

BOYLE COUNTY FISCAL COURT
ORDINANCE NO. 340.9

**AN ORDINANCE AMENDING ORDINANCE NO. 340.3 AND
ENACTING FLOATING DOCK CONSTRUCTION STANDARDS**

WHEREAS, many of the floating docks situated along the shoreline of Herrington Lake are constructed, at least in part, of materials, particularly one or another of Styrofoam, that deteriorate and degenerate to the extent such materials significantly contribute to the pollution of Herrington Lake;

WHEREAS, a substantial portion of the shoreline of Herrington Lake is located in the County of Boyle;

WHEREAS, the Fiscal Court of Boyle County is opposed to the pollution and degradation of the natural resources of the County; and

WHEREAS, the Fiscal Court of Boyle County has determined that the enactment of standards for the erection, construction, remodeling, repair, alteration, extension, maintenance, and/or use of floating docks situated on that portion of the shoreline of Herrington Lake located in Boyle County will serve to substantially diminish the pollution and degradation of the Lake, enhance the natural beauty of the Lake, and augment the health of those individuals who enjoy the Lake's resources and the health of the Lake's wildlife;

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF
THE COUNTY OF BOYLE, COMMONWEALTH OF KENTUCKY**, that Ordinance No. 340.3, one that adopted the Kentucky Building Code for application to the

to the County of Boyle, established the Office of Building Inspector as an agency of County Government, and provided for regulation of the construction, remodeling, and repair of buildings, including dwellings, and other structures within the County of Boyle, be and is amended, as follows, to establish standards for the erection, construction, remodeling, alteration, extension, repair, maintenance and/or use of floating docks situated along that portion of the shoreline of Herrington Lake and its tributaries located in the County of Boyle, Commonwealth of Kentucky, and provide for the enforcement of those standards:

Paragraph "(B)" of SECTION 3. DESIGNATED ENFORCEMENT OFFICER is hereby amended to read as follows:

- (B) The Building Inspector is hereby designated the Enforcement Officer within the territorial limits of this ordinance for all portions of the Kentucky Building Code, as adopted herein, and for the portions of those provisions, as hereinafter set out, establishing standards for the erection, construction, remodeling, alteration, extension, repair, maintenance, and/or use of floating docks situated in the County of Boyle, Commonwealth of Kentucky.

The following Sections are created and made part of such Ordinance:

SECTION 21. FLOATING DOCKS

- (A) Floats and flotation material for all docks, mooring platforms, swim platforms and the like situated along the portion of the shoreline of Herrington Lake and its tributaries located in the County of Boyle, Commonwealth of Kentucky, shall be fabricated of materials manufactured for marine use. The float portion of such dock or platform shall be encapsulated and 100% warranted by the manufacturer for a

minimum of five (5) years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads.

(B) All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for this area; and all floats and the flotation material used in them shall be fire resistant.

(C) The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited.

(D) An existing float is authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any float installed after the effective date of this Ordinance, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specification for which it was originally warranted.

(E) Floats meeting the most recent Army Corps of Engineers Standards (ERDC/EL TR-09-5) for flotation shall be deemed to comply with these requirements.

(F) All docks, mooring platforms, swim platforms, or floating walkways must be designed to support the loads for which they are intended.

(G) Decks, stairs, and walkways constructed on dry land and used to access docks, mooring platforms, swim platforms, or floating walkways are required to meet the requirements of the applicable Kentucky residential building code or Kentucky building code.

(H) During repair, maintenance, or construction, it is the owner's responsibility to contain and prevent all foam and debris from polluting the waters of Herrington Lake or its tributaries; and such owner or owners shall dispose of or recycle "old" foam through the installer, a marine contractor, a licensed garbage hauler, or state-registered solid waste facility.

SECTION 22. DEFINITIONS

The terms listed herein and used in the pertinent provisions of this Ordinance are defined as follows:

- (A) Serviceable (designated function) – Serviceability for new and replacement construction is determined by the float's ability to maintain the lowest part of the dock structure a minimum of five (5) inches above the water's surface, same constituting the freeboard, the distance from the water surface to the topmost surface of the structure.
- (B) Fire Resistant – In regard to floatation materials, fire resistant refers to the material's inability to absorb oil and marine fuels from the water. The material must be impervious to water and damage from those and other substances and chemicals.

SECTION 23. VIOLATIONS OF STANDARDS ESTABLISHED FOR THE ERECTION, CONSTRUCTION, REMODELING, ALTERATION, EXTENSION, REPAIR, MAINTENANCE, OR USE OF FLOATING DOCKS.

- (A) It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure

regulated by this Ordinance, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this Ordinance.

(B) Any person, firm or corporation who violates any provision of Section 21 of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 11 of Ordinance 340.3.

The provisions of this Ordinance shall become effective September 1, 2011.

Given 1st Reading and Passed this 22 day of March, 2011.

Given 2nd Reading and Passed this 12 day of April, 2011.

Publication Dates: 4/13/11 and 4/18/11

BOYLE COUNTY FISCAL COURT

By: [Signature]
Harold W. McKinney, Boyle County Judge-Executive

ATTESTATION:

By: [Signature]
Trille Bottom, Boyle County Clerk/Fiscal Court Clerk