) Prohibitions.

(1) A personal watercraft or motorboat operated on Lake Williamstown shall at all times be operated according to the “Rules of the Road” and in a reasonable and prudent manner so as not to endanger human life, human physical safety, or property. A person shall not do any of the following while operating a personal watercraft or motorboat on Lake Williamstown;

- (a) Weave through congested watercraft traffic in a way that endangers human life, human physical safety, or property;
- (b) Follow a watercraft that is towing an individual on water skis, a surfboard, or a water sport device in a way that endangers human life, human physical safety, or property;
- (c) Jump the wake of another watercraft in a way that endangers human life, human physical safety, or property;
- (d) Cut between a boat and the individual or individuals being towed by the boat;
- (e) Cross paths with another watercraft when visibility around the other watercraft is so obstructed as to endanger human life, human physical safety, or property;

- (f) Steer a personal watercraft or motorboat toward an object or individual in the water and turn sharply at close range in a way that endangers human life, human physical safety or property;
- (g) Operate a personal watercraft or motorboat in a reckless manner so as to create a wake that is hazardous to persons and/or property; or
- (h) Artificial wakes on or in the waters of Lake Williamstown that are artificially created by a motorboat or personal watercraft whose weight is altered by adding water or artificial weight and/or hydraulically controlled devices or any attachment intended for the sole purpose of increasing the size and/or output of the wake that alters the way a boat planes on the waters of Lake Williamstown.

(2) A person shall not operate a personal watercraft at any time between sunset and the following sunrise on or in the waters of Lake Williamstown. A motorboat shall only be operated at no-wake speed between sunset and the following sunrise on or in the waters of Lake Williamstown.

(3) There shall be no person in or swimming in the waters of Lake Williamstown beyond fifty (50) feet from the shoreline of Lake Williamstown. It shall be prohibited to swim across a navigational channel of Lake Williamstown at any time. This section shall not apply to fallen individuals from boats or those engaged in motorboat and/or personal watercraft sports activities such as but not limited to, skiing or emergency personnel engaged in work activities.

(4) A personal watercraft that does not have self-circling capability shall not be operated on Lake Williamstown, unless:

- (a) The personal watercraft is equipped with a lanyard type engine cutoff switch; and
- (b) The lanyard is attached to the person, clothing, or personal flotation device of the operator.

(5) A motorboat or personal watercraft may be used to tow individuals engaged in water-skiing or similar activities if it has adequate seating capacity and an observer on board to monitor the progress of the person being towed, or if it is equipped with a rearview mirror with a minimum field of vision of one hundred sixty degrees (160°) mounted so that the operator can observe the activities of the person being towed.

(6) A person who owns a motorboat or personal watercraft or has charge over, operates or control of a motorboat or personal watercraft shall not operate, authorize or permit the motorboat or personal watercraft to be operated with more than two (2) ski ropes and/or tow ropes on or in the waters of Lake Williamstown.

(7) A person shall not operate a personal watercraft on Lake Williamstown unless every individual operating or riding on the personal watercraft is wearing a personal flotation device that is approved by the United States Coast Guard under 46 C.F.R. sec. 160.

(8) No person shall operate a Bladder Boat, Ballast Boat or Wakeboard Boat on the public waters of Lake Williamstown.

(9) No person shall operate a personal watercraft or motorboat with a person sitting, riding or hanging onto the rear of the personal watercraft or motorboat or a swim platform or swim ladder attached to the personal watercraft or motorboat.

(10) No person shall operate a personal watercraft or motorboat when towing a person on any conveyance behind the watercraft using a tow rope of 20 feet or less, as measured from the transom of the boat to the end of the tow rope, at a speed greater than five (5) miles per hour.

(11) The usage of ski boom or other device on the side of the motorboat with attachments to pull a person or any conveyance is not prohibited.

(12) No person shall use and/or install an inflatable floating device in or on the waters of Lake Williamstown, except as provided herein.

(D) Motorboat size restrictions.

(1) No motorboat shall be operated on or in the waters of Lake Williamstown, Williamstown, Kentucky that exceeds a maximum length of twenty-three (23) feet.

(2) No person shall operate a motorboat at any time on or in the waters of Lake Williamstown, Williamstown, Kentucky that exceeds a maximum length of twenty-three (23) feet.

(3) For purposes of this section the maximum length of a motorboat specified on any rating specifications on the motorboat as defined by the boat manufacturer.

If the rating specifications are not on the motorboat or in the possession of the motorboat owner, the length of the motorboat shall be determined by the actual measurement from the tip of the bow to the back edge of the transom, excluding any part of the motor, rudder, or steps protruding past the stern of the boat.

(E) Violations.

(1) Any person who owns a motorboat or personal watercraft or has charge over, or control of a motorboat or personal watercraft shall not operate, authorize or permit the motorboat or personal watercraft to be operated in violation of this section.

(2) The parent, legal guardian or other adult who has direct supervision over a minor under the age of eighteen (18) shall not knowingly authorize or permit the minor to operate a motorboat or personal watercraft in violation of this section.

SECTION III

Section 95.11 regarding the construction and maintenance of boat docks on Lake Williamstown is hereby adopted as follows:

§95.11 BOAT DOCKS

(A) No person shall build or attempt to build any boat dock, or operate or attempt to operate any boat dock, or have or maintain any boat dock on or in Lake Williamstown without a permit from the City. Existing commercial boat docks shall be excluded, but shall be required to obtain/conform to the City's occupational license(s) requirements.

(B) Definitions.

(1) "Adjacent property owner" means the owner of real property that shares a common boundary with Lake Williamstown or would share a common boundary with Lake Williamstown if not for the intervening City property.

(2) "Boat dock" means a privately owned floating or fixed structure on or in Lake Williamstown.

(3) "City property" means lands or waters owned, leased, subject to an easement in favor of the City or otherwise controlled by the City adjacent to Lake Williamstown.

(4) "Enclosed superstructure" means a roofed structure with solid, glass, screen or similar walls, but does not include unattached dock boxes and similar storage containers less than four (4) feet high.

(5) "Hazardous materials" shall mean those substances included within the definitions of "hazardous substances," "hazardous materials," "toxic substances" "solid waste" or "infectious waste" under all present or future federal, state and municipal laws, ordinances, rules and regulations applicable to the environment, the rules and regulations of the Federal Environmental Protection Agency or any other federal, state or municipal agency or governmental board or entity having jurisdiction over Lake Williamstown and the adjoining properties.

(6) "Normal pool" means a water level equal to the elevation of the U.S.G.S. normal pool benchmark at Lake Williamstown's principal spillway.

(7) "Person(s)" means every human being, and every organization or combination thereof, in the form of a corporation, limited liability company, partnership, joint venture, unincorporated association or otherwise.

(8) "Shoreline Protection" means a line parallel to the water's edge of Lake Williamstown at an elevation equal to 785 feet.

(C) Boat Dock Permits.

(1) A boat dock permit for a person who constructs a boat dock after the effective date of this ordinance:

- (a) Shall entitle the holder to construct one (1) boat dock meeting the specifications described in Section (E) hereof; and,
- (b) Shall be issued upon the successful approval of an application submitted by the Adjacent property owner or the owner's agent to the City of Williamstown. A fee of fifty dollars (\$50.00) shall accompany the application, and shall be to offset the cost of the application review; and,
- (c) Shall be for a period of five years. Said permit shall expire on June first of the fifth year after it is issued. For the purposes of determining the date of expiration, the first year shall begin on the June first of the year in which the permit is issued, regardless of whether the permit is issued before or after June first of that year; and,
- (d) May be renewed by:
 1. Paying the fifty dollar (\$50.00) fee as specified by subpart (c) above; and,
 2. Submitting an affidavit that an unauthorized addition or modification has not been made to the dock or walkway; and,
 3. Receiving an approved dock permit.

(2) A person who constructed a boat dock before the effective date of this ordinance, shall:

- (a) Apply for a permit; and,
- (b) Pay the applicable fee; and
- (c) Any time a dock or shoreline protection requires either:
 1. Fifty percent (50%) or more of its area repaired, replaced, or

structurally altered; or,

2. To have fifty percent (50%) or more of its area remodeled; then, the dock shall be required to be brought into conformance with all provisions of this ordinance.

(3) No more than one (1) dock shall be allowed, used or installed, and no more than one boat dock permit shall be issued, for each platted lot or parcel without the written consent of the City.

(4) Issuance of a boat dock permit shall be made for the purpose of ensuring compliance with the provisions of this ordinance. The City, in the process of issuing boat dock permits shall not be responsible for reviewing the structural integrity, method of construction or safety of the proposed boat dock.

(D) Constructing Boat Docks.

(1) A person wishing to construct a boat dock shall:

(a) Submit a properly completed boat dock application on forms provided by the City, accompanied by:

1. The permit fee; and
2. Proof that the property owner has the right to construct a boat dock at the location with his/her Deed or written approval from adjacent landowner.

