

CHAPTER XII. PUBLIC PROPERTY

Article 1. Repealed by Ord. 2005-24
Article 1a. Fishing, Hunting, Boating, Swimming, Glass Container and Discharge of Firearms on Public Property
Article 2. City Parks
Article 3. City Parks, Permit

ARTICLE 1A. FISHING, HUNTING, BOATING, SWIMMING, GLASS CONTAINER AND DISCHARGE OF FIREARMS ON PUBLIC PROPERTY

12-101. DEFINITIONS.

- a) **City Lake.** Shall include Spring Hill Lake and any other public waters of the City and all real property adjacent thereto or thereat owned in fee simple by the City of Spring Hill, Kansas. (Ord. 2005-24)
- b) **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. (Ord. 2005-24)
- c) **Ordinances.** Shall be construed to mean the ordinances of the City of Spring Hill, Kansas, as now in effect or hereafter enacted. (Ord. 2005-24)
- d) **Law 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. (Ord. 2005-24)
- e) **Repealed by Ord 2020-06**
- f) **City.** Shall be construed to mean the City of Spring Hill, Kansas, and its authorized employees and elective officials. (Ord. 2005-24)
- g) **Boat or Vessel.** Shall be construed to mean any watercraft designed to be propelled by machinery, oars, paddles or wind action upon a sale for navigation on the water. (Ord. 2005-24)
- h) **Public Property.** Shall be construed to mean city lakes, city parks, or any other city property owned or leased by the City. (Ord. 2008-06)

12-102. PERMITS. It shall hereafter be unlawful for any person to fish upon a city lake without first having obtained a permit or license to do so, as hereinafter provided for by this Ordinance. (Ord. 2005-24)

12-103. FISHING. Before any person shall fish in a city lake they shall first obtain a State License if required to do so by the laws of the State of Kansas in order to fish in any of the public water of the said State. (Ord. 2005-24)

12-103.1. COMPLIANCE WITH REGULATIONS AND RESTRICTIONS. All persons granted a permit or license hereunder to fish in a city lake shall be required to observe the following restrictions on fishing as provided for in the Laws of the State of Kansas and the regulations and restrictions thereof, including any regulations or rules of the State Fish and Game Commission, and all ordinances of the City of Spring Hill, Kansas. (Ord. 2005-24)

12-103.2. UNLAWFUL USE OF CITY LAKES. It shall be unlawful for any person to seine, net or trap any minnows from the waters of the Spring Hill Lake, and it shall be unlawful for any person to dump or dispose of any kind of live bait, garbage or refuse in a city lake. It shall be unlawful to use trout lines, bank lines, jugs and no more than two (2) fishing lines per fishing license in a city lake. There shall be no limit on size of channel catfish, but daily creel limit of ten (10). The minimum limit on size of largemouth bass of fifteen (15) inches long and a daily creel limit of five (5). The minimum limit on size of walleye of

fifteen (15) inches long, a daily creel limit of five (5). It shall be unlawful for any person to remove from a city lake or have in their possession any size grass carp. There shall be a daily creel limit of no more than fifty (50) on crappie. There are no length or creel limits on sunfish or bullhead catfish. (Ord. 2005-24)

12-103.3. Repealed by Ord 2020-06

12-104. HUNTING. It shall be unlawful for any individual to hunt, shoot, kill, trap, injure, pursue or molest any bird, water fowl or any animal upon public property. (Ord. 2005-24)

12-105. FIREARMS. It shall be unlawful for any person to discharge any firearms of any kind upon any public property and it shall be unlawful for any person to have in their possession any firearms on public property; excepting that nothing herein shall be construed to prohibit the discharge or possession of firearms upon public property by the Spring Hill Police Department personnel. (Ord. 2008-06)

12-106. BOATS OR VESSELS

- A. Boat Registration. It shall be unlawful for any person to place any boat or vessel upon the City of Spring Hill Lake without first having obtained the proper permit or registration from the State of Kansas Department of Wildlife and Parks.
- B. Boat Restrictions.
 - 1. It shall be unlawful to operate a boat with a length more than 16 feet in length.
 - 2. No power-driven boat or vessel, except any boat or vessel powered by an electric trolling motor, shall be allowed to be used upon the city lake.
 - 3. The operator of any boat or vessel powered by an electric trolling motor shall operate such a boat or vessel in such a manner as to create a minimum wake with a 5-mph speed limit.
- C. Operation of Boats. All boats and vessels shall be operated in accordance with the laws of the State of Kansas and the rules and regulations of the Kansas Department of Wildlife, Parks and Tourism.

