

ORDINANCE NO. 24,979

AN ORDINANCE RELATING TO PARKS, RECREATION, CULTURAL AFFAIRS, ETC., AMENDING SECTION 38-85, ARTICLE IV, DIVISION 1, OF CHAPTER 38 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, AS AMENDED, PERTAINING TO DEFINITIONS OF CLOSE TO HOME FISHING WATERS; ELECTRIC TROLLING MOTOR; BOWFISHING; GAME FISH; MOTORIZED WATERCRAFT; NON-MOTORIZED WATERCRAFT; AND SAIL BOARD, KITE SURFER, AND WINDSURFER; AMENDING ARTICLE IV, DIVISION 2, DIVISION 3, AND DIVISION 4 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, REPEALING SECTIONS 38-121 THROUGH 38-127; CREATING A NEW DIVISION 2 WITHIN ARTICLE IV OF CHAPTER 38, CREATING SECTIONS 38-121 THROUGH 38-124 CLOSE TO HOME LOCATIONS; AND AMENDING SECTIONS 38-186 AND 38-187 OF ARTICLE V, DIVISION 3 (PART A), RESTRICTIONS ON GAME FISH AND FISHING FLOAT TUBES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Section 38-85, Article IV, Division 1, of Chapter 38 of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

ARTICLE IV

GENERAL PARK REGULATIONS

* * *

DIVISION 1 – GENERALLY

* * *

§ 38-85. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Athletic field* means an area designated for exercises, sports, or games.
- (2) *Boat* means any navigable watercraft. Provided, nothing herein shall be deemed to allow the use of watercraft on a City-owned and or operated reservoir, at a public boat dock, or in a wet stall that is not otherwise permitted to be utilized at that City-owned and/or operated reservoir.
- (3) *Bowfishing* means the use of any bow, except a crossbow, with arrows having no more than ~~three~~ one points, with no more than ~~two~~ four barbs on ~~each~~ the point.

- (4) *Bungee jumping* means the jumping off of any device that is natural or manmade, or springing up from any surface that is natural or manmade, by means of a suspension cable and harness, the intent of which is to keep the person from coming in contact with the ground or other objects.
- (5) *Camping* means where a temporary shelter, such as a tent, is erected for lodging.
- (6) *Canoe* means a non-motorized watercraft that is long relative to its width, that has curved sides, and is tapered to two pointed ends, or is tapered to one pointed end and blunt on the other end, and that is generally of traditional shape.
- (7) *Chief of Police* means the Chief Administrative Officer for the Police Department or designee.
- (7.1) *City streets* means and includes all dedicated public streets and all other City-owned and/or operated streets within the City limits posted as open to the public.
- (8) *City-owned and/or operated reservation* means the Lake Overholser Reservation, Lake Stanley Draper Reservation, West Elm Creek Reservation, and Lake Hefner Reservation.
- (9) *City-owned and/or operated reservoir* means the bodies of water known as Lake Hefner, Lake Overholser, and Lake Stanley Draper.
- (10) *Close to Home fishing waters* means bodies of water designated as such under a cooperative fisheries management agreement between The City of Oklahoma City and the Oklahoma Department of Wildlife Conservation, and specifically include: Dolese Youth Park Pond, Kid's Lake at Wilshire Boulevard, South Lakes Park Ponds (~~S.W. 119th and Meridian~~), Route 66 Park Ponds, Crystal Lake, Edwards Park Pond, Zoo Lake, ~~all waters within the Stinchcomb Wildlife Refuge, and Kitchen Lake and the North Canadian River extending downstream from N.W. 10th Street bridge (including impoundments, ponds and wetlands) to N.E. 10th Street in Oklahoma City.~~
- (11) *Concession* means supplying goods, commodities, things, services, or facilities on park property.
- (12) *Director* means the Director of the Parks and Recreation Department or designee.
- (13) *Dock* or *docking* means the placing, storing, and/or maintaining of a boat in a wet stall or otherwise at a public boat dock on the City-owned and/or operated reservoir.
- (14) *Dolese Youth Park* means and includes all real property located at the northwest corner of the intersection of Meridian and N.W. 50th Street in Oklahoma City, more particularly described as being a part of the Southeast Quarter (SE $\frac{1}{4}$) of Section 10, Township 12 North (T12N), Range 4 West (R4W) of the Indian Meridian (I.M.).
- (15) *Dry stall* means the areas within the public dry storage areas marked by curbing in which watercraft and/or watercraft trailers are parked for storage.

