

(ORD. # 1-93)  
(ORD. # 05-14)  
(ORD. # 16-22)  
(ORD. # 03-23)

## **Chapter 122-Water Reservoir**

### **122.010 (Ord # 05-14) Lake Property Defined**

This chapter shall apply to the property generally known at the Holden City Lake in Johnson County, Missouri (hereinafter to as Lake Property). Said Lake Property is legally described in a document titled "Legal Description of Lake Property" which is hereby incorporated by reference as though fully printed herein. A copy of said document is available from Holden City Hall.

### **122.020 No Trespassing on Lake Property**

No person shall trespass on the Lake Property. Any person entering the Lake Property without authorization or proper permit, shall be guilty of trespassing.

### **122.030 (Ord #05-14) (Ord #16-22) (Ord # 03-23) Firearms**

No Firearms shall be discharged on the Lake Property except during the course of lawful hunting activities, and then, only shotguns are allowed, and the use of steel shot is mandatory.

### **122.040 (Ord # 05-14) (Ord #16-22) (Ord # 03-23) Lake Permits Required, Exceptions**

- Persons aged sixteen (16) through sixty-four (64), unless such person is in a wheelchair, must have a Lake Entry Permit (hereinafter "permit") to enter onto Lake Property unless specifically exempt by the Mayor or City Council. Any persons under age sixteen (16) must be accompanied by an adult, age 18 or older, with a valid Permit. No Permit is required if the adult responsible for the person aged sixteen (16) or under is age sixty-five (65) or older. Exemption forms are available at the Holden City Hall. Persons listed on an authorized fowl blind permit may enter the city lake without a lake permit during the period of the State fowl hunting season. The guest(s) of the blind permit holder(s) are required to obtain a city lake entry permit.

. Written exceptions to the permit may be granted to groups, events, or individuals for good cause shown.

NOTE: Verbal exemptions may be given for public safety purposes (i.e., law enforcement persons, fire personnel, etc.) for maintenance purposes by authorized Holden City employees. The Contractor for the Holden City Water Utilities and the Contractor's employees ARE EXEMPT from the Lake Property Entry Permit requirement, (WHILE WORKING). Fishing IS NOT permitted by those granted a verbal exception during the times the Lake Property is closed to the public. When exemptions to the permit are granted, the CITY OF HOLDEN shall be notified.

### **122.050 (Ord # 05-14) (Ord #16-22) General Rules**

- The rules and regulations for hunting, fishing and the taking, method of pursuit, and possession of any game, which are not

specifically modified by the following shall be in accordance with the rules and regulations of the Missouri Department of Conservation.

- No body/water contact sports (including but not limited to skiing, swimming, bathing) are permitted in the lake. Wading is permitted only when wearing appropriate clothing that does not allow the body to make contact with the water. Jet skis and wave runners are specifically prohibited.
- No fish cleaning is permitted on the Lake Property shoreline. Fish cleaning is allowed on the land provided the fish remains are buried at least ten (10) inches underground in a location that is at least one hundred (100) feet away from the lake itself, the pump station, and any roadway, building, or designated picnic area.
- The speed limit on any road within Lake Property is fifteen (15) mph.
- No houseboats or floating docks will be permitted upon the lake. Pontoons and canoes are permitted upon the Lake Property.
- It shall be unlawful for any person to dump or throw trash or rubbish on the Lake Property, or for any person to drop or throw any substance into the lake waters.
- No dogs will be permitted to run at large on Lake Property. Owners will be held responsible for any damage done by their dogs.
- Fireworks are prohibited, except by special permission of the Mayor or City Council.
- No open fires are allowed without special authorization from the Mayor OR City Council. Cooking is allowed in approved areas only.
- All persons are required to enter Lake Property through one of the designated entrances. Except that landowner who own property adjoining the Lake Property are allowed to enter Lake Property through their boundary fence.
- Intoxication and use of language likely to incite a violent response in a reasonable person are prohibited. No person shall commit any act of vandalism, excessive noise, (including loud music), destruction of property, or indecent behavior.
- All persons entering upon the Lake Property shall conduct themselves in an orderly and prudent manner, and shall comply with all the rules, regulations, and requirements contained in this ordinance, and all orders of the Police Department or special police, all other State and local laws, and shall comply with all the rules, regulations, and requirements posted upon the Lake Property.

