

CHAPTER 95: LAKE WILLIAMSTOWN

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§ 95.01 HUNTING.

No person shall hunt, shoot at, or kill any game or water fowl from either a boat or other conveyance on the waters of the supplemental lake or reservoir or from the lands adjacent to the waters of the lake or reservoir for a distance of 50 feet from and parallel to the high water mark of the lake around its entire circumference, or shoot or discharge any firearm so that its load shall traject over the waters of the lake.

(Ord. 16, passed 4-2-56) Penalty, see § 95.99(A)

§ 95.02 ALTERATION OF LAND.

(A) 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 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.

(B) Definition. For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

"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(A) (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 chapter.

(C) Said man-made structures shall be subject to removal and further penalties as set forth in § 95.99.

(Ord. 16, passed 4-2-56; Am. Ord. 2004-12, passed 5-3-04; Am. Ord. 2005-02, passed 3-15-05; Am. Ord. 2006-06, passed 4-18-06; Am. Ord. 2006-14, passed 8-7-06; Am. Ord. 2006-25, passed 11-21-06; Am. Ord. 2007-05, passed 4-10-07; Am. Ord. 2008-17, passed 12-16-08; Am. Ord. 2009-10, passed 7-6-09; Am. Ord. 2011-15, passed 7-19-11; Am. Ord. 2011-25, passed 3-22-11; Am. Ord. 2013-09, passed 4-1-13; Am. Ord. 2016-08, passed 3-15-16) Penalty, see § 95.99(A)

§ 95.03 DUMPING TRASH.

No person, firm, or corporation shall dump or permit to be dumped any trash, litter, refuse, paper, or similar substance or matter into the water or on the lands adjacent to same for a distance of 50 feet parallel to the high water mark of same around the entire circumference thereof.

(Ord. 16, passed 4-2-56) Penalty, see § 95.99(A)

Cross-reference:

Contamination of lakes within city, see § 94.08

§ 95.04 COMMERCIAL FACILITIES.

(A) For the purpose of this section, "COMMERCIAL FACILITY" shall mean any facility operated for a profit whether money or other thing of value or for sale of the use of the facility or the merchandise thereof to any person.

(B) No person, firm, or corporation, municipal or otherwise, shall erect, maintain, or operate or cause to be erected, maintained, or operated any commercial facilities for the docking, mooring, floating, or using of boats or for the sale of fishing accessories and equipment of any kind and description of the waters of the lake or reservoir or on the land adjacent thereto, for a distance of 50 feet parallel to the high water mark of the lake around the entire circumference of same.

(Ord. 16, passed 4-2-56) Penalty, see § 95.99 (A)

§ 95.05 NO WAKE ZONE ESTABLISHED.

(A) There is hereby established a "NO WAKE ZONE" on or in the waters of Lake Williamstown, between sunset and the following sunrise and/or after daylight hours.

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

(Ord. 1997-27, passed 11-20-97)

§ 95.06 FACILITY FOR DISPOSAL OF WASTE AND SEWERAGE.

No person, firm, or corporation shall erect, maintain, operate, or use any facility for the disposal of human waste or sewerage or animal or vegetable waste or permit or cause any human waste, sewerage, animal or vegetable waste, or decayed matter to drain, seep, or otherwise, traverse, across, on, over, or under the waters of the lake or the lands adjacent thereto for a distance of 50 feet parallel to the high water mark of the lake and around the entire circumference of same. (Ord. 16, passed 4-2-56) Penalty, see § 95.99(A)

Cross-reference:

Sewers and sewage, see Ch. 51

§ 95.07 ANIMALS.

No person, firm, or corporation shall place, put, or loose or cause to be placed or loosed any fish, fowl, or animal in or on the waters of the lake or reservoir or the lands adjacent thereto for a distance of 50 feet parallel to the high water mark of the lake around the entire circumference thereof except on written approval of the City Council. (Ord. 16, passed 4-2-56) Penalty, see § 95.99(A)

Cross-reference:

Animals running at large, see § 90.02

§ 95.08 USE OF BUILDINGS AND AREA AROUND LAKE.

