

Carol Sneath
City Clerk, Carol Sneath

ORDINANCE NO. 2002-9

AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR HUDSPETH LAKE/OZARK CITY LAKE; DECLARING AN EMERGENCY THEREFORE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY OF OZARK, ARKANSAS THAT:

Section 1: The document entitled "Rules and Regulations Hudspeth Lake/Ozark City Lake" and setting forth misdemeanor penalty provisions for violations is hereby incorporated herein and adopted by reference as if set forth herein word for word.

Section 2: It being necessary for the preservation of the public health, safety, peace, and welfare, including the protection of the city water supply, this ordinance shall be in full force and effect immediately upon passage.

THIS ORDINANCE IS PASSED AND APPROVED THIS 8th DAY OF July, 2002.

Todd Timmerman
Mayor, Todd Timmerman

APPROVED:

Carol Sneath
City Clerk, Carol Sneath

JPV:var

RULES AND REGULATIONS

HUDSPETH LAKE OZARK CITY LAKE

I. General Provisions

A. Purpose and Authority

It shall be the purpose of the City of Ozark to create rules and regulations to permit recreational activity upon the land and water of Hudspeth Lake, pursuant to Arkansas Code 14-234-405. It is the intent of the City of Ozark to provide recreational activity with the express purpose of safeguarding and protecting the waterworks of the City of Ozark.

B. Applicability

This Ordinance shall apply to all persons entering upon or using the lands or waters that are under the authority of the City of Ozark. These rules and regulations shall also be applicable to non-navigable streams owned by the City of Ozark.

C. Definitions

“Operating Authority” shall mean the City of Ozark or its representatives
“City Property” shall mean the land and water owned by the city which has been known commonly as the city lake area

II. Rules and Regulations

A. Hours of Operation

The access along City Lake Road shall be open from 5 a.m. until 10 p.m.; except from April 1 to September 30. From April 1 to September 30, the access will remain open.

B. Access to City Property

Access to City Property is prohibited at any point, except from City Lake Road, as noted above.

C. Restrictions

1. No entry shall be made into or upon City Property unless such entry is

during the hours of operation.

2. Access to roadways is prohibited except for utilities and the operating authority.
3. No entry shall be made onto private property from City Property
4. It is a violation to ignore or violate any sign, barricade, banner, posting, buoy, or any control device designated by the operating authority.
5. Tournament fishing is prohibited

D. Fishing

1. Fishing is allowed during open hours of operation.
2. All rules of the Arkansas Game and Fish Commission shall remain in full force and effect.
3. Fishing must be from normal means of fishing such as fishing poles or cane poles. "Trot lines", "jugging", "limb lines", "yo-yo's", "archery", "bow fishing", "gigging", "netting", "seining", or any other means by device or entrapment is prohibited.
4. All fish must be kept for personal use or returned to the water. Fish shall not be wasted or beached. Fish shall not be removed for transplantation to another water source.
5. Largemouth Bass may not be kept at lengths of 16 inches up to the length of 21 inches. One Largemouth Bass may be kept over 21 inches. Kentucky Bass may be kept at lengths of 12 inches or more.
6. Daily limits shall be the same as statewide limits set forth by the Arkansas Game and Fish Commission except: daily limit on Largemouth Bass is 5 (five).
7. Baitfish may not be taken by means of netting or seining.
8. No fishing from the water intake structure on the lake.

E. Vessels

1. All vessels on the waters in City Property shall comply with all regulations as set forth by the Arkansas Game and Fish Commission.
2. All vessels shall be registered, report accidents, receive boating education, and operate in accordance with all regulations of the Arkansas Game and Fish Commission.
3. The vessels on the waters of City Property shall comply with the state-controlled waters section of the regulations of the Arkansas Game and Fish Commission.
4. All vessels shall operate at 'idle' speed on all City Property. All areas of the water shall be considered 'no wake areas'.
5. Canoes, scamps, flatbottoms, and fabricated boats are allowed.
6. Personal watercraft (jet skis, seadoos, etc.), tubes, flotation devices, inflatable rafts, or other similar vessel or device are prohibited.
7. Vessels shall not moor or dock along the bank, on the dam, on the intake

structure, on a buoy, or at any other point except the area near the ramp reserved as the emergency overflow.

F. Littering and Dumping

1. All forms of littering or dumping shall be prohibited. All trash, rubble, and waste shall be disposed within trash receptacle.
2. No outside waste shall be disposed of on City Property.
3. No fish or animal carcass may be disposed of on City Property.

G. Camping

Based on Arkansas Code 14-234-405 (c), It shall be unlawful for any unauthorized person to camp upon lands not owned by him which is located above any impoundment dam for the municipal water supply and within the drainage area of the reservoir, lake, or nonnavigable stream from which the water supply is taken...

For the purposes of these regulations, camping is prohibited on City Property.

H. Hunting and Firearms

1. Hunting, in all forms, is prohibited.
2. Possession of firearms is prohibited.
3. Possession of fireworks is prohibited

I. Swimming

It shall be unlawful for any person to wade, bathe, swim, ski, float, or otherwise have body contact, except for normal use of hands, with the waters on City Property.

J. Alcohol

Alcohol is prohibited on City Property.

K. ATV and Off Road Traffic

ATV and Off Road Traffic are prohibited except for utility use.

L. Intake Structure

It is unlawful to be within the buoy barrier around the intake structure.

M. Abandonment

Any vessel left unattended for more than 24 hours shall be considered an abandoned vessel and will be subject to impoundment by the City. Any such vessel impounded may be subject to notice of public sale after appropriate action by the City of Ozark.

III. Enforcement

A. Authority

Pursuant to Arkansas Code 14-234-405, the operating authority shall have the authority to permit recreational activities upon the lands and waters owned by the municipality for waterworks purposes, to construct recreational facilities to collect fees and rentals for permitting recreational activities, and to prescribe rules and regulations prohibiting, permitting, and governing recreational activities.

The rules and regulations shall have the force and effect of any other laws of this state and shall be effective wherever the lands and waters are located.

B. Designation of Wardens

Pursuant to Arkansas Code 14-234-407, the operating authority may designate any employee as a warden. The operating authority shall designate those employees as wardens that are so designated by the office of Mayor with the authority granted the Mayor under Arkansas Code 14-43-504.

The operating authority in the City of Ozark shall be the municipal police department officers and reserves. Such officers and reserves are qualified under Arkansas Code 12-9-106.

1. Wardens shall have the authority to arrest or apprehend any person whom they believe to have violated this subchapter, or the boating laws of this state, or the rules and regulations of the operating authority.
2. Wardens shall also have the authority to arrest or apprehend any person in violation of the rules and regulations of the State Board of Health pertaining to protection of municipal water supplies.
3. Wardens shall not have any authority to make arrests for violations of the game and fish laws, rules, and regulations of this state unless expressly regulated by this ordinance.

C. Arkansas Game and Fish Commission

The Arkansas Game and Fish Commission shall have full authority to enforce

any rule or regulation set forth by the state or the commission upon City Property.

IV. Severability

If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given effect without the invalid provision, and to this end, the provisions of this ordinance shall be declared to be severable.

V. Penalty

The violation of this ordinance shall constitute a misdemeanor, and upon conviction the offender shall be fined not less than fifty dollars nor more than two hundred dollars for each offense.