- (16) *Dry storage* means the areas and facilities within the City-owned and/or operated reservoir designated for the storage of boats and/or boat trailers including but not limited to dry stalls and any other areas designated by the Director. Provided however, dry storage shall not include any area or dry stall that is leased or permitted for such use by a separate agreement with the City.
- (17) *Electric Trolling Motor* means a marine propulsion system typically used on fishing boats and consisting of a self-contained unit including an electric motor, propeller, and controls that is affixed to either the bow or the stern of a boat.
- ~~(17)~~ (18) *Fire* means the active principle of burning, characterized by the heat and light of combustion.
- ~~(18)~~ (19) *Fishing float tubes* means any device designed to keep an individual afloat in an upright position in the water, ordinarily consisting of a protectively covered circular, inflated, rubber tube or Styrofoam float, with a saddle-type seat, in which an individual is seated while wearing watertight waders.
- ~~(19)~~ (20) *Game fish* means largemouth bass, smallmouth bass, spotted bass, striped bass hybrid, black and white crappie, ~~brown and~~ rainbow trout, sauger, saugeye and walleye, striped bass, white bass, and blue and channel catfish.
- ~~(20)~~ (21) *Inflatable watercraft* means any device with a manufacturer's hull identification number constructed of rubber, synthetic material and/or composite material that is filled with air and not intended for use as a toy.
- ~~(21)~~ (22) *Lake Atoka Reservation* means the public water supply reservoir known as Lake Atoka, its associated dam and spillway section and all land and property owned and/or operated by the City and/or the Oklahoma City Water Utilities Trust immediately surrounding and adjacent thereto.
- ~~(22)~~ (23) *Lake Hefner Reservation* means the public water supply reservoir known as Lake Hefner and the canal and all land and property owned and/or operated by the City and/or the Oklahoma City Water Utilities Trust immediately surrounding and adjacent thereto.
- ~~(23)~~ (24) *Lake Overholser Reservation* means the public water supply reservoir known as Lake Overholser and the sedimentation basin, by-pass and all land and property owned and/or operated by the City and/or the Oklahoma City Water Utilities Trust immediately surrounding and adjacent thereto.
- ~~(24)~~ (25) *MAPS Canal (also known as the "Bricktown Canal")* is the canal located in or near the area of Oklahoma City, Oklahoma County, Oklahoma, known as "Bricktown" and shall also include any walkway, fountain, or appurtenance thereto.
- ~~(25)~~ (26) *Model aircraft* shall mean a non-human-carrying aircraft capable of sustained flight in the atmosphere.

- ~~(26)~~ (27) *Motorized mobility aide device* means any single occupancy, motor-powered device that assists in the mobility of individuals with disabilities, as defined in 42 U.S.C. § 1213, et seq., of “The American with Disabilities Act.”
- ~~(27)~~ (28) *Motorized watercraft* means any watercraft propelled by an inboard or outboard motor.
- ~~(28)~~ (29) *Nongame fish* means bluegill, redear, green sunfish, warmouth, rock bass, carp, buffalo, flathead catfish, drum, river carpsucker, gar, paddlefish, and all other fish not listed as game fish.
- ~~(29)~~ (30) *Non-motorized watercraft* means any watercraft not propelled by an inboard or outboard motor.
- ~~(30)~~ (31) *Noodling* means the taking of nongame fish by use of hands only. Possession of hooks, gaffs, spears, poles or ropes with hooks attached while in the act of noodling shall be proof of violation of the “hands only” noodling ordinance.
- ~~(31)~~ (32) *Parasail* means any device that, when airborne, is used or capable of being used for lifting or suspending a person who is being or will be towed by a watercraft.
- ~~(32)~~ (33) *Park* means any public park, recreational area, grounds, or facility owned by The City of Oklahoma City and operated by the Parks and Recreation Department of The City of Oklahoma City, in any location used for public park purposes or public recreational activities; provided, the Myriad Botanical Gardens, a 17-acre botanical garden located between Robinson, Hudson, Sheridan, and Reno, shall not be considered a park under Chapter 38.
- ~~(33)~~ (34) *Parks special event* means: group gatherings of more than 150 people; and/or charging admission/registration fees; and/or fund raisers; and/or having concession sales; and/or having amplified music.
- ~~(34)~~ (35) *Permittee* means an individual or entity that has applied for and received a permit under the provisions of this article.
- ~~(35)~~ (36) *Personal watercraft* means any watercraft that uses an inboard motor powering a water jet pump as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on the watercraft, rather than the conventional manner of sitting or standing inside the watercraft, or a watercraft that is similar in appearance and operation to a personal watercraft but that is powered by an outboard or propeller driven motor, or a watercraft less than 16 feet in length that travels across the water above or on a cushion of air provided by engines, propellers, or other means of propulsion.
- ~~(36)~~ (37) *Playground* means a piece of land used for, or equipped with, facilities for recreational use by children generally.
- ~~(37)~~ (38) *Policy* or *policies* means the administrative regulation or regulations established by the Director or the Utilities Director, and any amendments thereto, as authorized, required, or provided in this article that shall be on file at the office of the City Clerk.

