

12.12.02 Definitions. As used in this chapter:

"Boat" as used herein, shall mean and include all fishing boats, pleasure boats, speed boats, party barges 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.

"Private Dock" as used herein, shall mean and include any structure used to tether, hold, or otherwise secure a boat while said boat remains in contact with water of said lake.

"City" means the City of Conway, Arkansas.

"Lake" means Beaverfork Lake.

"Lake Front Property Owner" means any person, trust, or other legal entity who maintains ownership of property immediately contiguous to Lake Beaverfork sharing a common boundary except those property owners whose property abuts city property west of Highway 25 or east of Highway 65.

"Resident" means a person who maintains his bona fide residence within Faulkner County, Arkansas, as indicated by his valid driver's license. The burden of proof to indicate an incorrect driver's license address will be on the individual. Additionally, any lake front property owner regardless of residence shall for the purposes of this code be deemed a "resident."

"Non-Resident" means any person whose bona fide place of residence is situated without the boundaries of Faulkner County, Arkansas, as indicated by his valid driver's license. The burden of proof to indicate an incorrect driver's license address will be on the individual. (Ord. No. 0-77-8 as amended by Ord. No. 0-78-8, Sec. 1)

12.12.03 Boating.

(a) No boat shall 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.

(b) A boating permit shall be purchased for each boat prior to its use or operation upon the lake. Such permit shall be non-transferable and shall be issued for a period of one (1) 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.

(c) No boat shall be docked at any place on the lake other than the public mooring/city boat dock or a permitted private boat dock.

(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 chapter shall have expired, shall be confiscated and held by the city subject to the provisions of this chapter. 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 will within thirty (30) 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 and shall be sufficient evidence of the delivery of such notice. If the city, after good faith efforts, cannot determine ownership and/or owner address of said confiscated boat, a legal notice published in a newspaper of local circulation will constitute said notice. This legal notice will be published once a week for three (3) consecutive weeks, the last publication to occur seven (7) days before the occurrence

of the proposed public sale. If redemption takes place, the owner redeeming said boat would bear the cost of said publication upon redemption to addition to any other fees. 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 chapter, 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 but which, instead float upon pontoons shall be equipped with pontoons constructed of wood, metal, fiberglass or other approved watertight materials and so constructed that each pontoon is a single continuous member or unit providing exterior watertight integrity over the entire length thereof, which provides adequate air space 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 a 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. Provided, however, those boats now situated upon the lake for which valid permits have been issued and which float upon barrels, drums, and other separate flotation chambers shall not be placed 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 watertight 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 watertight and in good condition, the same shall be removed from the boat and shall not be replaced by the same or similar chamber and should a sufficient number of such separate flotation chambers on any boat cease to be watertight 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. (Ord. NO. O-77-8)

12.12.04 **Fishing:** Fishing shall be permitted only in those areas not designated by the city as swimming areas. No charge shall be made for fishing in the lake and no permit whatever shall be required for fishing from the bank. All fishing shall be done with pole & line or rod & reel and with either live or artificial bait. 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 Yos, 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, seers, 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. (Ord. No. 0-77-8)

12.12.05 **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 park areas designated therefor. All persons engaging in picnicking are requested to place all papers, unused food, trash and refuse in the receptacles provided therefor.

12.12.06 **Littering.** 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 water of said lake or on any lands surrounding the lake that are owned by the city, except at such facilities. (Ord. No. 0-77-8)

12.12.07 **Swimming.** The area or areas in which only 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 twelve (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 therefore.

12.12.08 **Water-Skiing.** Water skiing shall be permitted in limited areas of the lake. The areas in which skiing is not permitted shall be marked by signs, cables, buoys, or other means and any person who shall water ski, or who shall attempt to do so, in any portion of the lake which is so marked shall be deemed guilty of abuse of park property and upon conviction thereof shall be punished in the manner set forth. Provided, however, should any person violate the provisions of this section of the chapter two (2) times during any period of twelve (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.

12.12.09 Unlawful Activities on Intake Structure and Tower: It shall be unlawful for any person to climb upon, enter or fish from the concrete intake structure or tower of the lake. (Ord. No. 0-77-8)

12.12.10 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 that are owned by or leased to the City of Conway (Ord. No. 0-77-8)

12.12.11 Hours of operation and conduct: 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. 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 the enter upon said lands and lake may be revoked. Provided, however, the penalties herein below 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.

12.12.12 Patrolling: 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 chapter. 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 City's Recreation Department funds.

