

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND THE CITY WATERSHED PROTECTION ORDINANCE TO CONFORM TO EXISTING CONDITIONS AND ADDITIONAL USES; TO MODIFY CERTAIN BUFFER REQUIREMENTS; TO MODIFY ALLOWABLE BOAT USE; TO MODIFY RESTRICTIONS OF RESERVOIR USE; TO MODIFY SETBACKS; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

SECTION 1:

That subsection (1) of Section 34-80 of the Code be amended by deleting said subsection, in its entirety, inserting in lieu thereof a new Section 34-80(1), to read as follows:

“(1) *Buffers.* A buffer shall be maintained for a distance of 100 feet on both sides of the perennial stream as measured from the stream banks and for a distance of 100 feet from the reservoir boundary of Blue Creek Reservoir.”

SECTION 2:

That Section 34-82 of the Code be amended by deleting said section, in its entirety, inserting in lieu thereof a new Section 34-82, to read as follows:

“Sec. 34-82. – Blue Creek Reservoir use and protection.

(a) *Uses of the reservoir.* The public purposes of the Blue Creek Reservoir are flood control, recreation and as a potential water storage impoundment for the city water system. Consequently, water may periodically be drawn from the reservoir during periods of drought and/or high demand in accordance with the city's reservoir management plan and the level of the water pool will fluctuate accordingly. Recreational activity such as boating and fishing shall be available to the general public but only with the restrictions included in this section. No commercial use of any type, for any purpose is permitted.

(b) *Permit requirement.* A permit is required for any authorized construction within the established setbacks of the Blue Creek Reservoir.

(c) *Encroachment resolution.* Items placed on project lands longer than 24 hours that are not relative to a permit become an encroachment and are subject to summary removal at the owner's expense; and if impounded, ultimately disposed of if not claimed. Encroachments are classified as either major or minor.

(1) *Minor encroachments.* Minor encroachments are portable personal properties. The city generally prefers to return minor encroachments to private land. The abandonment of personal property is often in the form of solid waste such as rubber tires, Styrofoam, lumber, steel, furniture, building debris, etc.

(2) *Major encroachments.* Major encroachments are considered to be items of more substantial value and can result in civil action to force removal. Major encroachments generally include storage sheds, swimming pools, decks, screen porches or even houses and garages.

(d) *Fishing.* Fishing is permitted by the general public from public lands, or on the lake, if from private property abutting the lake prior permission must be received from the property owner. All individuals fishing in the reservoir must comply with all fishing rules and regulations of the state department of natural resources concerning safety, licenses, creel limits and all other applicable requirement. Trot lines and set or bank poles are not permitted.

(e) *Boating.*

(1) Except as otherwise provided in this section, no vessel shall be operated on project waters with a gasoline, diesel, or other internal combustion engine or power plant, including but not limited to gas powered generators. Electric motors, canoes, jon boats, paddle boats, paddle boards and kayaks are permissible.

(2) This section pertains to all vessels or watercraft, including, but not limited to, power boats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, jet skis, wind surfboards or any other such equipment capable of navigation on water, whether in motion or at rest.

(3) All vehicles or watercraft so required by applicable federal, state and local laws shall display an appropriate registration on board whenever the vessel is operated on project waters.

(4) The maximum speed of boats on the reservoir shall be such that the vessel produces no wake.

(5) No boat shall be operated before sunrise and after sunset except with sufficient lighting for such to be observed for safety purposes.

(6) Water skis, parasail, ski-kites and other similar devices are prohibited.

(7) All vessels when not in actual operation shall be removed from project land and waters unless moored or stored at designated areas approved by the designated representative of the city.

(8) The city reserves the right to prohibit any boat or vehicle prohibited by this code section, or otherwise misusing the reservoir property, from the reservoir.

(f) Piers, boathouses or related structures are prohibited.

(g) *Public access.* The city reserves the rights to, at any time, restrict or prevent the use of the reservoir during periods of emergency demanding such restrictions or preventions of use.

(h) *Additional restrictions on use of the reservoir.* The following is expressly prohibited in or on the public areas of the reservoir and reservoir property:

(1) The possession or consumption of alcohol, drugs or any controlled substance;

(2) The possession or use of firearms, ammunition, bows and arrow, loaded firing devices or explosives;

(3) The operation or use of any audio or noise producing devices in such a manner as to unreasonably annoy or endanger other individuals;

(4) Pets;

(5) Glass containers of any kind;

(6) Littering or dumping;

(7) Cleaning of boats with soaps or solvents;

(8) Boats that are not properly registered or that do not carry appropriate flotation devices;

(9) The discharge of any pollutants.

(i) *Damage, trespassing.* It shall be unlawful for any person to damage, tamper with, trespass, or alter any property, barricades, structures or appurtenances owned by the city.

(j) *Dam and intake restrictions.* The dam, intake structure and immediate surrounding area are a restricted area. No person shall enter the restricted area, attempt to operate or tamper with such structures, physically climb or attempt to reach by shoreline such structures, or in any way attempt to manipulate water levels around such structures.

(k) *Liability.* All users of the city's reservoir shall hold the city safe and harmless from any claim, cost, loss, damage or obligation whatsoever that arises from the use of the reservoir facility.

(l) *Violators.* The city reserves the right to expel from the public areas of the reservoir or reservoir property persons, either temporarily or permanently, and/or revoke boating, docking, swimming, fishing or other privileges for reasons detrimental to the city or reservoir or permanently and/or revoke boating, docking, swimming, fishing or other privileges for reasons detrimental to the city and failure to follow the direction of city representatives and agents. Nothing in this section shall prohibit or limit the authority from seeking other remedies as may be provided by law.

(m) *Watershed protection ordinance.* All property abutting the reservoir and all property delineated by ordinance is subject to the provisions of this chapter in division 3, the Watershed Protection Plan adopted as an amendment to the city zoning ordinance on May 15, 2000."

SECTION 3:

That Section 34-101, containing definitions, be amended by deleting therefrom the definition entry for "water supply reservoir," inserting in lieu thereof a new entry, in proper alphabetical order, for "water supply reservoir," to read as follows:

"Water supply reservoir means an impoundment of water for the potential purpose of providing water to the public for drinking water. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers."

SECTION 4:

That Section 34-103 of the Code be amended by deleting therefrom subsection (a)(1)c., inserting in lieu thereof a new Section 34-103(a)(1)c., to read as follows:

"c. Minimum setback from natural buffer for all structures, nitrification fields and impervious surfaces shall be 50 feet."

SECTION 5:

That Section 34-103 of the Code be amended by deleting therefrom subsection (a)(5)b., inserting in lieu thereof a new Section 34-103(a)(5)b., to read as follows:

"b. Minimum setback from natural buffer for all structures, nitrification fields and impervious surfaces shall be 50 feet."

SECTION 6:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 7:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING October 17, 2016

SECOND READING AND ADOPTED/REJECTED November 7, 2016 - Adopted

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED Approved

BY: [Signature]
Mayor

ATTEST: [Signature]
Clerk