

RESOLUTION NO. 164-2018

DATE ADOPTED: 11-28-2018

DATES PUBLISHED: December 12, 2018
December 19, 2018
December 26, 2018

A RESOLUTION AMENDING CHAPTER 20, ARTICLE IV OF THE SEDGWICK COUNTY CODE RELATING TO PARKS, LAKES AND RECREATIONAL FACILITY RULES

WHEREAS, on the 25th day of August, 1993, Sedgwick County, Kansas (“County”) approved Resolution 159-1993 which adopted the Sedgwick County Code;

WHEREAS, Chapter 20, Article IV of the Sedgwick County Code sets forth the rules, regulations and fees for the use of Sedgwick County parks, lakes and recreational facilities, and for the enforcement thereof;

WHEREAS, current fees are no longer consistent with regional market rates for similar facilities and services;

WHEREAS, amending fees for certain uses of the parks, lakes and recreational facilities will better enable Sedgwick County to continue to provide high quality facilities;

WHEREAS, the Board of County Commissioners approved several of the proposed fee amendments as part of its approval of the 2019 budget for Sedgwick County;

WHEREAS, amendments are proposed to Sections 20-106, 20-108, 20-109, and 20-113 of the Sedgwick County Code; and

WHEREAS, the County is authorized pursuant to K.S.A. 19-101, *et seq.*, to enact and enforce this resolution; more specifically, K.S.A. 19-2803a allows the County to adopt, by resolution, reasonable rules and regulations regulating and licensing the use and enjoyment of any park, lake or other recreational area by the public and for the protection and preservation of such property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS that:

SECTION I. Sedgwick County Code Section 20-106 shall be amended to add the following term, with the remainder of such section remaining unchanged:

Military means any person presently enlisted in the United States Armed Forces, retired from service in the United States Armed Forces, or any other United States Armed Forces veteran.

SECTION II. Sedgwick County Code Section 20-108 shall be amended to add subsection (c)(8), with the remainder of such section remaining unchanged:

- (c) The park superintendent shall have the following power and authority:...
- (8) To exercise discretion in situations in which there are uncontrollable circumstances in which the park superintendent, or the park superintendent's designee, shall be authorized to grant an exception to the rules contained within this article. Any such exception shall be a one-time exception and shall only apply for that particular calendar year.

SECTION III. Sedgwick County Code Section 20-109 shall be amended to read as follows:

Sec. 20-109. Fees, deposits, and permits.

- (a) *Lake Afton Park.*

- (1) *Lake Afton Park shelter house and pavilion permit fees and deposits.* The permit fee and the deposit fee shall be paid to the park superintendent, by the permittee who shall be a person over the age of twenty-one (21) years. The deposit and permit fee must be paid at least thirty (30) days in advance of the use date. Failure of a proposed permittee to pay the deposit fee and the permit fee thirty (30) days in advance of the use date shall cause a forfeiture of the use date. A permit fee shall be non-refundable, except upon the permittee's proof of extraordinary circumstances acceptable to the park superintendent. The deposit fee may be refunded after the use date to the permittee upon restoration of the premises to pre-use condition, subject to the park superintendent's approval of the restoration and the refund. The park superintendent shall issue to shelter permittee, at no additional cost, a reasonable number of recreational permits corresponding to the date of permittee's shelter rental. Lake Afton Park shelter house permit fees shall be as follows:

Shelter #1: Thirty (30) feet by seventy (70) feet; two (2) bathrooms, kitchen and fireplace; capacity, one hundred forty (140):

Deposit . . . \$300.00

Rental per day (or any portion thereof) . . . \$200.00

Shelter #2: Forty-two (42) feet by twenty-seven (27) feet; two (2) twelve-foot, standup tables, air-conditioning; capacity, seventy-six (76):

Deposit . . . \$300.00

Rental first day (or any portion thereof) . . . \$100.00

Each consecutive day (or any portion thereof) thereafter . . . \$50.00

Shelter #4: Six (6) picnic tables; capacity, fifty (50):