12.12.13 Rights of City: 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. In addition, the City of Conway hereby prohibits the construction of any structure on any land owned by the City of Conway on or around said lake without a resolution passed by the City Council approving this construction and/or structure presence on said land. (Ord. No. 0-77-8)

12.12.13 Fences: Fences can not extend onto city property. Livestock fences, dog pens, chicken yards, garden fences and all other fences will not be allowed. *Private fences existing on city property at the time of passage of this ordinance shall be removed after January 1, 2002 depending upon the provisions of the original purchase deeds.*

12.12.15 Cutting Trees and Vegetation. An adjacent landowner is allowed to remove dead timber from an area directly in front of his lot. If this timber is cleared it may be burned or removed from the lake. Landowners are also allowed to clear out weeds and brush, but not cut live trees. In no case, may live trees be cut on city property or in the lake. Trees are defined to be at least four (4) inches in diameter three (3) feet above the ground. Permission to cut timber must be requested in writing of Lake Supervisor prior to removal. The Lake Supervisor shall insure these regulations are followed prior to granting approval. The Lake Supervisor shall respond to requests within seven (7) days of the receipt of such written requests.

12.12.16 Use of Chemicals. Lakefront owners are allowed to use chemicals approved by the United States Department of Agriculture for aquatic weed control. The use of chemicals should be confined to the area directly in front of one's lot. The Lake Supervisor shall also maintain a list of approved chemicals, fertilizer, pesticides, and herbicides that may be used on city property surrounding the lake. Notification any such chemical use must be given to the Lake Supervisor prior to its use. No chemical may be applied to city property that has not been approved by the Lake Supervisor. The Lake Supervisor shall respond to requests within seven (7) days of the receipt of such written requests.

12.12.17 Gardens: Lake Front property owners will be allowed to maintain small gardens no larger than five thousand (5,000) square feet on city property. The garden plot should be cultivated in such a way as to prevent excessive runoff of sediments into the lake. All use of chemicals must conform to regulations within this code.

12.12.18 Storage Buildings. Storage buildings either of a permanent or temporary nature will not be allowed on city property except as part of a dock or boathouse.

12.12.19 Trailers or Campers. Trailers and campers will not be allowed except in designated camping areas.

12.12.20 Septic Tanks. Septic tanks and field lines are not allowed on city property.

12.12.21 Retaining Wall and Rip Rap. Lakefront landowners may stabilize, beautify, and/or deepen the shoreline and build retaining walls. A written request must be made to the office of the lake supervisor, describing the type of work to be done, the exact location of the lot, and drawings outlining the project as well as other visuals to show the materials and manner of construction. A retaining wall may be built at the normal shoreline as illustrated in Figures 1. Normal shoreline is deemed to be 296 above mean sea level. If the bottom of the lake is deepened, the waste dirt may be used as fill behind the retaining wall or spread evenly over the bottom of the lake. The person doing the work is responsible for disposing of the waste dirt. This dirt is not to be left piled in the lake, as it would be a boating hazard. No other manipulation of the shore will be permitted without special permission. It is not permissible to extend or retract the shoreline in any manner. The Lake Supervisor's approval will be contingent upon conformance of the plans to these regulations.

Figure 1

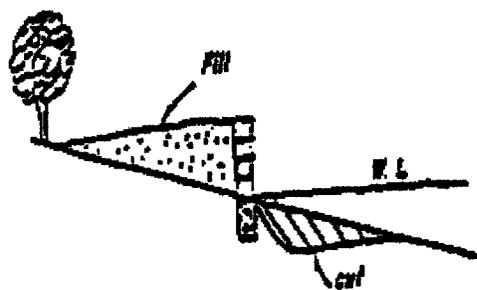
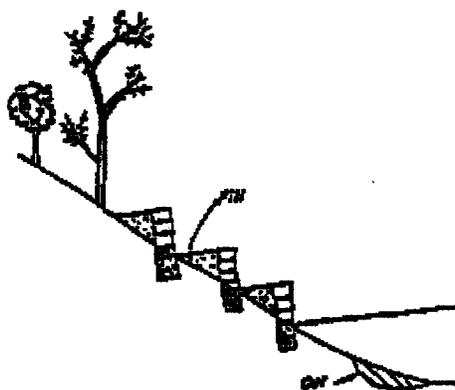


Figure 2



If the shoreline is steep, retaining walls may be built in a stair-step fashion, as in Figure 2.

12.12.22 Structures: Lakefront landowners and/or property owners associations with easements may wish to build a variety of structures on city property adjacent to their lot or into the lake adjacent to their lot.

Structures into the Lake:

Boat Houses, Boat Docks, and Piers: Boat houses (not to include sleeping, toilet, cooking, or living facilities), boat docks, or piers for private adjacent landowners may be constructed if application has been made and written approval granted by the City of Conway City Council.

Dimensions: Boathouses and boat docks are not to exceed twenty-six feet (26') width along the shore by thirty feet (30') in length. Together with its walkway it must not exceed forty feet (40') in length from the shore. No boathouse shall exceed one story except for attic space entirely under the roof. Boathouses and docks may hold a maximum of two (2) boats.