(Ord. 2005-24) (Ord 2018-07)

12-107. SWIMMING. It shall be unlawful for any person to wade, bathe or swim in a city lake. However, the use of a recognized float tube for fishing is permitted. Hip boots or chest waders without a float tube are prohibited. (Ord. 2005-24)

12-108. GLASS CONTAINERS. It shall be unlawful for a person to possess a glass container of any type or nature within public property, public parks and city lakes of the City of Spring Hill, Kansas. (Ord. 2005-24)

12-109. GENERAL PENALTY PROVISIONS. Violations of any of the provisions of this ordinance shall be subject to the general penalty provisions of Section 1-1101 and amendments thereto, of the Spring Hill Municipal Code. (Ord. 2008-03)

ARTICLE 2. CITY PARKS

12-201. PARK HOURS. The Governing Body of the City of Spring Hill, Kansas, now deems it advisable to establish a curfew at all city parks during the hours between 10:00 o'clock p.m. and 6:00 o'clock a.m. between which time no one shall use, occupy, or leave property in said park except as provided in Article 3 of this Chapter. (Ord. 93-10) (Ord. 2023-22)

12-202. OVERNIGHT USE OF CITY PARKS. No person or persons shall leave any property in any City Park past the curfew set forth in Section 12-201, except as provided in Article 3. Any property left in a City Park overnight will be considered litter and disposed of. (Ord. 93-10) (Ord. 2023-22)

12-203. OVERNIGHT USE OF CITY PARKS, PENALTY. Except for any use provided by Article 3, if it is determined that a person or persons has intentionally left, stored, or placed any property, including any property defined in Section 12-301, in a City Park in violation of this Article, or if any person leaves,

stores, or places any items in a City Park after the curfew set forth in Section 12-201, the City will treat such actions as Criminal Littering pursuant to Section 11-202 of the Spring Hill Municipal Code and will treat such property as abandoned property. (Ord. 93-10) (Ord. 2023-22)

12-204. PRESERVATION OF PARK AND CITY PROPERTY. No person except those authorized by the city, shall, in park, recreation or open space areas: injure, deface, remove, disturb or in any manner destroy or cause to be destroyed any part of any recreation, park and open space area owned by the city nor any buildings, sign, structure, recreation apparatus, equipment or other property found therein. (Ord 2023-22)

ARTICLE 3. CITY PARKS, PERMIT

12-301. PERMIT FOR MULTI-DAY USE OF PARK PROPERTY.

(a) Any person who desires to use Park Property continuously for more than one day, including leaving items or property on Park beyond Park hours, shall file an application with the City Clerk at least two (2) weeks in advance of the proposed use. The Application shall be upon a form approved by the City Clerk and shall at a minimum state:

- (1) The name, address, and phone number of the applicant.
- (2) The name, address, and phone number of an adult who will be present and responsible for the use and property.
- (3) The name and address of the person, persons, corporation, or association sponsoring the activity, if any.
- (4) The dates and hours for which the permit is desired.
- (5) The address where the permit is sought to be issued.
- (6) The estimate of the attendance pursuant to the permit, including a number of adults and minors expected to be present.
- (7) A description of the proposed use of the Park property.

(b) No permit will be issued for a period longer than 72 hours.

(c) The City Administrator shall have sole authority to determine whether a permit is granted under this Article.

(d) In determining whether to grant a permit under this Article, the City Administrator shall consider the following:

- (1) Whether the proposed use would interfere with or detract from the use or enjoyment of the area by the public;
- (2) Whether the proposed use will unreasonably interfere with public health, welfare, safety, and recreation;
- (3) Whether the proposed use will entail or require any unusual or undue burden or expense by the City; and
- (4) Any other factors the City Administrator deems relevant.

12-302. PERMIT, DEPOSIT.

(a) Any applicant seeking a permit under this Article shall pay to the City a refundable deposit of \$100.00, payable at the time of application.

(b) The City shall inspect the Park property used at the end of any activities for which a permit is granted. If any undue time or expense is needed to make the Park property ready for public use is required, the deposit will be used to pay for such expenses.

(c) The deposit shall be refunded if, upon inspection, the City determines that all debris has been properly disposed of and no damage or injury has been made to Park property.

(d) If the deposit is insufficient to pay for expenses as contemplated in 12-305(b), the City shall provide

an invoice to the applicant of the expenses. If the applicant refuses to pay within 60 days, the City may institute legal action to recover the actual costs of remedying any damage caused by applicant's use.

12-303. PERMIT, REVOCATION. A permit issued under this Article may be revoked and any individual ordered to immediately leave Park property with all property or equipment if, at any time during permitted use, it is determined that:

- (a) any individual is causing damage to Park property, or
- (b) activities are causing any public nuisance.

If any individual's permit is revoked and they are ordered to leave Park property pursuant to this section, any deposit shall be forfeited in full.