

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

7/2/2013

City Council Meeting Date
Agenda Items Only

Byron Humphry
Submitted By

BH

Park Maintenance
Division

Parks and Recreation
Department

Action Required:

Staff recommends an ordinance to amend section 97.070 Recreational Activities at Lake Fayetteville, Sequoyah and Wilson.

NA	\$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	\$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	\$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item NA

Budget Adjustment Attached

Conni Edmonston

Department Director 6-11-13
Date

Previous Ordinance or Resolution # _____

[Signature]

City Attorney 6-12-13
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Butler

Finance and Internal Services Director 6-12-2013
Date

Received in City Clerk's Office
ENTERED
6/10/13 *King*

[Signature]

Chief of Staff 6/12/13
Date

Received in Mayor's Office
ENTERED
6/12/13 *BeP*

[Signature]

Mayor 6/17/13
Date

Comments:

AGENDA REQUEST

FOR: COUNCIL MEETING OF July 2, 2013


FROM:

**MAYOR LIONELD JORDAN
ALDERMAN ALAN LONG**

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

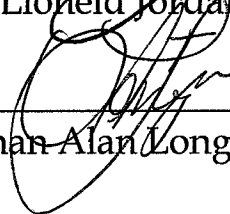
**An Ordinance to approve the proposed amendments to Section 97.070
Recreational Activities at Lake Fayetteville, Sequoyah and Wilson**

APPROVED FOR AGENDA:



Mayor Lioneld Jordan

6/17/13
Date



Alderman Alan Long

06-17-13
Date



THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *C.E.*

From: Byron Humphry, Park Maintenance Superintendent *BH*

Date: June 7, 2013

Subject: Ordinance to amend section 97.070 Recreational Activities at Lakes Fayetteville, Sequoyah and Wilson

PROPOSAL:

Ordinance 97.070 Recreational Activities at Lakes Fayetteville, Sequoyah and Wilson, needs to be updated to reflect changes that have occurred at the lakes and to provide better service to our citizens. The following is a summary of the proposed updates.

1. Allow the Director of Parks and Recreation to authorize extended operating hours as necessary to accommodate tournaments, special events, or seasonal weather conditions. This change will allow the Parks Department to host tournaments or special events that may end after sunset. It would also allow for seasonal fishing during the night hours when it is too hot to fish during the day.
2. Clarify there are no fishing and boating permit requirements at Lake Wilson or other fishable waters in City Parks other than Lake Fayetteville and Lake Sequoyah. It is difficult to sell and enforce fishing/boating permit requirements at a lake that does not have a Boatdock Contractor on-location. At Lake Fayetteville and Lake Sequoyah, Boatdock Contractors operate, open and close the lakes at sunrise and sunset, as well as sell permits.
3. Remove language concerning boatdocks at Lake Sequoyah which are no longer there. The docks were removed in 2011 due to safety concerns. The ordinance has not been updated to reflect this change.
4. Allow for two free fishing weekends where fishing/use permits are not required. One weekend will coincide with the Arkansas Game and Fish free fishing weekend and the other weekend will be designated annually by the Parks Director.
5. Allow a reduced permit fee for veteran's at the senior citizen's rate. This is often requested of the marina operators and would provide recognition and appreciation to veterans.

RECOMMENDATION:

Staff recommends an ordinance to amend section 97.070.

Attachments:

Staff Review Form
Draft of Amended Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 97.070 RECREATIONAL ACTIVITIES AT LAKES FAYETTEVILLE, SEQUOYAH AND WILSON OF THE FAYETTEVILLE CODE TO ALLOW EXTENDED HOURS, REDUCED FEES FOR VETERANS AND OTHER CHANGES

WHEREAS, the fees and allowed recreational activities on the City's three lakes need to be modified.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 97.070 **Recreational Activities at Lakes Fayetteville, Sequoyah and Wilson** of the Fayetteville Code in its entirety and enacts a replacement § 97.070 as shown on Exhibit A attached hereto and made a part hereof.