(A) The area of Lake Williamstown and the lands, improvements, and water located and adjacent thereto, formerly known as the Williamstown bathhouse, beach, and swimming pool are closed.

(B) No person shall enter on the above described lands or loiter on the lands or enter into the waters adjacent thereto without the prior written consent of the Mayor.

(C) Each police officer of the city is directed to rigorously enforce the provisions of this section.

(Ord. 136, passed 7-6-71) Penalty, see § 95.99(B)

§ 95.09 WATERCRAFT REGULATIONS.

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

(1) "BLADDER BOAT, BALLAST OR WAKEBOARD BOAT." A monohull motorboat artificially filled with water or other liquid in a cavity chamber ballast tanks designed to artificially hold water or other liquid 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, either weighted, empty or full 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 section;

(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.

(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 sport device, water-skier or wakeboarder to a motorboat or personal watercraft. Also known as a "tow line."

(8) "INFLATABLE FLOATING DEVICES." Any artificial floating device designed for use by one 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. to 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.

(8) (a) There shall be no artificial devices of any kind, excluding boat docks permanently and/or temporarily anchored, driven into by any means moved and/or affixed by any means to the bed and/or bottom of the waters of Lake Williamstown.

(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 12 years of age shall not operate a personal watercraft or motorboat on Lake Williamstown.

(2) A person 12 years of age through 17 years of age who is a resident of the Commonwealth of Kentucky 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 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 12 years of age through 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 or is accompanied on board by a person 18 years of age or older or in possession of a safe boating certificate.

(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 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 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 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 Ballast Boat or Wakeboard Boat on the public waters of Lake Williamstown, except in the main channels of the lake without weight, artificially filled, altered, ballasted, or designed to create large wakes, and shall operate based on the rules of the road concept except ingressing or egressing the lake and/or returning to their boat dock and/or boat slip for docking purposes. Any bladder boat, ballast boat, or wakeboard boat cited on more than one occasion during a 24-hour period shall be ordered from the lake.

(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) 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.

(11) No person shall use and/or install an inflatable floating device or artificial 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 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 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 18 shall not knowingly authorize or permit the minor to operate a motorboat or personal watercraft in violation of this section.

(Ord. 1996-09, passed 6-3-96; Am. Ord. 1997-27, passed 11-20-97; Am. Ord. 1998-28, passed 10-5-98; Am. Ord. 2004-12, passed 5-3-04; Am. Ord. 2005-02, passed 3-15-05; Am. Ord. 2006-06, passed 4-18-06; Am. Ord. 2006-14, passed 8-7-06; Am. Ord. 2006-25, passed 11-21-06; Am. Ord. 2007-05, passed 4-10-07; Am. Ord. 2008-17, passed 12-16-08; Am. Ord. 2009-10, passed 7-6-09; Am. Ord. 2011-15, passed 7-19-11; Am. Ord. 2011-25, passed 3-22-11; Am. Ord. 2013-09, passed 4-1-13; Am. Ord. 2016-08, passed 3-15-16)

§ 95.10 SWIMMING REGULATIONS.

(A) No person shall swim, float, wade, or otherwise place their body at any time between sunset and the following sunrise and/or after daylight hours, on or in the waters of Lake Williamstown.

(B) Any person who has charge over or control of a person shall not authorize or permit swimming, floating, wading or otherwise place their body at any time between sunset and the following sunrise and/or after daylight hours, on or in the waters of Lake Williamstown.

(Ord. 1997-27, passed 11-20-97)

§ 95.11 BOAT DOCKS.

(A) No person shall build, attempt to build any boat dock, or repair 50% or more of an existing 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." 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." A privately owned floating or fixed structure on or in Lake Williamstown.

(3) "CITY PROPERTY." 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." A roofed structure with solid, glass, screen or similar walls, but does not include unattached dock boxes and similar storage containers less than four feet high.