- No dock, post, or other erection of any kind shall be constructed or placed in or upon the lake waters or surrounding lands of the lake, without special permission of the City of Holden or unless otherwise provided for herein.
- Rental of boats for hire is not permitted without written authority from the City of Holden.
- Parking or operating any motor vehicle, including ATVs, on other than designated roadways is expressly prohibited. Vehicles found parked in other than designated parking areas will be towed at owner's expense.
- Fishing on the Lake Property shall be allowed twenty-four (24) hours a day, seven (7) days per week. However, the Lake Property is closed to the public from 10:00 p.m. until 4:00 a.m. each day UNLESS a person has both a valid Missouri License for Conservation activities (if one is required) AND a permit or a written exemption from the Mayor or City Council.
- While on state property, all State, Federal, and local laws shall be complied with.
- Any person may be ejected temporarily from Lake Property by any law enforcement official or any city employee at any time there is reason to believe such person has violated any rule, regulation, or requirement of this chapter.

**122.060 (Ord # 05-14) Lake Property Permits to be Issued**

- All entry permits issued will be issued on the condition that applicants will abide by the rules, regulations, and requirements applicable to the Lake Property and will abide by all other applicable laws.
- The City of Holden reserve the right to, temporarily or permanently, close all or part of the Lake Property with respect to any activity at any time, The City of Holden further reserve the right to suspend any provision of this Ordinance at any time.
- Any misstatement or intentional error on any permit application shall render the permit void without further recourse and shall be deemed a misdemeanor.
- (Ord # 03-23) Designated entities who wish to sell city lake permits must have an agreement with the City of Holden outlining the process & procedure for the sale of City Lake Permits. Designated entities that issue Lake Permits may charge a fee of one dollar (\$1.00) in addition to the sum established for particular permits and retain said additional fee of one dollar (\$1.00) for their services in issuing the permit(s).

- All entry permits shall be issued on a yearly basis.

**122.070 (Ord # 05-14) Lake Shelter Area Reservations and Fees**

An individual or a group may reserve the Lake Shelter Area for one-time activities (including, but not limited to reunions, graduation parties, etc.) Those wishing to reserve the Lake Shelter Area shall make a request for reservation from the City of Holden and pay a \$75.00 fee at the time of reservation. Lake Permits are not required for participants at Lake Shelter Area reserved activities.

**122.080 (Ord # 05-14) (Ord # 03-23) Fees and Permits**

- No entry permit is required for individuals over 65 or under 16 years of age. There will be separate Fees for Resident and Non-Resident Permits. "Residents" are defined as a person who lives within the 64040 zip code permanently or on a long-term basis. The resident shall provide proof of residency before obtaining a Resident Permit. All others would be considered Non-Resident.
- Fees for permits:

SHELTER AREA/GROUP EVENTS	\$ 75.00
Individual Annual Resident	\$20.00
Individual Annual Non-Resident	\$25.00
Family Annual Resident	\$25.00
Family Annual Non-Resident	\$30.00
One Day Resident	\$5.00
One Day Non-Resident	\$10.00
Family One Day Resident	\$15.00
Family One Day Non-Resident	\$20.00

**122.090 (Ord # 05-14) Fishing**

- Any person wishing to fish, not exempted by age, shall have a Missouri fishing license along with a Lake entry permit.
- The method of fishing allowed shall be limited to three (3) hand poles. All other fishing methods are prohibited.
- The use of carp, buffalo, and goldfish minnows are prohibited.
- Frog hunting shall be lawful only during the season provided by State laws and the method of frogging and limit shall be the same as State laws, except no gun may be used. A proper state permit is required for frog hunting.

- No fish or other aquatic life may be stocked or introduced into the lake without prior written approval of the Missouri Department of Conservation.