PASSED and APPROVED this 2nd day of July, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, MAYOR

By: _____
SONDRA E. SMITH, City Clerk

Exhibit A

97.070 Recreational Activities At Lakes Fayetteville, Sequoyah And Wilson

(A) *Hours.* Lake Fayetteville, Lake Sequoyah, and Lake Wilson shall be open to the general public throughout the year from sunrise to sunset daily and shall be closed each day from sunset to sunrise; provided:

1. Lake Fayetteville and Lake Sequoyah shall be closed on Thanksgiving Day and from sunset on December 23rd through January 14th.
2. The Director of the Parks and Recreation Department is authorized to extend the operating hours of a lake when reasonable and necessary to accommodate a tournament, special event, or seasonal weather conditions.

(B) *Permits for fishing and boating.* Fishing and boating permits are required for Lake Fayetteville and Lake Sequoyah. There is no permit requirement for Lake Wilson or other Park areas containing fishable waters.

(1) *Permits:*

- (a) Annual boating and fishing permit (65 and older and veterans) \$40.00
- (b) Annual boating and fishing permit (16-64) \$50.00
- (c) Daily boating and fishing permit (65 and older and veterans) \$5.00
- (d) Daily boating and fishing permit (16-64) \$6.00
- (e) Annual fishing/use permit (65 and older and veterans) \$20.00
- (f) Annual fishing/use permit (16-64) \$30.00
- (g) Daily fishing/use permit (65 and older and veterans) \$2.00
- (h) Daily fishing/use permit (16-64) \$3.00
- (i) Daily fishing/use permit (under 16 with permitted adult) Free
- (j) Daily Non-motorized Boating (canoes, inflatables, kayaks, paddle boats and sailboats) \$ 3.00
- (k) Annual Non-motorized Boating (per patron, nontransferable) \$20.00

(2) *Miscellaneous.*

- (a) Each person 16 years of age or older is required to purchase a fishing/use permit for fishing on each lake or any stream within the city owned lake property at Lake Fayetteville and Lake Sequoyah.
- (b) There will be two free fishing weekends each year where City fishing/use permits will not be required. One weekend will coincide with the Arkansas Game and Fish free fishing weekend. The Parks and Recreation Director will designate the second weekend annually.
- (c) A boating permit applies to the boat rather than the occupants thereof; however, all occupants of a boat, 16 years of age or older must purchase a fishing/use permit. Daily permits are valid only for use on the date of purchase.
- (d) Juveniles and their supervisors shall be exempt from the boating and fishing permit fee if they are part of Washington County government rehabilitation program approved by the Director of the Fayetteville Parks and Recreation Department for the location, date and time of lake access.

(C) *Boat docking.* Boat docking shall be permitted at the boat docks at Lake Sequoyah and Lake Fayetteville on a space available basis to season boating and fishing permit holders for the following per boat annual fees:

- (1) Lake Fayetteville
 - (a) City resident \$250.00
 - (b) Non-resident \$325.00

(D) *Fishing.* All fishing shall be done only from the bank or boat. No wading, swimming, or belly boats shall be permitted in all City Lakes. Arkansas Game and Fish regulations shall control the number and size of fish which may be caught; however, the Fayetteville Parks and Recreation Department may provide additional limitations necessary to manage the fish population. All persons fishing at Lake Fayetteville and Lake Sequoyah should check with the boat dock operator before fishing. It shall be unlawful for any person fishing to use trot lines, limb lines, cast nets, yo-yo's or jug fishing.

(E) *Boating.* A boating permit for each boat must be purchased before its use on Lake Fayetteville or Lake Sequoyah. All boats must be docked (Lake Fayetteville) or removed from the lake at closing time. No boats except those used by lake employees will be docked at any other location on the lake. Boating may be closed to the public by the Parks and Recreation Department during a special event that includes swimming.

(F) *Place of entry.* All persons boating at Lake Fayetteville and Lake Sequoyah are warned to enter the lake only through the entrance at the lake office. Persons entering the lake property from any other location shall be considered trespassing and subject to prosecution.

