
ORDINANCE NO. 00- 104

AN ORDINANCE PROHIBITING THE DISCHARGE OF SEWAGE BY BOATS INTO THE WATERS OF LAKE KINKAID AND ESTABLISHING PROCEDURES FOR INSPECTION OF BOATS AND PENALTIES FOR VIOLATION.

WHEREAS, pursuant to 70 ILCS 2105/20 the Board of Trustees has the power, authority and the legal obligation and duty to prevent the pollution of the waters from which the District's water supply is obtained; and

WHEREAS, pursuant to existing Ordinance of the District the discharge of sewage into the waters of Lake Kinkaid from any boat or vessel is prohibited and all boats with sewage facilities are required to have sealed sewage reservoirs or the heads permanently sealed so as to be unusable; and

WHEREAS, there has been an ongoing problem with boats with toilet facilities discharging sewage directly into the Lake; and

WHEREAS, it will serve the best interest of the District and the public good and welfare to further prohibit the discharge of sewage into the Lake and to establish a procedure for inspection of boats for compliance and establishing penalties for noncompliance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE KINKAID-REED'S CREEK CONSERVANCY DISTRICT, JACKSON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The discharge of sewage into the waters of Lake Kinkaid is prohibited.

SECTION TWO:

a) All boats with toilet facilities moored or operated on Lake Kinkaid must have sealed sewage reservoirs or the heads must be permanently sealed so as to be unusable, and the boat must be incapable of discharging sewage directly into the Lake. Sewage systems with a Y-valve in the discharge line from the head to the holding tank must have the Y-valve replaced with a straight line connect, or a T-connect for a boat with two heads, and the seacock disconnected and plugged.

b) The term "boat" as used herein includes all boats and other water craft of any kind.

SECTION THREE:

a) No boat with toilet facilities, including porta-potties, shall be allowed onto Lake Kinkaid without first having been inspected and found in compliance with Section Two.

b) Upon completion of inspection showing compliance with Section Two, an inspection sticker shall be issued to the boat owner by the inspector and applied by the inspector. The inspection sticker shall be placed on the right side of the boat windshield, or if there is no windshield on the outside of the driver's console area so that the sticker is prominently displayed and visible. It shall be a violation of this Ordinance to operate a boat, to have a boat moored or to launch a boat onto Lake Kinkaid without having a valid inspection sticker displayed.

c) A boat found to be not in compliance with Section Two after inspection shall be removed from the Lake by the owner and not be returned to the Lake until after being re-inspected, found in compliance and having a valid inspection sticker displayed.

d) The inspection requirement shall apply to those boats moored at the docks of the Kinkaid Village Marina, and to those boats launching onto the lake from a public boat access, that have not previously completed inspection and have a valid inspection sticker displayed.

e) Initial inspection of boats with slip leases for mooring at the Kinkaid Village Marina shall be scheduled and performed by a committee of inspectors appointed by the Board of Trustees. After the initial scheduled inspections, inspection shall be performed by personnel of the Kinkaid Village Marina, which the Board of Trustees hereby authorizes to conduct such inspections and to charge a reasonable fee therefore, subject to approval by the Board of Trustees.

f) At the direction of any Federal, State or Jackson County law enforcement official or the District Manager, the re-inspection of any boat may be required at any time, without prior notice, to insure continuing compliance with this Ordinance.

SECTION FOUR: If the owner of a boat or a person in control of a boat refuses to allow inspection, or if a boat is found on the lake without a valid inspection sticker or with toilet facilities not in compliance with Section Two, at the direction of any Federal, State or Jackson County law enforcement authority or the District Manager, the boat may be immediately removed from the lake and impounded. In such event, the owner of the boat shall be liable for all towing and storage costs which must be paid in full before the boat will be released from impoundment.

SECTION FIVE:

a) The owner of a boat or any person in control of a boat in violation of any provision of this Ordinance shall, upon conviction, be fined not less than \$50.00 nor more than \$500.00.

b) Each day on which a violation of this Ordinance occurs or continues is a separate offense.

c) In any prosecution for violation of any provision of this Ordinance in which the attorney for the District appears, there shall be taxed as costs the sum of \$100.00 as the appearance fee of the District's attorney, said appearance fee being separate and in addition to the fine and other costs imposed for the violation.

SECTION SIX: Appropriate signs shall be erected at all public boat access launches to Lake Kinkaid giving notification of the requirements of this Ordinance and penalties for violation thereof.

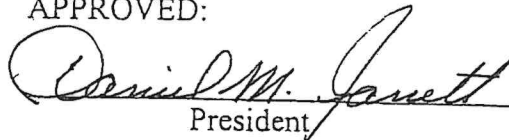
SECTION SEVEN: If any part of this Ordinance is found to be or declared to be invalid, the other parts thereof shall remain valid and effective.

SECTION EIGHT: This Ordinance shall take effect and be in full force and effect from and after its passage, approval, recording and publication as provided by law.


ADOPTED THIS 8 DAY OF March, 2000.

(S E A L)

APPROVED:


President

ATTEST:


Secretary