(b) Not begin construction until he has been issued a construction permit from the City. This permit shall be in addition to other required building permits.

(c) Inform the City when:

1. Construction of the new dock is complete; or
2. An existing dock has been brought into compliance.

(d) Allow inspection of the dock by the City.

(2) The City shall issue a boat dock permit to a boat dock owner whose dock passes a final inspection for compliance with the provisions of this ordinance. Once a permit has been issued, no additions or modifications may be made to the boat dock or walkway without the prior written consent of the City and the issuance of a new or amended permit for such additions or modifications.

(E) Boat Dock, Shoreline and Walkway Specifications.

(1) A person shall not construct a boat dock that:

- (a) Measures more than thirty-eight (38) feet in width;
- (b) Has a surface area, including slips and walkways, of more than 1,368 square feet per level;
- (c) Has any habitable structure(s);
- (d) Extends more than thirty-six (36) feet into the waters of Lake Williamstown from its shoreline;
- (e) Has enclosed superstructures;

- (f) Has unenclosed superstructures in excess of 14 feet in height above the normal pool of Lake Williamstown;
- (g) Has unenclosed superstructures or other features not specified in the boat dock permit;
- (h) Uses metal drums of any type;
- (i) Uses any flotation devices that will sink when punctured;
- (j) Uses creosote treated wood or pilings, and/or guardrails for shoreline protection;
- (k) Uses any drums, barrels or containers of any type that have been previously used to store oil, petroleum products or hazardous materials of any type;
- (l) Has toilet facilities on the boat dock or walkway;
- (m) Has any pumping equipment to remove water from Lake Williamstown on the boat dock or walkway or
- (n) It is prohibited to use any portable fuel tank or system on any boat dock greater than seven (7) gallon capacity and not constructed from non-breakable material, containing corrosion or leaks. Any portable fuel tank must have vents capable of being closed, tanks must be secured and shall have a vapor-tight leak-proof cap.

(2) Side setback requirements. Side setbacks shall be measured from the side lot lines of platted waterfront lots or from the projected lot lines of contiguous platted lots. All portions of docks shall be setback at least ten (10) feet from the side lot lines of the Adjoining property.

(3) Design requirements. All boat docks shall be designed, constructed and maintained so as not to interfere with or constitute a hazard to navigation, and not to unreasonably interfere with the use and enjoyment of adjoining properties by those having the right to so use them.

(4) Shoreline protection requirements. All new docks constructed are required to have a shoreline protection. Any dock that requires reconstruction of more than fifty (50%) of its surface area shall require the construction of a new shoreline protection in connection therewith, if not in compliance with subsections (A) – (N). All required shoreline protection shall be built the entire length of the shoreline of the adjacent property for which the dock is being constructed. Shoreline protection shall be constructed only with the appropriate application: Applicant shall make application to the ~~U.S. Corp of Engineers and Kentucky Division of Water~~ City of Williamstown and with the assistance from the U.S. Corp of Engineers and Kentucky Division of Water will review and which shall be accompanied/bear the name(s) and addresses of the owner or developer of the site, of any consulting firm and contractor retained by the applicant together with the name of the applicant's principal contact at each firm and receive state/federal permit approval prior to submitting any application or construction plans to the City with filing fee to appropriate agencies; and shoreline protection shall be constructed only from the following materials:

- (a) Masonry Blocks with planted riparian species/vegetation for shoreline protection, or
- (b) Concrete Walls with planted riparian species/vegetation for shoreline protection, or
- (c) Approved heavy growth vegetation with herbaceous, tree and shrub species, as provided by the U.S. Corp of Engineers and Kentucky Division of Water; or

- (d) C-lock plastic with planted riparian species/vegetation for shoreline protection; or
- (e) Tied concrete block mat with planted riparian species/vegetation for shoreline protection; or
- (f) Fortress rock with planted riparian species/vegetation for shoreline protection; or
- (g) Heavy duty fortress rock with planted riparian species/vegetation for shoreline protection; or (h) Rip-Rap is permissible, but,

Lake Williamstown requires that installation of rip-rap meet all the following criteria:

- i. The bank stabilization project is a minimum of ten (10) feet;
- ii. Only clean material free of solid waste and contaminants is used;
- iii. Rip-rap is placed within the elevations and follows the existing shoreline;
- iv. The bank is graded to a slope of 2:1 (horizontal distance: elevation) or flatter;
- v. Stone size class ranges from 6-18 inches per K.D.O.T. standard;
- vi. Depth or thickness of rip-rap is between 1.5 – 2.5;
- vii. Geo-tech fabric is to be underneath the rock; and
- viii. Rock 1.5 – 2.5 feet thick, four feet above waterline, extend to lake bed.

(i) The use of hydraulic concrete as shoreline protection is prohibited.

(j) All shoreline protection must be used in conjunction with heavy growth vegetation and riparian species attached hereto and incorporated herein.

- (4-I) Bank stabilization activities are authorized for erosion prevention provided the activity meets all, or in combination with, the following criteria and the aforementioned provisions;
- (a) No material is placed in excess of the minimum needed for erosion protection;
 - (b) The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the normal pool;
 - (c) No material is placed in any special aquatic site, including wetlands;
 - (d) No material is of the type, or is placed in any location, or in any manner, so as to impair surface water flow into or out of any wetland area;
 - (e) No material is placed in a manner that will be eroded by normal or expected high flows; and,
 - (f) The activity is part of a single and complete project.

To effectively place rip-rap for bank stabilization the existing bank should be sloped back and existing stumps removed, to allow the rip-rap to settle properly. A trench

should be excavated at the base of the project. Once the trench is filled with rock, it will serve as a toe to hold the rip-rap in place. Also, geo-fabric or filter cloth should be placed under the rip-rap to prevent movement of the underlying soil through the stone. A set of steps may be authorized as part of the project for safe access across the rip-rap to the shoreline or a boat dock facility.

(4-II) The applicant can obtain the necessary form(s) through the City of Williamstown Shoreline Management personnel and/or City Personnel; Upon determining a violation has occurred of the Shoreline Protection, City personnel shall issue a Stop Work Order to bring the shoreline protection into compliance. The Stop Work Order to be utilized for city purposes is attached hereto and incorporated by reference as Exhibit "A".

(5) A walkway connecting the bank and the dock shall:

- (a) Be perpendicular to the shoreline.
- (b) Be anchored to City property at the shoreline.
- (c) A length sufficient to reach a water depth of two (2) feet when the lake is at normal pool.

(6) Diving boards. A single diving board not extending more than 18 inches beyond the edge of the dock is permitted to be constructed and maintained on boat docks. Existing diving boards shall conform to these limitations.

(7) Slides. A single slide not exceeding 8 feet in height and not extending more than 18 inches beyond the edge of the dock is permitted to be constructed on boat docks subject to this ordinance.

(8) Fenders. Tires, or pieces thereof, shall not be used as fenders or cushions on any boat dock subject to this ordinance.

(F) Revocation of Permits.

(1) The City shall cancel a boat dock permit and order a boat dock removed if:

- (a) The permit holder makes a structural addition or modification in excess of \$1,000.00 to the dock or walkway without written permission from the City; or
- (b) The boat dock, or any part thereof, becomes a hazard to the public, becomes a hazard to navigation, threatens to damage adjacent property or becomes unfit or unsafe for use; or
- (c) The permit holder fails to:
 - 1. Renew the boat dock permit within sixty (60) days of expiration; or
 - 2. Maintain the dock or walkway in a structurally sound condition; or
 - 3. Correct any failure of the boat dock to conform to the requirements of this ordinance or the permit issued pursuant hereto within thirty (30) days after being given notice of such deficiency from the City.

(2) After notification in writing by Certified Mail, Return Receipt Requested, or posting notice on the property for fourteen (14) days with U.S. regular mail notice by the City that a permit has been canceled, a person shall remove from City property within sixty (60) days:

- (a) The dock;
- (b) The walkway; and

(c) The structures used to anchor the walkway.

(G) Use of Water.

(1) A person shall not take water from Lake Williamstown without the written consent of the City.

(2) No dredging shall be permitted on or in Lake Williamstown by a person; and

(3) No damming of Lake Williamstown by a person on or in Lake Williamstown.

(H) Cutting Weeds or Grass.

An adjacent property owner may cut weeds or grass, or clear underbrush less than two (2) inches in diameter, from City lakefront property which joins his property.

City property shall include City of Williamstown owned property, easements and any and all City owned facilities.

(I) Structures or Equipment on City Property.

A person shall not place a road, ramp, building, steps, fence, garden, equipment, sea wall, dock, walkway or structure on City property without prior written permission from the City.

(J) Waivers and Appeals.