(G) *Use of motors on boats.*

(1) In the event that motors are used on boats, the boats shall be operated in such a manner that they will not endanger other boats or the occupants thereof. All City Lakes are No Wake Lakes. Speeding and boat racing is not permitted and each outboard motor operator is cautioned to operate his motor in a safe and cautious manner. Failure to abide by this requirement will cause loss of boating permit. The dock operator shall revoke the boating permit of any boat which in his judgment is unsafe, overloaded, or operated in a careless manner.

(2) No boats shall be permitted within 500 feet of the spillway of Lake Sequoyah.

(3) No houseboats, water skiing, or jet skis allowed.

(4) All state laws governing boats must be complied with before using a boat on any city lake.

(5) The City will not be responsible for any damage to or theft of boats, motors, or equipment.

(H) *Picnicking or other recreational activities.* Picnicking is permitted on any part of Lake Fayetteville, Lake Sequoyah, or Lake Wilson or land surrounding said lakes, except within restricted nature areas, which are controlled by the city. Overnight camping is allowed only by special group permit.

(I) *Committing nuisances.* No person shall commit any nuisance while on Lake Fayetteville, Lake Sequoyah, and Lake Wilson or any of the land surrounding the lakes belonging to the city, nor shall any trash or other materials be thrown into the lakes or left about the shore line or on the premises of any lake.

(J) *Fishing and boating prohibited near intake tower.* No one shall climb upon, enter, or fish from the intake towers of the lakes.

(K) *Fishing on stream below dam.* State laws governing fishing below dams shall be applicable on city property. Fishing permits are required to fish in the stream on city property below the dams at Lake Fayetteville and Lake Sequoyah.

(L) *Firearms and hunting.* No firearms, hunting or trapping will be permitted on city owned property at any time.

(M) *Use of motor vehicles.* No person at Lake Fayetteville, Lake Sequoyah, or Lake Wilson shall drive a motor vehicle or ride a motorcycle, ATV or bicycle on other than a paved vehicular road or path designated for that purpose.

(N) *Revoking permits.* The city shall have the right to revoke any permit issued under this section if it is determined that the permittee willfully violated any of the provisions of this section. When a permit is revoked, there will be no refunds.

**97.070 Recreational Activities At
Lakes Fayetteville, Sequoyah And
Wilson**

(A) *Hours.* Lake Fayetteville, Lake Sequoyah, and Lake Wilson shall be open to the general public throughout the year from sunrise to sunset daily and shall be closed each day from sunset to sunrise; provided:

1. Lake Fayetteville and Lake Sequoyah shall be closed on Thanksgiving Day and from sunset on December 23rd through January 14th. The boat docks shall be closed on December 24th and shall remain closed through January 14th.

2. The Director of the Parks and Recreation Department is authorized to extend the operating hours of a lake when reasonable and necessary to accommodate a tournament, special event, or seasonal weather conditions.

(B) *Permits for fishing and boating.* **Fishing and boating permits are required for Lake Fayetteville and Lake Sequoyah. There is no permit requirement for Lake Wilson or other Park areas containing fishable waters.**

(1) *Permits:*

(a) **Annual Season boating and fishing permit (65 and older and veterans) \$40.00**

(b) **Annual Season boating and fishing permit (16-64) \$50.00**

(c) **Daily boating and fishing permit (65 and older and veterans) \$5.00**

(d) **Daily boating and fishing permit (16-64) \$6.00**

(e) **Annual Season fishing/use permit (65 and older and veterans) \$20.00**

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(2) *Miscellaneous.*

(a) Each person 16 years of age or older is required to purchase a fishing/use permit for fishing on each lake or any stream within the city owned lake property **at Lake Fayetteville and Lake Sequoyah.**

(b) **There will be two free fishing weekends each year where City fishing/use permits will not be required. One weekend will coincide with the Arkansas Game and Fish free fishing weekend. The Parks and Recreation Director will designate the second weekend annually.**

(c) A boating permit applies to the boat rather than the occupants thereof; however, all occupants of a boat, 16 years of age or older must purchase a fishing/use permit. Daily permits are valid only for use on the date of purchase.