Rental first day (or any portion thereof) . . . \$50.00

Each consecutive day (or any portion thereof) thereafter . . . \$25.00

Shelter #5: Thirty (30) feet by forty (40) feet; air-conditioning; capacity, seventy-five (75):
Deposit . . . \$300.00
Rental first day (or any portion thereof) . . . \$100.00
Each consecutive day (or any portion thereof) thereafter . . . \$50.00

Pavilion: Includes kitchen; capacity, one hundred ten (110):
Deposit . . . \$300.00
Per day (or any portion thereof) . . . \$200.00

A day means the period of time between 8:00 a.m. and the 12:00 midnight immediately following.

(2) *Recreational permit.* Except as provided herein, a valid recreational permit is required to use a motor vehicle within Lake Afton Park and shall be prominently displayed on the vehicle. The park superintendent shall issue daily and annual recreational permits.

a. *Purchase of permits.* Permits may be purchased from a designated fixed location within the park at the following rates:

1. Daily recreational permit (valid until noon of the calendar day following purchase) . . . \$5.00
2. Annual recreational permit (valid for the calendar year) . . . \$30.00
Additional vehicles having same ownership . . . \$15.00
3. Daily recreational permits purchased from park employees not at a fixed location will be assessed an additional five dollars (\$5.00) per permit.

b. *Exceptions.*

1. A recreational permit shall not be required for the following vehicles: motor vehicles used in the operation or maintenance of the parks or other county areas; emergency vehicles; county-owned vehicles; law enforcement vehicles; vehicles towing a vessel or boat which has a boat permit; vehicles used by boy/girl scout groups; or private or government motor vehicles being operated on official business for a governmental agency or being operated during an emergency situation at the park.
2. A recreational permit shall not be required for the following vehicles: vehicles operated by staff, residents, vendors and visitors of the Lake Afton Public Shooting Range or the Lake Afton Public Observatory unless those persons are actively involved in recreation on the Lake Afton premises.

3. Persons participating in an event which is duly licensed for exclusive use of the park (or a portion thereof) shall not be required to display a recreational permit if they are directly participating in the event within the event organizer's area of exclusive use.
 4. Persons participating in events at the Lake Afton Public Shooting Range and the Lake Afton Public Observatory shall not be required to purchase or display a recreational permit.
- (3) *Lake Afton Park boating permit fees.* Fees for a Lake Afton boating permit purchased at the park office or at the self-pay station shall be as follows:
- a. Any unpowered vessel:
Per day (or any portion thereof) . . . \$5.00
Annual resident permit . . . \$45.00
 - b. Electric--Up to 20 HP:
Per day (or any portion thereof) . . . \$5.00
Annual resident permit . . . \$45.00
 - c. 21 HP--99 HP:
Per day (or any portion thereof) . . . \$6.00
Annual resident permit . . . \$55.00
 - d. 100 HP and above:
Per day (or any portion thereof) . . . \$7.00
Annual resident permit . . . \$65.00
 - e. Boat dealers for demonstration and testing purposes only:
Calendar year... \$150.00
 - f. Permit purchased from park employee. Boating permits are available for purchase in the park from park employees at an additional five dollars (\$5.00) per day for each permit.
- (4) *Lake Afton Park camping permit fees.* Fees for a Lake Afton Park camping permit purchased at the park office or at the self-pay station shall be as follows. Fees indicated with an asterisk (*) apply only from March 1 through October 31:
- a. Rates:
Primitive, per day (or any portion thereof) . . . \$10.00
*Primitive, per week . . . \$60.00
Electric, per day (or any portion thereof) . . . \$14.00
*Electric, weekly (or any portion thereof) . . . \$84.00
*Electric, monthly . . . \$345.00
 - b. Senior citizens' and military rates:
Primitive, per day (or any portion thereof) . . . \$9.00

