

Request for City Council Action

Date: December 8, 2015

Agenda Section: Consent Agenda No. 5	Originating Department: Public Works
Item: Ordinance Amending Title Sixteen of the Carbondale Revised Code as it Pertains to the Regulation of Use of Boats, Houseboats, and other Flotation Devices upon Cedar Lake and the use of the City Reservoir for Special Events No. 5.3	Approved:

Background:

Title 16, Chapter 9, Section 4 of the Carbondale Revised Code regulates the use of boats, houseboats, and other flotation devices upon Cedar Lake.

As kayaks have become increasingly popular, the City Council deems it is in the best interest of the citizens of the City of Carbondale to amend Section 4 to allow kayaks to be permitted upon Cedar Lake, and clarify other items that are prohibited.

Title 16, Chapter 8, Section 2 defines unlawful activities at the City reservoir and should be changed to reflect the use of kayaks on the lake.

Opening the reservoir to the public for special community events has also been discussed, and if allowed should be set out in the City Code.

Recommended Action:

It is recommended that the City Council approve the ordinance amending Title Sixteen as it pertains to the regulation of use of boats, houseboats, and other flotation devices upon Cedar Lake and the use of the City reservoir for special events.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

**CITY OF CARBONDALE, ILLINOIS
ORDINANCE NO. 2015-**

**AN ORDINANCE AMENDING TITLE SIXTEEN OF THE CARBONDALE REVISED
CODE AS IT PERTAINS TO THE REGULATION OF USE OF BOATS, HOUSEBOATS,
AND OTHER FLOTATION DEVICES UPON CEDAR LAKE AND THE USE OF THE
CITY RESERVOIR FOR SPECIAL EVENTS**

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THE 8TH DAY OF DECEMBER, 2015

**Published in pamphlet form by authority of the City Council of the City of Carbondale,
Jackson County, Illinois, this 9th day of December, 2015.**

CERTIFICATE OF PUBLICATION

**I, Jennifer R. Sorrell, the duly qualified and acting City Clerk of the City of
Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify
that this Ordinance was published in pamphlet form by authority of the City Council on
the 9th day of December, 2015.**

Jennifer R. Sorrell, City Clerk

ORDINANCE NO. 2015-

AN ORDINANCE AMENDING TITLE SIXTEEN OF THE CARBONDALE REVISED CODE AS IT PERTAINS TO THE REGULATION OF USE OF BOAT, HOUSEBOATS, AND OTHER FLOTATION DEVICES UPON CEDAR LAKE AND THE USE OF CITY RESERVOIR FOR SPECIAL EVENTS

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City Code of the City of Carbondale, Illinois, under Title 16, Chapter 9, Section 4 regulates the use of boats, houseboats, and other flotation devices upon Cedar Lake; and

WHEREAS, under the current ordinance a person cannot operate kayaks upon the waters at Cedar Lake; and

WHEREAS, these forms of recreational watercraft have become increasingly popular and pose no risk to the Cedar Lake watershed; and

WHEREAS, the City Code of the City of Carbondale, Illinois, under Title 16, Chapter 8, Section 2 defines unlawful activities at the City reservoir; and

WHEREAS, opening the reservoir to the public for special community events has been discussed; and

WHEREAS, the City Council of the City of Carbondale finds that it is in the best interest of the City of Carbondale to amend Section 4 of Chapter 9 of Title 16 of the Carbondale Revised Code as it pertains to the regulation of the use of boats, houseboats, and other flotation devices

upon Cedar Lake and to amend Section 2 of Chapter 8 of Title 15 of the Carbondale Revised Code as it pertains to unlawful activities at the City reservoir.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

SECTION 1. That Title 16, Chapter 9, Section 4 of the Carbondale Revised Code is hereby amended as follows:

B. Other Boats And Flotation Devices:

1. Canoes, sailboats, rowboats, inflatable rafts with four (4) or more air chambers, kayaks, and inflatable rafts manufactured to accommodate small horsepower motors are permitted upon Cedar Lake.
2. It shall be unlawful for any person to use upon Cedar Lake personal flotation devices, including, but not limited to, air mattresses, rafts with three (3) or less air chambers and not manufactured for use with a motor, paddle boards, kite boards, sail boards, or inner tubes, except in those areas designated as floating areas or for emergency reasons.
3. No person shall water ski, tow persons or animals through the water or use a motorized ski board, water cycle, jet ski or similar device upon Cedar Lake.
4. No person shall operate, or possess a houseboat upon Cedar Lake.

SECTION 2. That Title 16, Chapter 8, Section 2 of the Carbondale Revised Code is hereby amended to read as follows:

16-8-2: **LAWFUL AND UNLAWFUL ACTIVITIES:**

- A. The reservoir may be open to the public for special community events, specifically authorized by the Carbondale City Manager with such restrictions as the said Manager includes with the authorization.
- B. It shall be unlawful to do the following:
 - A- 1. Swim, Skate Or Ice Fish: It shall be unlawful to swim, ice skate, or ice fish at any time on the reservoir property.

- ~~B.~~ 2. Firearms: It shall be unlawful to use any firearms upon the reservoir or adjacent City property at any time.
- ~~C.~~ 3. Duck Blinds Or Traps: It shall be unlawful to construct duck blinds or traps on reservoir or adjacent City property.
- ~~D.~~ 4. Use Of Nets, Seines Or Traps: It shall be unlawful to fish by use of nets, seines, or traps at any time in the reservoir.
- ~~E.~~ 5. Damage Plants; Operate Motor Vehicles: It shall be unlawful to damage, destroy or pilfer any tree, shrub, plant or equipment on the premises of the reservoir. It shall further be unlawful for motor vehicles of any kind to operate anywhere on reservoir or adjacent City property, except on areas specifically designated by signs for motor vehicles.
- ~~F.~~ 6. Discard Debris: It shall be unlawful to discard upon the reservoir or adjacent City property bait cans or other receptacles, bottles, papers or other debris.
- ~~G.~~ 7. Operate Motor Boats: It shall be unlawful to use either an outboard motor boat or inboard motor boat on the City reservoir at any time.

SECTION 3. All of the remaining sections of Title 16 of the Carbondale Revised Code shall remain in full force and effect.

SECTION 4. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 5. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

SECTION 6. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 7. That the City Council of the City of Carbondale finds that the subject matter of this ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

SECTION 8. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
John M. Henry, Mayor

ATTEST: _____
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney