

ORDINANCE NO. A- 500

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 26th, 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;

"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. All boats shall be placed upon the lake only at such points as may be designated by the City. All persons must sign the register provided therefor and situated at the Lake office before placing any boat in the lake, and/or before operating any boat thereon. No boat shall be permitted to be placed upon said Lake unless and until the same meets all specifications, conditions and requirements therefor as set forth in this Ordinance and/or in the statutes of the State of Arkansas.

A boating permit must be purchased for each pleasure boat prior to its use or operation upon the Lake. The fees for such permit shall be as follows:

Season permit, resident .....	\$25.00
Season permit, non-resident .....	\$35.00
Daily permit, resident .....	\$1.50
Daily permit, non-resident .....	\$2.00

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All such permits shall be non-transferable.

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 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.

All party barges or other vessels which do **not** have a unified hull but 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 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 held together by some other means.

All boats must be docked at the boat landing provided therefor, it being provided, however, that 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.

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. No wading or swimming will be permitted. Fishing from the bank shall be permitted only in those areas designated by the City.

All fishing boats must enter the Lake and be docked or removed from the Lake only at the City boat dock. A permit must be purchased for each boat used for fishing prior to its use or operation upon the Lake. The fees for such permit shall be as follows:

Daily permit, resident.....	\$ 1.00
Daily permit, non-resident.....	\$ 1.50
Season permit, resident.....	\$10.00
Season permit, non-resident.....	\$15.00

No charge shall be made for fishing from the bank.

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 or bathing shall not be permitted in any part of Beaverfork Lake.

SECTION 7. It shall be unlawful for any person to climb upon, enter or fish from the concrete intake structure or tower of the Lake.

SECTION 8. 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 9. 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

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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 10. 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 \$50.00 nor more than \$200.00 for each offense.

SECTION 11. 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 12. 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 13. 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 descisions shall in no manner affect the validity or constitutionality

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of the remaining portions of this ordinance.

SECTION 14. 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: August 11, 1970.

APPROVED: \_\_\_\_\_  
M a y o r

ATTEST:

  
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City Clerk-Treasurer