

ORDINANCE NO. 0-84- **23**

AN ORDINANCE TO AUTHORIZE FISHING, HUNTING, AND BOATING ON BREWER LAKE AND LANDS ADJACENT THERETO AND OWNED BY THE CITY OF CONWAY; DEFINING CERTAIN TERMS; PRESCRIBING RULES AND REGULATIONS FOR USE OF SAID LAKE; PROVIDING PENALTIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Section 1. Fishing, hunting and boating on Brewer Lake and lands adjacent thereto and owned by the City of Conway, Arkansas is hereby declared to be a privilege and shall be permitted subject to and in compliance with this ordinance.

Section 2. Definitions:

(a) "CITY" means Conway, Arkansas and/or the Conway Corporation as its franchisee.

(b) "LAKE AREA" - Brewer Lake and land adjacent thereto and owned by the City of Conway, Arkansas located in Conway County, Arkansas.

(c) "LAKE" - Brewer Lake.

(d) "BOAT" - Canoe, Dinghy, John Boat, Barge, Pontoon Boat, Catamaran, any vessel or craft whatever which is intended to travel upon, over, or through the water for the purpose of transporting people or property, which is propelled by a paddle or paddles, oars, sail, engine or motor or other means.

~~(e) - "FISHING" - Taking or attempting to take, fish of all species using~~
hooks baited with natural or artificial bait or lures operated and/or controlled by a person or persons in a boat or upon land in conformance with Arkansas Game and Fish Commission rules and regulations, as existing or hereafter amended.

(f) "HUNTING" - The taking or attempted taking of game in conformance with the Arkansas Game and Fish Commission rules and regulations as existing or hereafter amended.

(g) "BOATING" - Use of a boat or boats for purposes other than swimming, water sports, and hunting or fishing.

(h) "SWIMMING" - Swimming, floating, wading, or bathing, with or without a flotation device at any time.

(i) "WATER SPORTS" - The use of boats, water skis, aquaplanes, surfboards, water scooters, sailboats, or any similar device or vehicle to carry or transport, propel or pull a person or persons over, under, on or through the water for purposes other than boating, fishing and/or hunting.

Section 3.

(a) SWIMMING shall be unlawful in the LAKE.

(b) WATER SPORTS shall be unlawful in the LAKE.

(c) It shall be unlawful to camp within the LAKE AREA. It shall be unlawful to picnic within the LAKE AREA without written permission of the CITY.

(d) It shall be unlawful for any person, firm, or corporation to place, throw, dump or deposit any refuse, cans, trash, garbage or human wastes on any of the lands or waters in the LAKE and LAKE AREA except in receptacles provided for those purposes. The destruction, injury, defacement, or removal of public property, vegetation, rocks, or minerals is prohibited.

(e) It shall be unlawful to leave a BOAT, vehicle and/or other personal property, unattended in the LAKE AREA. Unattended BOATS, vehicles and/or other personal property will be removed from the LAKE AREA and the owner may claim his BOAT, vehicle and/or other personal property by paying the costs of removal in addition to \$25.00. Property not claimed within 30 days will be confiscated. Upon confiscation of any such property, the CITY shall notify the owner thereof, as revealed by the registration of such BOAT or vehicle, that unless he calls for and redeems said property within 15 days from the date said notice is mailed, the property will be sold at public sale. Such notice shall be sent to such owner at his last known address by certified United States Mail, with return receipt requested and return of such receipt shall be sufficient evidence of the delivery of such notice. Said notice shall further describe the property confiscated and shall set forth the date and time of the proposed public sale. The proceeds derived from the sale of any property hereunder shall be first applied to payment of all costs of sale incurred by the CITY, then through payment of all charges, fees and sums due CITY under the terms of this ordinance, the balance thereof, if any, shall be paid to the owner of the property so sold. Vehicles parked in designated areas while occupants are FISHING, HUNTING, or BOATING in LAKE AREA shall not be deemed unattended.

(f) It shall be unlawful to use or possess firearms and ammunition in the LAKE AREA for purposes other than lawful HUNTING in conformance with the rules and regulations of the Arkansas Game and Fish Commission except when in the possession of Law Enforcement Officers.

(g) It shall be unlawful for any person to climb upon, enter or fish from a water supply structure located in the LAKE AREA.

(h) It shall be unlawful to conduct public gatherings, tournaments, contests, or fund raising events, or to buy, bargain, sell or convey any merchandise, services,

or rights or privileges in the LAKE AREA without first receiving permission from the CITY.

(i) It shall be unlawful to use FISHING seines, nets, or to place minnow boxes or fishing boxes in the LAKE.

(j) It shall be unlawful to place any advertisement or private notice in the LAKE AREA or to distribute, post or display any advertisement or private notice.

(k) It shall be unlawful to place any building or structure of any type in LAKE AREA or to land any aircraft upon the LAKE.

(l) It shall be unlawful to use the LAKE AREA while under the influence of alcoholic beverages.

(m) It shall be unlawful to operate or use in the LAKE any BOAT with toilet, cooking, and/or sleeping facilities.

(n) It shall be unlawful for any person under 16 years of age to operate a BOAT upon the LAKE unless accompanied by an adult.

Section 4.

(a) HUNTING and FISHING shall be allowed in conformance with the rules and regulations of the Arkansas Game and Fish Commission and a certain agreement between the CITY and the Arkansas Game and Fish Commission dated April 10, 1979, or any amendments thereto executed.

(b) BOATS and BOAT engines used for FISHING shall conform to the rules and regulations of the Arkansas Game and Fish Commission.

(c) BOATS powered with motors or engines must proceed with great caution so as not to interfere with fishing. Moving BOATS shall give wide berth to all other BOATS and must be operated in such manner as not to endanger the occupants of any other BOAT.

(d) BOATS may be placed upon the LAKE AREA only at points of entry designated by the CITY. Any BOAT or BOATS found upon the LAKE which did not enter at one of such points may be confiscated by the CITY and may be recovered by the owner only after paying the charge set forth in Section 3 Subparagraph (e). All BOATS must be operated in accordance with existing State and Federal Laws.

(e) FISHING from roads, bridges or docks is prohibited and FISHING shall be permitted only from BOATS and designated bank fishing areas.

(f) Nothing in this ordinance shall be construed as preventing any employee or officer of the CITY or its agents or franchise holders from entry upon the LAKE AREA in the discharge of their duties.

Section 5. 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 or more than \$200.00 for each offense. Where such violation is of a continuing nature each day that the violation continues shall be deemed and may be punishable as a separate offense.

Section 6. Any ordinance in conflict herewith is hereby repealed to the extent of the conflict. If any clause, section, sentence, phrase, word or other portion of this ordinance is for any reason to be held 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 7. 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: June 12, 1984.

APPROVED: Bill Wright
Mayor

ATTEST:

Martha Harlow
City Clerk