*Primitive, per week . . . \$54.00
Electric, per day (or any portion thereof) . . . \$12.00
*Electric, weekly (or any portion thereof) . . . \$72.00
*Electric, monthly . . . \$300.00

- c. Permit purchased from park employee. Camping permits purchased in the park from a park employee shall be assessed an additional five dollars (\$5.00) per day.
 - d. Water hookup permits. Campers may obtain water hookups for an additional charge of two dollars (\$2.00) per day at some campsites.
 - e. Lake Afton Park large group discounts. Large groups wishing to camp at Lake Afton Park may contact the park superintendent about reduced rates. Advance notice to the park superintendent must be given and a deposit to be determined by the park superintendent based on the size of the group.
 - f. Recreational permit. Recreational permits corresponding to the dates of the camping permits will be issued by the park superintendent at no additional cost.
 - g. Use of dump station. The fee for use of a dump station is \$5.00 per day which will be waived with purchase of a recreational permit.
 - h. Camping fees are waived for boy/girl scouts camping in areas designated by park superintendent.
 - i. One (1) enclosed trailer is allowed at no additional fee provided it is not connected to electricity. An additional trailer is \$1.00 per day.
 - j. Outdoor lighting at night with one bulb (100 watt maximum) is allowed. Additional lighting (more than one bulb, bulb over 100 watts or during day) is \$.50 per day.
 - k. Any person camping at Lake Afton Park who fails to make a timely payment upon the expiration of a permit, yet remains camping at Lake Afton Park, shall be charged a \$3.00 per day late fee for all days such person camps at Lake Afton Park after the expiration of their permit.
- (5) *Lake Afton Special Event fees.* Special Event fees are in addition to Large Event fees and shelter fees/deposits. Daily fees for special events at Lake Afton Park shall be as follows:
- a. Car shows . . . \$250.00
 - b. GoKart/road races (within West Side) . . . \$375.00
 - c. Special Event without shelter – up to 499 people . . . \$175.00/day

d. Vendor/promotional booths. If any of the above activities involves the presence of vendor or promotional booths, an additional booth fee will apply. This additional fee will be determined by the park superintendent based on the number of displays and/or the organization's revenue projections. If a non-profit organization presents written proof to the park superintendent of 501(c)(3) status, said organization will be given consideration for exemption from this fee.

(6) *Lake Afton Park large event fee.* In addition to all other fees, large events at Lake Afton Park shall be assessed a daily large event fee as follows:

500-1000 people - \$250.00

1001-3000 people - \$500.00

3001-5000 people - \$750.00

Non-profit groups (proof of 501c3 status required):

Runs/walks/bicycle/cross country meets - \$100.00

Runs/races (with use of Pavilion or Shelter #1) - \$225.00

Runs/races (with use of Shelter #2) - \$170.00

Runs/races (with use of Shelter #5) - \$170.00

Other events by non-profit organizations –
fees negotiated at the discretion of park superintendent.

(7) Except as otherwise provided in subsection (a), each and every person using Lake Afton Park shall be charged the same fees and other charges.

(b) *Sedgwick County Park.*

(1) *Sedgwick County Park shelter house permit fees and deposits.* The permit fee and a deposit fee shall be paid to the park superintendent by the permittee (who shall be a person over the age of twenty-one (21) years) at least thirty (30) days in advance of the use date. Failure of a proposed permittee to pay the deposit fee and the permit fee thirty (30) days in advance of the use date shall cause a forfeiture of the use date. A permit fee shall be non-refundable, except upon the permittee's proof of extraordinary circumstances acceptable to the park superintendent. The deposit fee may be refunded after the use date to the permittee upon restoration of the premises to pre-use condition, subject to the park superintendent's approval of the restoration and the refund. Sedgwick County Park shelter house fees are as follows:

Small open-sided shelter #5, per day (or any portion thereof) . . . \$ 25.00

Medium open-sided shelter #1 and 2, per day (or any portion thereof) . . . \$60.00