- ~~(38)~~ (39) *Public boat docks* means the City-owned and/or operated facilities within the City-owned and/or operated reservoir for utilization by the general public, including, but not limited to, wet stalls, boat ramps, lockers, boat washes, piers, walkways, common areas, and any other City-owned facilities and areas on the land and/or on, in, or over the water utilized for the purpose of docking, utilizing, securing, or protecting the boats, personal property, and facilities. Provided, however, public boat docks shall not include any dock or wet stall that is leased or permitted for such use by a separate agreement with the City.
- ~~(39)~~ (40) *Racing shells, rowing sculls, and racing kayaks* means non-motorized watercraft propelled by oars or paddles that are extremely narrow in width and of great length compared to width, and that are primarily used for racing purposes.
- ~~(40)~~ (41) *Rental permit* means a permit issued by the Director in accordance with this article, and the policies established pursuant to this article, for the use of a wet stall or a dry stall at a City-owned and/or operated reservoir.
- ~~(41)~~ (42) *Riprap* means a foundation or sustaining wall of stones or chunks of concrete or rocks placed along embankments, slopes, and shorelines to prevent erosion.
- ~~(42)~~ (43) *Rowboat* means non-motorized watercraft other than canoes, racing shells, rowing sculls, and racing kayaks propelled through the water with oars or paddles.
- ~~(43)~~ (44) *Sail board, kite surfer, and windsurfer* means a flat, non-motorized watercraft that is propelled through the water by the action of the wind upon the sail.
- ~~(44)~~ (45) *Sailboat* means a non-motorized watercraft that is propelled through the water by the action of the wind upon the sails.
- ~~(45)~~ (46) *Snagging* means the dragging of a hook attached to a fishing line through the water to impale fish.
- ~~(46)~~ (47) *Stanley Draper Lake Reservation* means the public water supply reservoir known as Stanley Draper Lake and land and property owned and/or operated by the City and/or the Oklahoma City Water Utilities Trust immediately surrounding and adjacent thereto.
- ~~(47)~~ (48) *Stinchcomb Wildlife Refuge* means and includes two parcels of land generally located north of Lake Overholser running from the north shore of Lake Overholser to Wilshire Boulevard between the East River Road and the West River Road and known as the sedimentation basin.
- ~~(48)~~ (49) *Tailwater* means the first 1,000 feet below the base of a dam.
- ~~(49)~~ (50) *Under way* means the movement of a watercraft, whether by mechanical or non-mechanical means, that is other than incidental to the force of wind, waves, or current.
- ~~(50)~~ (51) *Utilities Director* means the Utilities Director or designee.
- ~~(51)~~ (52) *Wake* means the track of waves left by a watercraft or other object moving through the water, and such waves are greater than the natural waves in the immediate area of the watercraft, or are cresting and showing white water, or may cause injury or damage to any person or property.

(52) (53) *Watercraft* means every device other than a seaplane on the water, used or capable of being used as means of transportation on the water, including, but not limited to, personal watercraft.

(53) (54) *West Elm Creek Reservation* means the land and property owned and/or operated by the City and/or the Oklahoma City Water Utilities Trust designated by the Utilities Director as the proposed future site for the West Elm Creek Reservoir and/or Reservation.

(54) (55) *Wet stall* means the areas in the public marinas between the concrete dividers in which a boat is stored while still in the water. The wet stall shall include the adjoining front portion of each side of the water storage area.

(55) (56) *Yo-yo* means a mechanical fishing device.

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SECTION 2. That Sections 38-121 through 38-127, Article IV, Division 2, Division 3, and Division 4 of Chapter 38 of The Oklahoma Municipal Code, 2010, as amended, are hereby repealed.

SECTION 3. A new Division 2, Sections 38-121 through 38-124, Article IV of Chapter 38 of the Oklahoma City Municipal Code, 2010, are hereby ~~created~~ enacted to read as follows:

ARTICLE IV

GENERAL PARK REGULATIONS

* * *

DIVISION 2

CLOSE TO HOME FISHING LOCATIONS

* * *

§ 38-121. - Fishing

The Director may, from time to time, for the purpose of promoting special events or aquatic education classes within the designated Close to Home fishing locations, suspend all or portions of the regulations set forth for the duration of such special events or aquatic education classes.

