

ORDINANCE NO. 717

AN ORDINANCE PROHIBITING BOW FISHING
ON LAKE MONTICELLO, ESTABLISHING A PENALTY
FOR VIOLATION THEREOF, DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the sport of bow fishing is intended for the harvest of rough, non-game fish; and

WHEREAS, bow fishermen have taken game fish from Lake Monticello as well as rough fish necessary for the control of aquatic vegetation:

NOW, THEREFORE, BE IT ORDAINED by the City of Monticello as follows:

SECTION 1: DEFINITIONS. The following definitions shall apply for purposes of this Ordinance.

"Archery" is defined as the act or technique of shooting with bow and arrow or similar equipment.

"Bowfishing" shall be defined as the taking or harvesting of any species of fish by use of archery equipment (i.e. bow and arrows).

"Personal Property" shall be defined as any boat, motor, trailer, boat accessory (including lights, generators, and motor driven fans) and fishing bows and arrows.

SECTION 2: VIOLATION. The practice of the sport of bow fishing shall be prohibited on Lake Monticello. It shall be deemed a violation of this ordinance to be caught in commission of the act of bowfishing or to possess archery type fishing equipment while in any water craft on Lake Monticello or along the shoreline at any place in which such equipment might be used to harvest any species of fish.

SECTION 3: FINE. A first violation of this ordinance shall be punishable by imposition of a fine of not less than \$100.00, nor more than \$150.00; for a second offense, a fine of not less \$200.00, nor more than \$300.00; and for each subsequent offense thereafter, a fine of not more than \$500.00 per each offense.

SECTION 4: FORFEITURE OF PERSONAL PROPERTY. Any personal property used in the commission of any violation of this ordinance shall be deemed subject to forfeiture pursuant to the laws of the State of Arkansas or the rules and regulations of the Arkansas Game and Fish Commission as the same may be applied.


SECTION 5. REPEALER. Any ordinances or portion thereof in conflict with this ordinance shall be deemed repealed to the extent of any such conflict.

SECTION 6. SEVERABILITY CLAUSE. Should any section of this ordinance be deemed unconstitutional or unenforceable for any reason, the section so deemed shall be severed from the ordinance and all other provisions of the ordinance not deemed unconstitutional or unenforceable shall remain in full force and effect.

SECTION 7. EMERGENCY CLAUSE. That continued bowfishing on Lake Monticello will cause harm to the habitat and the ordinance being necessary for the immediate preservation of the health, safety and welfare of the citizens of Monticello shall be considered in full force and effect from and after its passage.

SO ORDAINED this 18 day of July, 2002.


Harold D. West, Mayor


Cindy Fakouri, City Clerk/Treasurer

Proof of Publication

STATE OF ARKANSAS
COUNTY OF DREW.

I, Tom White, do swear that I am Editor, Chief Accountant of the ADVANCE MONTICELLONIAN, a weekly newspaper published in Drew County, Arkansas, having an actual and bona fide circulation in the City of Monticello and in said county and that the NOTICE, of which the annexed and attached is a true copy, was published for 1 consecutive weeks, as follows, to wit: 7/24

Subscribed and sworn to before me this 1 day of Aug 2002

Deborah A. Carter
Notary Public Clerk

My Commission Expires 10-5-11

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SECTION 5: REPEALER. Any ordinances or portion thereof in conflict with this ordinance shall be deemed repealed to the extent of any such conflict.

SECTION 6: SEVERABILITY CLAUSE. Should any section of this ordinance be deemed unconstitutional or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