Large open-sided shelter #4, per day (or any portion thereof) . . . \$90.00

"Horseshoe" enclosed shelter, per day (or any portion thereof) . . . \$150.00

"Plum" enclosed shelter, per day (or any portion thereof) . . . \$275.00

- "Sunflower" or "Cottonwood" enclosed shelters, per day (or any portion thereof) . . . \$200.00
- "Wheatland" shelter, per day (or any portion thereof) . . . \$90.00
- BBQ grill rental, per day (or any portion thereof) . . . \$40.00
- Deposit for Horseshoe, Plum, Sunflower and Cottonwood shelters . . . \$300.00

Rental for a day means the period from 8:00 a.m. until the 10:00 p.m. immediately following.

(2) *Sedgwick County Park special event fees.* Special event fees are in addition to large event fees and some shelter fees/deposits. Daily fees for the following special events shall be as follows:

- a. Car show . . . \$250.00
- b. Festivals, carnivals, Pow Wows, etc. . . . \$350.00
- c. Remote control boat race events . . . \$100.00
- d. Special Event without shelter – up to 499 people . . . \$175.00/day
- e. Vendor/promotional booths. If any of the above activities involves the presence of vendor or promotional booths, an additional booth fee will apply. This additional fee will be determined by the park superintendent based on the number of displays and/or the organization's revenue projections. If a non-profit organization presents written proof to the park superintendent of 501(c)(3) status, said organization will be given consideration for exemption from this fee.

Rental for a day means the period of time from 8:00 a.m. until the 10:00 p.m. immediately following.

(3) *Sedgwick County Park large event fee.* In addition to all other fees, large events at Sedgwick County Park shall be assessed a daily large event fee as follows:

- 500-1000 people - \$250.00
- 1001-3000 people - \$500.00
- 3001-5000 people - \$750.00
- No events allowed over 5,000 people

Non-profit organizations (proof of 501c3 status required):

- Runs/walks/bicycle/cross country meets - \$100.00
- Runs/races (with use of Horseshoe Shelter) - \$160.00
- Runs/races (with use of Sunflower or Cottonwood Shelter) - \$225.00
- Runs/races (with use of Plum Shelter) - \$275.00
- Other events by non-profit organizations –
fees negotiated at the discretion of park superintendent.

- (4) *Sedgwick County Park informational sign rental.* An informational sign may be rented from the park superintendent. Sign rental fees are as follows:

One week - \$60.00

No other signage may be placed on park property. Placing signage on park property may cause forfeiture of the deposit.

- (5) Except as otherwise provided in subsection (b), each and every person using Sedgwick County Park shall be charged the same fees and other charges.

SECTION IV. Sedgwick County Code Section 20-113 shall be amended to read as follows:

Sec. 20-113. Camping.

- (a) *Camping prohibited; exceptions.* Camping at any county park, lake or recreational area is prohibited; however, camping in Sedgwick County Park may be allowed with prior written permission of the board of county commissioners, subject to applicable laws, rules and regulations; and camping in Lake Afton Park is allowed by current camping permit, subject to applicable laws, rules and regulations.

- (b) *Camping at any county park, lake or recreational area; rules and regulations.*

- (1) A camper shall be prohibited from establishing a campsite unless a camper of that campsite has obtained the prior written permission of the board of county commissioners or obtained a current camping permit from the park superintendent or from the self-pay station.
- (2) A camper shall be prohibited from camping in any playground, beach or other area not designated for camping by the park superintendent.
- (3) A camper shall be prohibited from leaving a campsite unattended for a period exceeding forty-eight (48) consecutive hours.
- (4) A camper shall be prohibited from failing to pay all removal and storage fees incurred as a result of leaving a campsite unattended for a period exceeding forty-eight (48) consecutive hours.