(5) "HAZARDOUS MATERIALS." 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." 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)." 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." A line parallel to the water's edge of Lake Williamstown at an elevation equal to 785 feet.

(9) "LOCATION." A single address consisting of one or more platted lot(s) or parcel(s).

(C) Boat dock permits.

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

(a) Shall entitle the holder to construct one boat dock meeting the specifications described in division (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 receiving an approved dock permit.

(2) A person who constructed a boat dock before the effective date of this section shall apply for a permit:

(a) Any time a dock or shoreline protection requires either:

1. Fifty percent or more of its area repaired, replaced, or structurally altered; or

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

(3) No more than one dock shall be allowed, used or installed, and no more than one boat dock permit shall be issued, for each location without the written consent of the city. Locations containing continuous shoreline footage over 150 feet shall be allowed to install two separate docks.

(4) Issuance of a boat dock permit shall be made for the purpose of ensuring compliance with the provisions of this section. 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 or 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 approval to a boat dock owner whose dock passes a final inspection for compliance with the provisions of this section. 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) The width of docks will be determined by the contiguous shoreline lake frontage as follows:

(a) 50 foot frontage = 30 foot dock

(b) 51 foot to 75 foot frontage = 45 foot dock

(c) 75 foot to 100 foot frontage = 60 foot dock

(d) 101 foot and over = 75 foot dock

(e) Two docks are permitted as long as the combined width of the docks does not exceed 75 feet on frontage of 150 feet or over.

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

(a) Has any habitable structure(s);

(b) Extends more than 36 feet into the waters of Lake Williamstown from its shoreline;

(c) Has enclosed superstructures;

(d) Has unenclosed superstructures in excess of 14 feet in height above the normal pool of Lake Williamstown;

(e) Has unenclosed superstructures or other features not specified in the boat dock permit;

(f) Uses metal, or plastics, or any containers of any type;

(g) Uses any flotation devices that will sink when punctured;

(h) Uses creosote treated wood or pilings, and/or guardrails for shoreline protection;

(i) 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;

(j) Has toilet facilities on the boat dock or walkway;

(k) Has any pumping equipment to remove water from Lake Williamstown on the boat dock or walkway; or

(l) It is prohibited to use any portable fuel tank or system on any boat dock greater than seven-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.

(3) 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 feet from the side lot lines of the adjoining property.

(4) Design requirements.

(a) 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.

(b) Violation of division (E)(4) pertaining to boat dock/walkway construction or failure to obtain a work permit and/or boat dock permit shall be subject to a stop work order from the City of Williamstown and shall be subject to criminal and civil violation under §§ 95.99(C)(1) and (C)(2).

(5) Shoreline protection requirements.

(a) All new docks constructed are required to have shoreline protection. Any dock that requires reconstruction of more than 50% of its surface area shall require the construction of a new shoreline protection in connection therewith, if not in compliance with divisions (A) through (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 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:

1. Masonry blocks with planted riparian species/vegetation for shoreline protection; or

2. Concrete walls with planted riparian species/vegetation for shoreline protection; or

3. 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

4. C-lock plastic with planted riparian species/vegetation for shoreline protection; or

5. Tied concrete block mat with planted riparian species/vegetation for shoreline protection; or

6. Fortress rock with planted riparian species/vegetation for shoreline protection; or

7. Heavy duty fortress rock with planted riparian species/vegetation for shoreline protection; or

8. Rip-rap is permissible, but, Lake Williamstown requires that installation of rip-rap meet all the following criteria:

A. The bank stabilization project is a minimum of ten feet;

B. Only clean material free of solid waste and contaminants is used;

C. Rip-rap is placed within the elevations and follows the existing shoreline;

D. The bank is graded to a slope of 2:1 (horizontal distance: elevation) or flatter;

E. Stone size class ranges from six to 18 inches per K.D.O.T. standard;

F. Depth or thickness of rip-rap is between one and one-half and two and one-half;

G. Geo-tech fabric is to be underneath the rock; and

H. Rock one and one-half to two and one-half feet thick, four feet above waterline, extend to lake bed.

9. The use of hydraulic concrete as shoreline protection is prohibited.

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

(b) Bank stabilization activities are authorized for erosion prevention provided the activity meets all, or in combination with, the following criteria and the aforementioned provisions:

1. No material is placed in excess of the minimum needed for erosion protection;

2. 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;

3. No material is placed in any special aquatic site, including wetlands;

4. 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;

5. No material is placed in a manner that will be eroded by normal or expected high flows; and

6. 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.

