

ORDINANCE NO. A- 516

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PERMITTED RECREATIONAL ACTIVITIES ON BEAVERFORK LAKE AND ADJACENT LANDS; DEFINING CERTAIN TERMS; REPEALING CERTAIN ORDINANCES; PROVIDING PENALTIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS

SECTION 1. Recreational activity upon the waters of Beaverfork Lake, or upon any lands surrounding or adjacent thereto, as set forth in Ordinance No. A-312, adopted by the City Council of the City of Conway, Arkansas on February 26, 1957, shall be permitted subject to and in compliance with the following rules and regulations.

SECTION 2. As used in this ordinance:

"Boat" as used herein, shall mean and include all fishing boats, pleasure boats, speed boats, party barge or any other craft or vessel whatever which is intended to travel upon or in the water for the purpose of transporting persons and/or property, and which is propelled by a paddle or paddles, oars, sail, motor or other means, unless the context clearly indicates a contrary intent;

"City" means the City of Conway, Arkansas;

"Lake" means Beaverfork Lake;

"Resident" means a person who maintains his bona fide residence within Faulkner County, Arkansas;

"Non-resident" means any person whose bona fide place of residence is situated without the boundaries of Faulkner County, Arkansas.

SECTION 3. BOATING. (a) No boat shall be placed upon or removed from the Lake at any point except at the City boat dock, nor shall any boat be permitted to be placed or operated upon the Lake unless the same meets all specifications, conditions and requirements therefor as set forth in this or other applicable Ordinances of the City of Conway and/or in the statutes of the State of Arkansas. All persons must sign the register provided therefor and situated in the Lake office before placing any boat on the Lake and/or before operating any boat thereon, except that any person possessing a then valid special docking permit, as hereinafter set out, may operate the boat or boats described in such special permit without being required to

sign such register.

(b) A boating permit shall be purchased for each boat prior to its use or operation upon the Lake. Such permits shall be non-transferable and shall be issued for a period of one calendar day or for an annual period beginning the first day of April of any year and ending March 31st of the next succeeding calendar year. The fees for boating permits shall be as follows:

(1) Pleasure boats:

Daily permit, resident	61.50
Daily permit, non-resident	2.00
Annual permit, resident	25.00
Annual permit, non-resident	35.00

(2) Fishing boats:

Daily permit, resident	1.00
Daily permit, non-resident	1.50
Annual permit, resident	10.00
Annual permit, non-resident	15.00

(c) No boat shall be docked at any place on the Lake other than the City Boat Dock, except that the owner of a boat for which a then valid boating permit has been issued may apply for a special permit to dock said boat at some other designated place on the Lake. The application for such special docking shall set forth the name and address of the applicant, the need for such permit, the location for which such permit is desired, and shall describe the boat or boats to be docked thereat, together with the number of the currently valid annual boating permit for each such boat. Such special docking permit shall be issued for an annual period beginning on the first day of April of the then current calendar year and ending on March 31st of the next succeeding calendar year, ~~and the fee therefor shall be~~ . All such permits shall be non-transferable.

(d) All boats, together with all other property therein, thereon, or accessory thereto, which shall be permitted to be or remain upon the Lake and/or the lands adjacent to or surrounding the Lake which are owned by the City of Conway, for a period of thirty (30) days after the permit for such boat issued by the City under the provisions of this Ordinance shall have expired, shall be confiscated and held by the City subject to the provisions of this Ordinance. Upon confiscation of any such boat and property there

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shall be and hereby is levied a charge in the sum of \$2.50 per month or portion of a month for the time during which any fishing boat remains in the custody of the City, and there shall be and there hereby is levied a charge in the sum of \$5.00 per month, or portion of a month, for the time during which any boat or vessel other than a fishing boat remains in the custody of the City, following such confiscation. It is expressly provided that the charge herein levied shall be and is in addition to the permit fees in this Ordinance levied or charged and the same must be paid in full before any owner may redeem any boat and property confiscated hereunder. Immediately upon confiscation of any such boat and other property, as above set out, the City shall notify the owner thereof as revealed by the registration of such boat for a permit to enter said boat upon the Lake, that unless he calls for and redeems said boat and property within fifteen (15) days from the date said notice is mailed, the boat and property will be sold at public sale. Such notice shall be sent to such owner at his last known address by certified or registered United States Mail, with return receipt requested, and return of such receipt properly signed shall be sufficient evidence of the delivery of such notice. Said notice shall further describe the boat and property confiscated and shall set forth the date and time of the proposed public sale. The proceeds derived from the sale of any boat and property hereunder shall be first applied to payment of all costs of sale incurred by the City, then to payment of all charges, fees and sums due to the City under the terms of this Ordinance, and the balance thereof, if any, shall be paid to the owner of the boat and property so sold.

(e) All boats which do not have a unified hull out which, instead, float upon pontoons shall be equipped with pontoons constructed of wood, metal, fiber glass or other approved watertight materials and so constructed that each pontoon is a single continuous member or unit providing exterior water-tight integrity over the entire length thereof, which provides adequate airspace along the entire interior length thereof or which is filled with styrofoam or other suitable flotation material. It is the express intent of this provision that

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one or more barrels or drums of the type commonly referred to as "oil drums" or other separate flotation chambers shall not be placed together in a series so as to form a unit or pontoon, whether the same be welded together or neld together by some other means. PROVIDED, HOWEVER, those boats now situated upon the Lake for which valid permits have been issued and which float upon barrels, drums or other separate flotation chambers placed together in a series so as to form a unit or units, or pontoon or pontoons, shall be permitted to remain upon the Lake so long as the presently existing separate flotation chambers remain water-tight and in good condition and capable of providing adequate and safe flotation of the boat of which they are a part. Should any one or more of such barrels, drums or separate flotation chambers for any reason cease to be water-tight and in good condition the same shall be removed from the boat and shall not be replaced by the same or a similar chamber and should a sufficient number of such separate flotation chambers on any oot cease to be water-tight and become capable of providing adequate and safe flotation therefor, such boat shall be removed from the Lake by the owner thereof and shall not be again placed on the Lake until the same is equipped with approved pontoons as hereinabove defined.

(f) Any person, firm or corporation placing any boat upon said Lake does so at his or its own risk, and the City of Conway shall in no manner be liable for damage to or theft of boats or any articles left in any boat.

(g) All boats shall be operated in such manner so as not to endanger other boats or the occupants thereof. Normal boating safety precautions and courtesy shall be observed at all times.

SECTION 4. FISHING. All fishing must be done from the Lake bank or from a boat. Fishing from the bank shall be permitted only in those areas designated by the City. No charge shall be made for fisning in the Lake and no permit whatever shall be required for fishing from the bank, but the permit issued for any fishing boat under Section 3 of this Ordinance must be in actual, physical possession of some person in such boat at all times when one or more persons are fishing from such boat or when such boat is being operated upon the Lake, and such permit shall, upon request made therefor, be dis-

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played to the employees or agents of the City charged with enforcement of this Ordinance. Should such permit not be in the actual, physical possession of some person in such boat at the aforesaid times, or should the persons in such boat refuse to exhibit said permit upon request, all persons in said boat shall be deemed guilty of a misdemeanor and punished as hereinafter set out.

All fishing shall be done with pole and line or rod and reel with either live or artificial bait and all regulations of the State Game and Fish Commission pertaining to such manner of fishing shall be in full force and effect and all fishing in Beaverfork Lake shall be subject thereto. It is hereby expressly declared to be unlawful for any person, firm or corporation to take or to attempt to take fish from Beaverfork Lake through the use of trot lines, gigs, Yo Yo's, set lines, throw lines, seines, nets or any other **means** than that hereinabove expressly permitted.

The City of Conway, or its duly appointed agents or employees are hereby authorized and directed to remove and to confiscate all trot lines, gigs, seines, and other unlawful fishing tackle and/or equipment **as** herein described, which may be found in, on or under said Lake.

No gold fish or other species of carp shall be used as bait when fishing in Beaverfork Lake.

SECTION 5. CAMPING AND PICNICKING. It shall be unlawful for any person to camp upon any lands surrounding or adjacent to Lake Beaverfork which are owned by or leased to the City of Conway, but picnicking will be encouraged in the areas designated therefor. All persons engaging in picnicking are requested to place all papers, unused food, trash and refuse in the receptacles provided therefor. No person, whether boating, fishing or picnicking, shall deposit any refuse, trash or other materials in the waters of the Lake, or upon those lands surrounding or adjacent to the Lake and owned by the City. Any person violating these rules **designed** to prevent littering of the Lake premises shall be prosecuted.

Proper rest room facilities will be provided and human excreta and urine shall not be deposited in the waters of said Lake or on any lands surrounding the Lake that are owned by the city, except at such facilities.