- (1) Fish stockings shall be limited to the species of fish that are released by employees and representatives of the City and the Oklahoma Department of Wildlife Conservation.
- (2) All trout in possession must be kept on a stringer marked with that angler's name and state fishing license number. All anglers must have their own stringer.

§ 38-122. - Restrictions on game fish.

- (a) The following are classified as Oklahoma City game fish: largemouth bass, smallmouth bass, spotted bass, striped bass hybrid, black and white crappie, rainbow trout, sauger, saugeye, walleye, striped bass, white bass, and blue and channel catfish.
- (b) No Oklahoma City game fish from any City-owned and/or operated reservation or Close to Home fishing waters shall be used as bait.
- (c) No person shall take any Oklahoma City game fish by any means other than hook and line.
- (d) Anglers may take game fish according to the limits set forth in subsection (e) of this section in any one day from midnight to midnight, and licensed, nonresident fishermen shall not have in their possession on leaving the state more than a legal two-day catch of any species of Oklahoma City game fish.
- (e) No person shall take, catch, or kill any fish in violation of the limits and restrictions set forth below:

SIZE AND DAILY POSSESSION LIMITS FOR CLOSE TO HOME WATERS

<u>Species</u>	<u>Minimum Size*</u>	<u>Daily Possession Limit</u>
<u>Largemouth bass</u>	<u>None</u>	<u>No harvest (catch and release only)</u>
<u>Smallmouth bass</u>	<u>None</u>	<u>No harvest (catch and release only)</u>
<u>Spotted bass</u>	<u>None</u>	<u>None</u>
<u>Channel and/or blue catfish</u>	<u>None</u>	<u>6 fish (combined), with only one blue catfish over 30"</u>
<u>Crappie</u>	<u>None</u>	<u>37</u>
<u>Flathead catfish</u>	<u>20"</u>	<u>10</u>
<u>Rainbow Trout</u>	<u>None</u>	<u>6</u>
<u>Other</u>	<u>None</u>	<u>None</u>

*Note: Minimum size means fish caught that measures less than the minimum size length for that species must be returned to the water immediately. When measuring fish, length is measured from the tip of the snout to the end of the tail, with the fish laid flat on a ruler, mouth closed and tail lobes pressed together.

Provided, however, in no event shall any person take, catch, or kill any fish in violation of the method of taking, length limits, and bag limits as set by the Wildlife Conservation Commission of the state of Oklahoma, or in violation of the restrictions in this section.

§ 38-123. - Boating.

- (a) No individual, entity, or organization shall operate a motorized watercraft, sailboat, sail board, kite surfer, or windsurfer on any of the waters located within the boundaries of Kid's Lake at Wilshire Boulevard, except as authorized by the Director.
- (b) No individual, entity, or organization shall operate any boat or watercraft on any of the waters located within the boundaries of Dolese Youth Park, Route 66 Park, South Lakes Park West Pond, Edwards Park, or Zoo Lake, except as authorized by the Director; provided, however, that any boat or watercraft operated under the auspices of the Oklahoma City Zoological Trust shall be allowed on Zoo Lake.
- (c) No individual, entity, or organization shall operate any watercraft using a gasoline powered motor; or operate a sailboat, sail board, kite surfer, or windsurfer; or create a wake while using any watercraft on any of the waters located within the boundaries of the South Lakes Park East Pond, except as authorized by the Director.
- (d) No individual, entity, or organization shall operate a sailboat, sail board, kite surfer, or windsurfer, or create a wake while using any watercraft on any of the waters located within the boundaries of Crystal Lake, except as authorized by the Director.
- (e) No individual, entity, or organization shall operate a sailboat, sail board, kite surfer, or windsurfer, or operate any motorized watercraft powered by other than an electric trolling motor, or create a wake on any of the waters located within the boundaries of Kitchen Lake, except as authorized by the Director.
- (~~e~~) (f) No individual, entity, or organization shall store any watercraft overnight within the boundaries of any Close to Home Fishing location as listed in 38-85 (10), except as authorized by the Director.

§ 38-124. - Fishing float tubes.