(d) Juveniles and their supervisors shall be exempt from the boating and fishing permit fee if they are part of Washington County government rehabilitation program approved by the Director of the Fayetteville Parks and Recreation Department for the location, date and time of lake access.

(C) *Boat docking.* Boat docking shall be permitted at the boat docks at Lake Sequoyah and Lake Fayetteville on a space available basis to season boating and fishing permit holders for the following per boat annual fees:

(1) Lake Fayetteville

(a) City resident \$250.00

(b) Non-resident \$325.00

(2) ~~Lake Sequoyah \$100.00~~

(D) *Fishing.* All fishing shall be done only from the lake bank or boat. No wading, swimming, or belly boats shall be permitted **in all City Lakes.** Arkansas Game and Fish regulations shall control the number and size of fish which may be caught, however, the Fayetteville Parks and Recreation Department Division may provide additional **limitations requirements** necessary to manage the fish population. All persons **fishing at Lake Fayetteville and Lake Sequoyah** should check with the boat dock operator before fishing. It shall be unlawful for any person fishing to use trot lines, ~~set lines~~, limb lines, cast nets, yo-yo's or jug fishing.

(E) *Boating.* A boating permit for each boat must be purchased before its use on **Lake Fayetteville or Lake Sequoyah the lake.** All boats must be docked **(Lake Fayetteville) or removed from the lake at the boat landing at lake closing time.** No boats except those used by lake employees will be docked at any other

location on the lake. Boating may be closed to the public by the Parks and Recreation Department during a special event that includes swimming.

(F) *Place of entry.* All persons **boating at Lake Fayetteville and Lake Sequoyah** are warned to enter the lake ~~for boating or fishing~~ only through the entrance at the lake office. Persons entering the lake property from any other location shall be considered trespassing and subject to prosecution.

(G) *Use of motors on boats.*

(1) In the event that motors are used on boats, the boats shall be operated in such a manner that they will not endanger other boats or the occupants thereof, ~~and shall not be operated in such a manner as to create heavy waves causing undue erosion of the shoreline.~~ **All City Lakes are No Wake Lakes. Speeding and boat racing is not permitted and each outboard motor operator is cautioned to operate his motor in a safe and cautious manner. Failure to abide by this requirement will cause loss of boating permit. The dock operator shall revoke the boating permit of any boat which in his judgment is unsafe, overloaded, or operated in a careless manner.**

(2) No boats shall be permitted within 500 feet of the spillway of Lake Sequoyah.

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(4) All state laws governing boats must be complied with before using a boat on any city lake. Facilities for docking or landing of boats will be provided, however, the city will not be responsible for any damage or theft of boats, motors or equipment left in boats at docks.

(5) The City will not be responsible for any damage to or theft of boats, motors, or equipment.

(H) *Picnicking or other recreational activities.* Picnicking is permitted on any part of Lake Fayetteville, Lake Sequoyah, or Lake Wilson or land surrounding said lakes, except within restricted nature areas, which are controlled by the city. Overnight camping is allowed only by special group permit.

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(M) *Use of motor vehicles.* No person at Lake Fayetteville, Lake Sequoyah, or Lake Wilson shall drive a motor vehicle or ride a motorcycle, ATV or bicycle on other than a paved vehicular road or path designated for that purpose.

(N) *Revoking permits.* The city shall have the right to revoke any permit issued under this section if it is determined that the permittee willfully violated any of the provisions of this section. When a permit is revoked, there will be no refunds.

(Code 1965, '13-12; Ord. No. 2274, 9-7-76; Ord. No. 2903, 3-1-83; Ord. No. 3164, 1-21-86; Ord. No. 3203, 8-5-86; Ord. No. 3437, 7-5-89; Ord. No. 3533, 2-19-91; Ord. No. 4168, 6-1-99; Code 1991, §97.070; Ord. 4707, 06-07-05; Ord. No. 4811, 12-20-05; Ord. 5139, 5-6-08; Ord. 5229, 3-17-09; Ord. 5285, 11-17-09)
Cross reference(s)--Penalty, '97.999.

97.071 Fayetteville Special Use Permit for Events that Include a Swimming Component