Piers, meaning all platforms or walkways without a superstructure or intended as a permanent boat dock, shall not exceed six feet (6') in width or forty feet (40') in length. Exception to this restriction is allowed for "T" design piers which allow a cross platform to be built at the end of the pier. The cross platform can be no wider than sixteen feet (16') as measured along the shore not longer than eight feet (8') as measured from the shore. At no time can the overall length of the pier exceed forty (40') feet.

Structures into the lake existing at the time of the passage of this ordinance which exceed the dimension limitations may be required to pay a higher annual permit fee.

Rules governing Boat Docks, Boat Houses, and Piers generally: No structure may encroach on an imaginary line drawn perpendicular to the property line into the lake from the existing lot corners. (Structure into the lake shall be limited to one (1) per lakefront property owner and one per easement)

Two (2) adjacent landowners may construct a structure on the lot line of the properties for their joint use. The dimensions for such a structure shall be the same as a single owner structure.

All structures into the lake are for the private use of the owner except as reasonable in cases of emergency. The city reserves the right to periodically enter upon the structure for the purposes of inspection and enforcement of lake regulations.

All structure into the lake must have appropriate reflective materials on the sides and ends of the structure for the safety of boaters.

All structures into the lake shall meet the minimum construction and maintenance requirements listed in the Appendix A.

All remodeling, alterations, or additions to any structure must receive the written permission of the lake supervisor prior to work being done. Requests to alter or remodel any structure should include a description of the work to be done; detailing any dimension changes and plans listing the location of any and all changes. The Lake Supervisor's approval will be determined by the conformance of the plans to lake regulations.

All structures into the lake must be permitted annually. Permits must be displayed on the lakeside of the structure in clear view of the lake. Permits will be good from April 1st of each year until March 31st of the following year.

Landowners wishing to construct a new structure into the lake must complete an application to apply for approval to build a structure into the lake. The applicant must submit documentation showing the location of the property for which a permit is requested, the existing lot lines and the extrapolation of these lines into the lake, the design and dimensions of the structure, the materials to be used in construction, and a resolution to be adopted by the city council for its approval. Additional documentation may be required if the submitted documents do not clearly show the application meets the requirements of this code. The lake supervisor as well as the city engineer and the city building inspector must also approve of the application. The application must receive final approval from the city council in resolution form and the application fee must be paid before a construction permit can be issued. New structures permitted for construction only are subject to periodic review of city building inspectors. Final approval must be granted by the city building inspector in writing prior to the issuance of the annual permit and occupancy and use of the structure by the applicant. The annual permit fee must be paid prior to the issuance of the annual permit.

Structures in the lake must remain in good repair, pass the annual inspection, and pay the required annual fee. Failure to maintain those fees and standards shall be grounds for revoking or non-renewal of the permit, demolition of the structure, and denial of lake access.

Structures and Other Improvements on City Property Surrounding the Lake: Owners of lakefront property and/or lakefront easements may also place other structures or construct improvements on city property adjacent to the property owners property for the purpose of enhancing the recreational environment of the lake.

Structures can be no larger than one story and be no greater than twenty-six feet by thirty feet. Structures, which may be placed on city property, can include decks, gazebos, pavilions, arbors, or other open-air structures used for outdoor leisure and recreational activities. Structures, which may not be placed on city property, are sheds, barns, trailers, campers, storage units, living quarters, toilets, or other closed structures. Structures may be placed on city property only immediately adjacent to the property owned by the person or group seeking to place the structure as determined in this section. All structures placed on city property are subject to an annual permit fee. All structures existing at the time of the passage of this ordinance shall be allowed to continue in existence subject to an annual permit fee. Any structure placed or built on city property must receive the written permission of the Lake Supervisor prior to placement in order to insure compliance with these regulations.

Non-structural improvements may also be made to the city property. Such Improvements can include walkways, patios, stairways or steps, beaches, landscaping, or other "on-ground" improvements. Improvements must receive the written permission of the Lake Supervisor prior to placement.

Moveable objects such as benches, seats, chairs, tables, swings, hammocks, planters, etc. are not considered structures or improvements and are not subject to a fee.

The Lake Supervisor shall respond to all requests, or forward to the City Council with their recommendation for approval or denial as the case may be, for any new construction, renovation, alteration, or placement of structures or improvements within fourteen (14) days of receipt of the written request.

Maintenance Requirements: All structures and improvements must pass an annual maintenance inspection to determine its structural soundness. The Lake Supervisor will determine structural soundness with the assistance of the City Building Inspector and/or City Engineer or their designees. For structures failing to pass inspection, the Lake Supervisor shall issue a certified letter to the owner detailing the structural problems and the required correction. The owner shall have sixty (60) days to come into comply with the requirements of the instructions. Failure to comply after sixty (60) days will result in the confiscation of the structure and/or improvement and its removal. Access to the lake may be denied until the city has been compensated for the cost of removal.