- (a) Use of a fishing float tube in South Lakes Park East Pond, Kid's Lake at Wilshire Boulevard, Crystal Lake, and Kitchen Lake shall be limited to daylight hours only and in the following areas: coves, necks, and within 100 feet of the shorelines where not otherwise prohibited by ordinance.
- (b) All fishing float tubes, whether owned privately or otherwise, may be inspected and approved by the Chief of Police or designee prior to their initial use in the approved Close to Home Fishing locations, and annually thereafter.
- (c) All persons using fishing float tubes shall wear a U.S. Coast Guard approved personal flotation device at all times when operating fishing float tubes in the approved Close to Home Fishing locations.

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SECTION 4. That Sections 38-186 and 38-187, Article V, Division 3 (Part A), of Chapter 38 of the Oklahoma City Municipal Code, 2010, are hereby amended to read as follows:

**CHAPTER 38
PARKS, RECREATION, CULTURAL AFFAIRS, ETC.**

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**ARTICLE V
LAKE REGULATIONS IN GENERAL**

* * *

DIVISION 3 FISHING

Part A. GENERAL PROVISIONS

* * *

§ 38-186. - Restrictions on game fish.

(f) Specific limitations. No person shall take, catch or kill any fish in violation of the limits and restrictions set forth below:

LAKES HEFNER, DRAPER AND OVERHOLSER
(including tailwaters and downstream to N.W. 10th Street bridge)

Species	Minimum Size*	Daily Possession Limit
Largemouth bass <u>and/or</u> smallmouth bass	14"	6 (combined)
Smallmouth bass	18"	4
Spotted bass	None	None
Channel and/or blue catfish	None	15 fish (combined), <u>with only one blue catfish over 30"</u>
Crappie	None	37
Walleye	18"	5 <u>6</u>
Flathead catfish	20"	10
<u>Striped bass hybrid</u>	<u>None</u>	<u>20, with only five over 20"</u>
Other	None	None

SIZE AND DAILY POSSESSION LIMITS FOR CLOSE TO HOME WATERS

Species	Minimum Size*	Daily Possession Limit
Largemouth bass	None	No harvest (catch and release only)
Smallmouth bass	None	No harvest (catch and release only)
Spotted bass	None	None
Channel and/or blue catfish	None	6 fish (combined)
Crappie	None	37
Flathead catfish	20"	10
Trout	None	6
Other	None	None

*Note: Minimum size means fish caught which measures less than the minimum size length for that species must be returned to the water immediately. When measuring fish, length is measured from the tip of the snout to the end of the tail, with the fish laid flat on a ruler, mouth closed and tail lobes pressed together.

Provided, however, in no event shall any person take, catch, or kill any fish in violation of the method of taking, length limits, and bag limits as set by the Wildlife Conservation Commission of the state of Oklahoma, or in violation of the restrictions in this section.

§ 38-187. - Fishing float tubes.

- ~~(a) As used in this section, a fishing float tube is any device designed to keep a person fishing afloat in an upright position in the water, ordinarily consisting of protectively covered circular, inflated rubber tube or Styrofoam float, with a saddle type seat, in which the person fishing is seated while wearing watertight rubber waders.~~
- (a) ~~(b)~~ No person shall use a fishing float tube in any City-owned and/or operated reservoir, or reservation, South Lakes Park East Pond or Kid's Lake on Wilshire Boulevard, except during daylight hours and in the following areas: coves, necks, and within 100 feet of the shorelines where not otherwise prohibited by ordinance.
- (b) ~~(c)~~ All fishing float tubes, whether owned privately or otherwise, may be inspected and approved by the Chief of Police or designee prior to their initial use in the City-owned and/or operated reservoir, or reservation, South Lakes Park East Pond or Kid's Lake on Wilshire Boulevard, and annually thereafter.
- ~~(d) Approved fishing float tubes, may be used on all City operated reservations, South Lakes Park East Pond or Kid's Lake on Wilshire Boulevard, in the following areas: coves, necks and within 100 feet of the shorelines where not otherwise prohibited by ordinance.~~
- (c) ~~(e)~~ All persons using fishing float tubes shall wear a U.S. Coast Guard approved personal flotation devices at all times when operating fishing float tubes on any City-owned and/or operated reservoir or reservations, South Lakes Park East Pond, or Kid's Lake on Wilshire Boulevard.

INTRODUCED AND READ in the open meeting of the Council of The City of Oklahoma City on this 26th day of August, 2014.

PASSED by the Council of The City of Oklahoma City on this 23rd day of September, 2014.

SIGNED by the Mayor of The City of Oklahoma City on this 23rd day of September, 2014.

s/b Mick Cornett
MAYOR

ATTEST: (Seal)

Frances Kersey
City Clerk