(c) The applicant can obtain the necessary form(s) through the City of Williamstown 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 to Ordinance 2016-08 as Exhibit "A" and is incorporated by reference.

(6) 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 feet when the lake is at normal pool.

(7) 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.

(8) Slides. A single slide not exceeding eight 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 section.

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

(F) Revocation of dock authorization.

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

(a) Any time an addition or modification in excess of 50% or more of its area is repaired, remodeled, replaced, or structurally altered without obtaining a boat dock permit 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) Maintain the dock or walkway in a structurally sound condition; or

(d) Correct any failure of the boat dock to conform to the requirements of this section or the permit issued pursuant hereto within 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 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 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 inches in diameter, from city lakefront property which joins his or her 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 to construct, repair, replace or structurally alter a new or existing dock, walkway, structure or mechanical equipment or shoreline protection, but does not nor cannot meet the standards contained in this section may apply to the city for a waiver and/or appeal to a three-person board appointed by the Mayor. The granting or issuance of a dock permit shall constitute a waiver by the city. The non-refundable fee for said waiver and/or Appeal shall be set at \$250 to be paid by the applicant upon filing.

(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 section;
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 section shall remove non-permitted or non-waivered docks, structures or mechanical equipment from city property before six months after the effective date of this section.

(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 section, 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. (Ord. 2004-12, passed 5-3-04; Am. Ord. 2005-02, passed 3-15-05; Am. Ord. 2006-06, passed 4-18-06; Am. Ord. 2006-14, passed 8-7-06; Am. Ord. 2006-25, passed 11-21-06; Am. Ord. 2007-05, passed 4-10-07; Am. Ord. 2008-17, passed 12-16-08; Am. Ord. 2009-10, passed 7-6-09; Am. Ord. 2011-15, passed 7-19-11; Am. Ord. 2011-25, passed 3-22-11; Am. Ord. 2013-09, passed 4-1-13; Am. Ord. 2016-08, passed 3-15-16)

§ 95.99 PENALTY.

(A) Any person who violates §§ 95.01 through 95.07, 95.08, 95.09, and 95.10 shall constitute a Class A 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 §§ 95.01 through 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 in a civil action in the nature of debt if not paid by the offender within 30 days after citation for the violation or other failure to comply with the provisions of this chapter. In addition, any violation of said sections are hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce said sections hereof by any other method means set forth herein, the city 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 five hundred dollars (\$500.00) as set forth in KRS 534.040(2)(a) or a term of imprisonment not to exceed the maximum period of 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 30 days after citation for the violation or other failure to comply with the provisions of this chapter.

(3) If a bladder boat, ballast, or wakeboard boat is ordered from the waters of Lake Williamstown after operating out of the main

channel of the lake and returns the same day, each order of removal shall constitute a separate and distinct violation. (Ord. 16, passed 4-2-56; Am. Ord. 136, passed 7-6-71; Am. Ord. 2005-02, passed 3-15-05; Am. Ord. 2006-06, passed 4-18-06; Am. Ord. 2006-14, passed 8-7-06; Am. Ord. 2006-25, passed 11-21-06; Am. Ord. 2007-05, passed 4-10-07; Am. Ord. 2009-10, passed 7-6-09; Am. Ord. 2011-15, passed 7-19-11; Am. Ord. 2011-25, passed 3-22-11; Am. Ord. 2013-09, passed 4-1-13; Am. Ord. 2016-08, passed 3-15-16)