**122.100 (Ord # 05-14) Boats and Regulations**

- (ORD # 03-03) Boat motors of any size may be used at the Holden City Lake. Any motor in excess of ten (10) horsepower may only be operated at slow, "no wake" speed.
- (ORD # 25-97) No body/water contact sports (including but not limited to skiing, swimming, bathing) are permitted in the lake. Wading is permitted only when wearing appropriate clothing that does not allow the body to make contact with the water. Jet skis and wave runners are specifically prohibited. The prohibitions set forth in this section shall not apply to law enforcement or emergency rescue personnel while engaging in their official duties or during training exercises.
- All persons operating boats upon the lake shall do so in a safe and prudent manner to ensure the safety of persons within the boat and other persons on the lake or surrounding land. No person shall permit the overloading of any boat.
- No person shall operate motor driven boats at such speeds as to create waves that may endanger the safety of other boaters or unduly interfere with fishing along the shoreline. No person shall operate any boat above no wake speed.

**122.110 (Ord #05-14) (Ord # 03-23) Liability on Lake Property**

The City of Holden shall not be responsible to a permit holder or any other person for injury to person or damage to property except as otherwise provided by law. All persons using the lake are responsible for safe boating and water conduct of themselves or those under their supervision and assume all risk of water related activities.

**122.120 (Ord # 05-14) Horseback Riding**

Horseback riding will be allowed in designated areas only.

**122.130 (Ord # 05-14) (Ord #16-22) Fowl Hunting**

- A fowl blind permit may be obtained by at least two (2) but not more than ten (10) persons joining together and making application. The applications shall then be randomly selected. Such blind permit may contain up to ten (10) names of persons to be designated as custodians of the permitted blind.
- The successful applicants will then be randomly assigned to designated blind locations.
- (Ord # 03-23) The fee for a fowl blind will be three hundred dollars (\$300.00) per blind entry permit in addition there shall be a one hundred dollar (\$100.00) blind deposit per permit. This deposit will be forfeited to the City of Holden if the blind is not removed within thirty (30) days after the close of fowl season. Each hunter listed on the fowl blind permit application may enter the city lake

without a lake permit during the period of the State fowl hunting season. The guest(s) of the blind permit holder(s) are required to obtain a city lake entry permit.

- Fowl hunting may only be done out of blinds, and blinds may only be set up in designated areas. There shall be no more than six (6) hunters at a time in any blind location.
- No blind location marker shall be removed, defaced, or destroyed.
- The fowl blind permit shall authorize the persons to whom it is issued to erect one (1) fowl blind for the next succeeding fowl hunting season at the location on the lake waters or surrounding areas designated by the City of Holden and to enter the city lake during the period of any State fowl hunting season.
- No fowl blind shall be erected prior to 10 days before the opening of fowl hunting season.
- Hunters will be responsible for building and removing their own fowl blinds.
- The guest(s) of the blind permit holder(s) are required to obtain a city lake entry permit.
- Any blind left on Lake Property after March 31<sup>st</sup> will become Holden City property and will be removed and disposed of and no deposit will be refunded.

**122.140 (Ord # 05-14) Hunting**

- Hunting is allowed on Lake Property only during lawful hunting seasons.
- All persons hunting on Lake Property must possess all required State and/or Federal hunting licenses.
- Bow hunting is allowed on Lake Property when lawful to hunt by such method under State law.
- Tree stands are allowed to be placed on Lake Property as long as such stands are portable and do not damage trees. Such stands may be erected and must be removed from the Lake Property no later than ten (10) days after the end of such archery season. Any stand left longer than ten (10) days after the ending of archery deer season, shall be deemed Holden City property and shall be disposed of.
- All tree stands shall at all times be labeled in such a manner that the owner can be identified along with his/her address and phone number.
- Firearm hunting is only allowed with a City waterfowl blind permit and may only be done with a shotgun and then steel shot not larger than what is allowed by state or federal law.

- **(Ord# 05-14) Enforcement and Penalty**
  - The City shall have the power to enforce the provisions of this Chapter under the City Police powers and may prosecute violations of this chapter in the Municipal Court for the City of Holden, Missouri. This is in no way meant to be an exclusive remedy and charges may be filed in the applicable State or Federal Court relative to violations of the respective Federal or State laws.
  - All entry or blind permits related to the use of the Lake Property may be revoked upon a conviction of the holder thereof for violation of any of the provisions of this chapter or for violation of any State or Federal law and any such person convicted of such violation may be permanently (or for a specified time) expelled from the Lake Property by the Holden City Council.
  - Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of no more than five hundred (\$500.00) dollars and/or by imprisonment in the County jail for no more than ninety (90) days.