Notice: After forty-eight (48) consecutive hours, an unattended campsite shall be removed and all property in and around said campsite shall be stored by the park superintendent for a fee chargeable to the camper, which fee shall be thirty dollars (\$30.00) for the removal and two dollars (\$2.00) per day (or any portion thereof) for storage. All property so stored by the park superintendent shall be deemed to have been abandoned at the conclusion of thirty (30) days from the date of storage if not redeemed by the camper pursuant to this subsection. All

such property shall thereupon become the property of the county and shall be disposed of according to Sedgwick County Code Chapter 16, Article III. Any person who camps at any county park shall be deemed to have agreed to such removal, storage, fee payment, and abandonment policy and shall be deemed to have released the park superintendent and the county from any and all liability for damages to such property incurred during or by virtue of the removal, storage and disposal.

- (5) A camper shall be prohibited from erecting, using, or maintaining electrical lines that interfere with or are strung across roadways or trailways.
- (6) A camper shall be prohibited from using any portable generator without prior written approval of the park superintendent.
- (7) A camper shall be prohibited from erecting, using, or maintaining any clothes line or wire unless it is affixed to a vehicle owned by the camper.
- (8) A camper shall be prohibited from establishing a campsite within one hundred fifty (150) feet of electrical service without paying the applicable rate for electrical service, regardless of whether such service is utilized by the camper.
- (9) Persons reserving shelters 1, 2 and 5 at Lake Afton Park may also reserve campsites near the relevant shelter(s) but only if fees for those campsites are paid in advance.
- (10) A camper shall be prohibited from establishing a campsite at any one (1) camping area or limited stay area for longer than fourteen (14) consecutive days. Failure of a camper to move from a camping area or limited stay area after the fourteenth consecutive day will result in the assessment of an additional per day late moving fee of \$5.00 for each day past the fourteen (14) day stay limit. Also, to the extent that a camper stays past the fourteen (14) day stay limit by a number of days, such number of days shall be subtracted from such camper's next fourteen (14) day stay limit.
- (11) A camper shall be prohibited from re-establishing a campsite in a camping area or limited stay area within seven (7) days after camping in such area for more than five (5) consecutive days.
- (12) A camper will be required to move every fourteen (14) days from April 1st through October 31st. During the months of November through March, a camper will be allowed to camp in any single campsite.
- (13) Dumping sewage from a recreational vehicle is permitted only at designated dump stations. Any other use of dump stations is prohibited.
- (14) If a camper fails to pay any required fees after four (4) days, the camper will be required to leave the park.

- (15) Any combination of two (2) or more campers shall be prohibited from teaming, or acting in unison, to secure any campsite for longer than fourteen (14) days.
- (16) Any vehicle, camper, or trailer that is required by Kansas law to have a valid and current license plate or temporary tag shall be required to display said plate or tag on said vehicle, camper, or trailer in order to be able to establish a campsite.

(c) *Violations.*

- (1) *Fail to obtain camping permit.* It is a violation of this article for a camper to fail to obtain the prior written permission of the board of county commissioners or to obtain a current camping permit from the park superintendent or from a self-pay station. Fail to obtain camping permit is a class G violation.
- (2) *Unlawfully obtain camping permit.* It is a violation of this article for any person to obtain a camping permit from a self-pay station without paying the required fee(s) set forth herein. Unlawfully obtain camping permit is a class G violation.
- (3) *Possess, show or retain unlawfully obtained camping permit.* It is a violation of this article for any person to possess, show or retain a camping permit that was unlawfully obtained from a self-pay station. Possess, show or retain unlawfully obtained camping permit is a class G violation.
- (4) *Fail to camp in designated area.* It is a violation of this article for a camper to camp in any playground, beach or other area not designated for camping by the park superintendent. Fail to camp in designated area is a class G violation.
- (5) *Leave campsite unattended.* It is a violation of this article for a camper to leave a campsite unattended for a period exceeding forty-eight (48) consecutive hours. Leave campsite unattended is a class G violation.
- (6) *Fail to pay removal and storage fees.* It is a violation of this article for a camper to fail to pay all removal and storage fees incurred as a result of leaving a campsite unattended for a period exceeding forty-eight (48) consecutive hours. Fail to pay removal and storage fees is a class G violation.
- (7) *Cause interference by electrical lines.* It is a violation of this article for a camper to erect, use, or maintain electrical lines that interfere with or are strung across roadways or trailways. Cause interference by electrical lines is a class G violation.
- (8) *Use portable generator.* It is a violation of this article for a camper to use any portable generator without prior written approval of the park superintendent. Use portable generator is a class G violation.
- (9) *Use clothes line.* It is a violation of this article for a camper to erect, use, or maintain any clothes line or wire unless it is affixed to a vehicle owned by the