(1) A person denied a permit with an existing dock, walkway, structure or mechanical equipment or shoreline protection that was in place before the effective date of, but does not meet the standards contained in, this ordinance may apply to the City for a waiver and/or appeal to a three(3)-person Board appointed by the Mayor . The granting or issuance of a dock permit to an existing dock shall constitute a waiver by the City. The fee for said Appeal shall be set at \$250.00 to be paid by the applicant.

(2) In deciding whether to grant or deny a waiver, the department shall consider:

(a) Whether the dock, walkway, structure or mechanical equipment:

1. Is in substantial compliance with this ordinance;

2. Poses a potential safety hazard;

3. Is in sound structural or mechanical condition;

(b) The geological, topography, or other physical features of the lake and the specific location that are not the result of actions by the applicant.

(3) A person who has not been granted a permit as specified in this ordinance shall remove non-permitted or non-waivered docks, structures or mechanical equipment from City property before six (6) months after the effective date of this Ordinance.

(K) Incorporation by Reference.

The City shall make available a Dock Application Form for persons to apply for a boat dock permit. The City may require such information from the applicant in the Dock Application Form as it deems necessary in order to determine compliance of the proposed dock with the provisions of this ordinance, which may include without limitation, consent to the construction of the boat dock by the owner of the waterfront property (if not the applicant), dimensioned site plans, construction plans, the elevation of the proposed boat dock, a survey of the waterfront property on which the boat dock is to be constructed, the distance of setbacks from adjacent property lines and such other information as the City deems necessary.

SECTION IV

Ordinance 16 and Section 95, et. seq. of the Williamstown Code of Ordinances as previously amended are hereby amended with the words and numbers being added indicated by a single line beneath them and the words and numbers being deleted indicated by a broken or straight line through them as required by K.R.S. §83A.060.(3); as follows:

§ 95.99 PENALTY.

(A) Any person who violates §§ 95.01 through 95.07, 95.08, 95.09, and 95.10 shall constitute a Class B Misdemeanor under the Kentucky Revised Statutes for each separate violation. Each day that the violation continues shall constitute a separate offense and be punishable as such.

(B) Any person violating the provisions of §95.11 shall be subject to a civil penalty of Five Hundred Dollars (\$500.00) plus the City's attorneys' fees and costs expended in enforcing such civil penalty, and each day of the continuation thereof shall be a separate and distinct offense, which shall be recovered by the City of Williamstown in a civil action in the nature of debt if not paid by the offender within thirty (30) days after citation for the violation or other failure to comply with the provisions of this chapter. In addition, any violation of §95.11 is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce §95.11 hereof by any other method means set forth herein, the City of Williamstown may institute an appropriate action in a court of competent jurisdiction seeking injunctive and equitable relief.

(C) Each violation and every other failure to comply with the remaining provisions of this chapter shall be a misdemeanor; and each day of the continuation thereof shall be a separate and distinct offense for which:

(1) A person convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in KRS 534.040(2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in KRS 532.090(1), or both; and

(2) The offender shall also be subject to a civil penalty of one hundred dollars (\$100.00) of each offense plus the City's attorneys' fees and costs expended in enforcing such civil penalty, which shall be recovered by the City of Williamstown in a civil action in the nature of debt if not paid by the offender within thirty (30) days after citation for the violation or other failure to comply with the provisions of this chapter.

SECTION V

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION VI

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION VII

This ordinance shall be effective as soon as possible according to law.

SECTION VIII

This ordinance shall be published in full pursuant to K.R.S. 83A.060.

Glenn Caldwell, Mayor

ATTEST:

Vivian Link, City Clerk

2009-10

1st Reading	-	<u>06/01/09</u>
2nd Reading	-	<u>07/06/09</u>
Publication	-	<u>07/16/09</u>

CERTIFICATION

The undersigned Vivian Link, City Clerk of the City of Williamstown, in Grant County, Kentucky hereby certifies as follows:

1. The foregoing Ordinance No. 2009-10 was introduced in writing and read to the City Council of the City of Williamstown at regular or special meetings thereof on the ____ day of _____, 2009, and the ____ day of _____, 2009, at which quorums were present; and said Ordinance was enacted by the City Council of the City of Williamstown upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the ____ day of _____, 2009, with the vote of each member of the city council entered upon the official record of such meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Williamstown, it was submitted to the Mayor of the City of Williamstown who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the ____ day of _____, 2009, in the Grant County News, a newspaper qualified therefor, pursuant to the provisions of K.R.S. Chapter 424.

Vivian Link, City Clerk