SECTION 6. SWIMMING. Swimming and bathing shall be permitted from 9:00 o'clock a.m. to 8:00 o'clock p.m. daily during the months of *May* *ough* *September*, *inclusive* *of* *each* *year* in such area or areas of the Lake as may be now or hereafter designated by the City. The area or areas in which swimming and bathing is permitted shall be clearly marked by cables, ropes, or other means, and by such signs as the City may desire. No person under the age of 12 years shall be permitted to swim or bathe in the Lake except when accompanied by his parent, guardian or other responsible adult. Each person who swims or bathes in the Lake shall do so at his own risk and the City refuses to assume or accept any responsibility therefor. Should any person swim or bathe or attempt so to do at any place in the Lake other than the place or places so designated by the City shall be deemed guilty of a misdemeanor and upon conviction shall be punished in the manner hereinafter set out.

SECTION 7. WATER SKIING. Water skiing shall be permitted in limited areas of the Lake. The outer limits of those areas in which water skiing is permitted shall be marked by signs, buoy, or other means and any person who shall water ski, or who shall attempt so to do, in any portion of the Lake which is beyond such outer limits shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished in the manner set forth in Section 12 of this Ordinance. PROVIDED, HOWEVER, should any person violate the provisions of this Section 7 of this Ordinance three times during any period of 12 consecutive months he shall, in addition to any other punishment provided herein, be barred from entering upon or otherwise participating in any recreational activities in, on or about the Lake.

SECTION 8. It shall be unlawful for any person to climb upon, enter or fish from the concrete intake structure or tower of the Lake.

SECTION 9. HUNTING. Hunting of any kind, or the discharging of pistols, rifles, shotguns or any other firearm shall be prohibited upon the waters of said Lake or any lands surrounding or adjacent to said Lake that are owned by or leased to the City of Conway.

SECTION 10. It is hereby declared to be a privilege for any person to enter upon or utilize the waters of Lake Beaverfork or any land surrounding said Lake or adjacent thereto which are owned by the City of Conway and all persons desiring to enter upon said waters or lands shall do so only with the permission of said City. The waters of Beaverfork Lake and all lands owned by or leased by the City of Conway which surround said Lake or are adjacent thereto shall be closed to all persons from 9:00 o'clock p.m. of each day until 6:00 o'clock a.m. of the next succeeding day. Should any person enter upon said lands or the waters of said Lake during the aforesaid hours when the same are closed, or should any person at any time be or become disorderly while upon said Lake or lands, he shall forthwith be removed therefrom through the use of such force as may reasonably be necessary to accomplish such removal and his privilege to thereafter enter upon said lands and Lake may be revoked. PROVIDED HOWEVER, the penalties hereinabove set forth shall be in addition to any criminal or other penalties which may now or hereafter be provided by law, and should any person enter upon said Lake or lands during the time his or her privilege to do so shall have been revoked he or she shall be deemed guilty of a misdemeanor and upon conviction be fined as hereinafter set forth. PROVIDED, FURTHER, that nothing herein shall be construed so as to prevent or prohibit the entry upon said Lake or lands by any agent, officer or employee of the City of Conway in the discharge of his official duties.

SECTION 11. PATROLLING. During the months of May to September, both inclusive, of each year, the City Council shall employ such personnel as may be or become necessary to effectively patrol the Lake and to enforce the provisions of this Ordinance. Such personnel shall, during their employment, be members of the Police Department of the City of Conway, and their salaries and/or wages shall be paid from and out of the Beaverfork Lake Fund.

SECTION 12. The foregoing rules and regulations are promulgated under authority of Ordinance No. A-312 of the City of Conway, adopted the 26th day of February, 1957. Any violation of any of the foregoing provisions shall be deemed a misdemeanor and shall be punishable by a fine of not less than \$10.00 nor more than \$200.00 for each offense.

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SECTION 13. The City of Conway or its duly appointed agent or employee: shall have the power and authority to revoke any permit issued hereunder for violation of these rules and regulations. The City further reserves the right, for cause shown, to refuse entry of any boat, boat owner or operator, or person to said Lake, and the lands surrounding or adjacent to said Lake that are owned by, leased to, or under the control and/or supervision of the City of Conway, Arkansas.

SECTION 14. Ordinance No. A-365 adopted by the City Council of the City of Conway on the 9th day of May, 1961, and all other ordinances adopted by the City Council of the City of Conway, Arkansas which are in conflict herewith, are hereby repealed.

SECTION 15. If any clause, section, sentence, phrase, word or other portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision or decisions shall in no manner affect the validity or constitutionality of the remaining portions of this ordinance.

SECTION 16. This ordinance being necessary for the immediate preservation of the public health and welfare, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage and publication.

PASSED: March 23, 1971.

APPROVED:


Mayor

ATTEST:


Clerk-Treasurer