12.12.23 Ramps: Lakefront landowners and/or property owners associations with easements to the lake shall be permitted to have private boat ramps or access points to the lake. All newly constructed ramps shall be ten feet (10') wide and four-foot (4') thick concrete. Existing private ramps will be allowed to remain. All Ramps are for the exclusive use of the property owner and family or association members as the case may be. Private ramps will be subject to an annual fee. All boating users of private ramps must possess one of the annual permits for boating on the lake. Access to the lake by the general public through the use of private boat ramps is expressly prohibited. Any unapproved use of the ramp will result in the closure of the ramp and/or fine.

12.12.24 Public Moorings/City Boat Dock: Moorings at sites approved by the Lake Supervisor may be obtained on a first come-first serve basis when available. Mooring sites will be subject to an annual fee. Use of the public mooring sites will also require the possession of an annual boating permit. **THE CITY IS NOT RESPONSIBLE FOR ANY DAMAGE TO THE BOAT THAT MAY OCCUR AT THE MOORING SITE. NOR IS IT RESPONSIBLE FOR ANY IMPROVEMENTS SUCH AS PIERS OR DOCKS OR FOR ANY DAMAGES TO SUCH IMPROVEMENTS AT THE MOORING SITE.**

12.12.25 Other Improvements: All other private improvements on, in, or around the public domain of the lake must be approved by resolution of the city council. Approval may require the presentations of detailed plans and specifications and the continued existence of the improvements may be subject to annual fees, regular inspections, maintenance of liability insurance and/or other requirements as deemed necessary. All improvements in the public domain are open to the public unless a specific franchise is granted by the city council.

12.12.26 Fees: The following fees are to be assessed for the various permits need for activities, structures, or improvements on or around Lake Beaverfork:

A.	DAILY BOATING PERMIT, COUNTY RESIDENT	\$ 5.00
B.	DAILY BOATING PERMIT, NON-RESIDENT	\$50.00
C.	ANNUAL BOATING PERMIT, COUNTY RESIDENT	\$50.00
D.	ANNUAL BOATING PERMIT, NON-RESIDENT	NOT
	AVAILABLE	
E.	GOLDEN AGE BOATING PERMIT	\$ 5.00
	(60 years of age or older and must live in the county – Permit good for one (1) year.)	
F.	ANNUAL BOAT DOCK PERMITS	\$100.00
G.	ANNUAL OVERSIZE BOAT DOCK PERMIT	\$100.00 PLUS
	\$0.25 per sq. ft.	
H.	PUBLIC MOORING/CITY BOAT DOCK ANNUAL PERMITS	\$100.00
I.	STRUCTURE ANNUAL PERMIT (On land maximum \$100.00)	\$25.00
J.	RAMP ANNUAL PERMITS	\$100.00

- (1) Golden age permits issued prior to the effective date of this ordinance will be honored as "lifetime" permits.
- (2) Boats or watercraft powered manually without the aid of motors, jets, wind, or other non-manual means of propulsion will be exempt from the daily fee.
- (3) A receipt will be issued as a daily permit and must be present on each watercraft not permitted annually.
- (4) A permit sticker will be issued yearly for each annual and golden age permittee which is to be installed on the right side of the permittee's boat
- (5) "Lifetime" golden age permittees will be issued a new sticker for free each year.
- (6) Golden age permitted boats can only be used by persons qualifying as golden age. Use of the boat by other persons would require the purchase of a daily or annual permit.

If the above fees for boat docks, public moorings, structures, ramps, and the annual boating permits for lake front property owners are not paid within thirty (30) days of the annual renewal due date, a certified letter shall be mailed to the owner/occupier advising them of the payment due and granting them sixty (60) days from the date of issuance of the letter in which to render payment due. Failure to comply after sixty (60) days will result in the confiscation of the structure and/or improvement and its removal. Access to the lake may be denied until the cost of removal has been compensated to the city.

12.12.27 **Penalty:** Any violation of any of the foregoing provisions shall be deemed a misdemeanor and shall be punishable by a fine of not less than \$15.00 nor more than \$200.00 for each offense.

12.12.27.1 **Commercial Activities prohibited:** Commercial activities of any kind including rental equipment shall be expressly prohibited on city property and subject to a fine of one hundred dollars (\$100.00) per occurrence unless granted a specific franchise from the city of Conway

SECTION 2. That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 3. That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway and therefore an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

Passed this 8th day of May, 2001.



Mayor Tab Townsell

ATTEST:



Michael O. Garrett, City Clerk