camper. Use clothes line is a class G violation.

- (10) *Fail to pay electrical rate.* It is a violation of this article for a camper to establish a campsite within one hundred fifty (150) feet of electrical service without paying the applicable rate for electrical service, regardless of whether such service is utilized by the camper. Fail to pay electrical rate is a class G violation.
- (11) *Fail to abide by seasonal permit conditions.* It is a violation of this article for a camper to utilize any seasonal permit except from March 1 through October 31 of the year of issuance, to stay longer than fourteen (14) days in each calendar month at any one (1) camping area, or to stay any additional days in the same calendar month without changing camping areas and paying in addition to the seasonal permit rate the regular daily rate. Fail to abide by seasonal permit conditions is a class G violation.
- (12) *Establish campsite in excess of fourteen (14) days.* It is a violation of this article for a camper to establish a campsite at any one (1) camping area or limited stay area for longer than fourteen (14) consecutive days. Establish campsite in excess of fourteen (14) days is a class G violation.
- (13) *Re-establish campsite within seven (7) days.* It is a violation of this article for a camper to re-establish a campsite in a camping area or limited stay area within seven (7) days after camping in such area for more than five (5) consecutive days. Re-establish campsite within seven (7) days is a class G violation.
- (14) *Improper use of dump station.* It is a violation of this article for any person to use a dump station for anything other than disposing of sewage from a recreational vehicle. Improper use of dump station is a class G violation.

SECTION V. PRESERVATION.

All rights and remedies of Sedgwick County and the citizens and residents thereof are expressly preserved and saved as to any and all violations of Chapter 20 of the Sedgwick County Code and enacting resolutions that have accrued at the time of the effective date of this resolution. The court shall have all the powers that existed prior to the effective date of this resolution as to all such accrued violations.

SECTION VI. SEVERABILITY.

Should any section, clause or provision of this resolution be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION VII. PUBLICATION AND EFFECTIVE DATE.

The Sedgwick County Clerk shall publish this resolution three (3) times in the official county newspaper. Such publications shall occur on: (1) December 12, 2018; (2) December 19, 2018; and (3) December 26, 2018. This resolution shall take effect and be in force from and after: (a) its approval and adoption by the Board of County Commissioners of Sedgwick County, Kansas; (b) upon its publication once each week in a newspaper of general circulation in the county for three consecutive weeks, as indicated earlier in this section of the resolution; and (c) upon the conspicuous posting at the entrance or entrances to the facilities covered hereby of the substance of these rules and regulations together with the penalties for violations hereof; Provided, that items indicated in (a) through (c) have occurred, this resolution shall be effective on January 1, 2019, and if such items have not occurred prior to such date, this resolution shall become effective upon the occurrence of items (a) through (c).

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Commissioners present and voting were:

DAVID M. UNRUH	<u>Age</u>
MICHAEL B. O'DONNELL, II	<u>Age</u>
DAVID T. DENNIS	<u>Age</u>
RICHARD RANZAU	<u>Age</u>
JAMES M. HOWELL	<u>Age</u>

Dated this 28th day of November, 2018.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

David T. Dennis
DAVID T. DENNIS, Chairman
Commissioner, Third District

David M. Unruh
DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District

Michael B. O'Donnell, II
MICHAEL B. O'DONNELL, II
Commissioner, Second District

Richard Ranzau
RICHARD RANZAU
Commissioner, Fourth District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor