ORDINANCE NO. 636

AN ORDINANCE EXTENDING THE PROVISIONS OF SECTIONS 439, 440, 441 and 442 OF CHAPTER 4, ARTICLE 4, OF THE REVISED ORDINANCES 1941 OF THE CITY OF DUNCAN; DESIGNATING AN ADDITIONAL WATER RESERVOIR OF THE CITY OF DUNCAN AS LAKE HUMPHREYS; DEDICATING SAID LAKE AND LANDS ADJACENT THERETO FOR PARK AND RECREATIONAL PURPOSES; PRESCRIBING THE LIMITATIONS AND BOUNDARIES THEREOF; AND ANNEXING AND INCORPORATING SAID LAKE AND LAND ADJACENT THERETO TO THE CITY OF DUNCAN; AND PROVIDING THAT ALL THE PROVISIONS OF THE CHARTER, ORDINANCES AND RESOLUTIONS OF THE CITY OF DUNCAN BE EXTENDED IN FORCE OVER SAID PROPERTY; AMENDING SECTIONS 449, 450 and 451 OF CHAPTER 4, ARTICLE 4, OF THE REVISED ORDINANCES OF 1941 OF THE CITY OF DUNCAN; MAKING IT UNLAWFUL TO TRESPASS ON SAID PREMISES; PROVIDING PERMIT FOR PRIVATELY OWNED COTTAGES; DESIGNATING WHERE BUILDINGS MAY BE LOCATED; BOATS FOR RENTAL PURPOSES; SANITARY TOILETS AND OTHER SANITARY PROVISIONS; PROVIDING THAT THE FISH AND GAME COMMISSION MAKE RULES AND REGULATIONS GOVERNING SAID PROPERTY, WHICH WHEN ADOPTED SHALL BE A PART AND PARCEL OF SAID ORDINANCES; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND DECLARING AN EMERGENCY.

AN ORDINANCE EXTENDING THE PROVISIONS OF SECTIONS 439, 440, 441 AND 442 of CHAPTER 4, ARTICLE 4, OF THE REVISED ORDINANCES OF 1941 OF THE CITY OF DUNCAN AS LAKE HUMPHREYS; DEDICATING SAID LAKE AND LANDS ADJACENT THERETO FOR PARK AND RECREATIONAL PURPOSES; PRESCRIBING THE LIMITATIONS AND BOUNDARIES THEREOF; AND ANNEXING AND INCORPORATING SAID LAKE AND LAND ADJACENT THERETO TO THE CITY OF DUNCAN; ETC.

EMERGENCY ORDINANCE

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

SECTION 1: COMMISSION'S JURISDICTION EXTENDED. That Section 439 of the Revised Ordinances of 1941 of the City of Duncan be extended as follows: That the jurisdiction of the Fish and Game Commission of the Duncan Lake and the Clear Creek Lake be extended to LAKE HUMPHREYS and adjacent lands owned by said City; that the Fish and Game Commission appointed by the City Manager of the City of Duncan shall be the Fish and Game Commission of LAKE HUMPHREYS, and the term of appointment and compensation as now provided shall remain the same.

SECTION 2: CREATING A PARK AREA DESCRIBED AS LAKE HUMPHREYS AND ANNEXING THE SAME TO THE CITY OF DUNCAN. WHEREAS, the City of Duncan has heretofore acquired the ownership of, and is now the owner of the surface rights in and to the following described real estate situated in Stephens County, Oklahoma, to-wit:

The SW¼ of the SW¼ of the SE¼ of Section 25, Township 2 North, Range 7 West (10 acres);

The N½, and the W½ of the W½ of the NE¼, and the NW¼ of the SE¼, and the S½ of the NE¼ of the SE¼, and the S½ of the SE¼ of Section 36, Township 2 North, Range 7 West (500 acres);

All of Section 35, Township 2 North, Range 7 West (640 acres);

The N½, and the SW¼, and the NW¼ of the SE¼, and the W½ of the NE¼ of the SE¼, and the SW¼ of the SE¼, and the NW¼ of the SE¼ of the SE¼ of Section 1, Township 1 North, Range 7 West (590);

The N½, and the SE¼, and the N½ of the N½ of the SW¼, and the S½ of the NE¼ of the SW¼, and the SE¼ of the SW¼, and the E½ of the SW¼ of the SW¼, of Section 2, Township 1 North, Range 7 West (600 acres);

The E½ of the E½ of the NW¼, and the E½ of the NW¼ of the NE¼ of the NW¼, and the W½ of the W½ of the NE¼, and the W½ of the E½ of the W½ of the NE¼, and the E½ of the E½ of the SW¼, and the E½ of the W½ of the NE¼ of the SW¼, and the W½ of the SE¼, and the W½ of the W½ of the NE¼ of the SE¼, and the SW¼ of the SE¼ of the SE¼, and the SW¼ of the NW¼ of the SE¼ of the SE¼, and the SE¼ of the SE¼ of the SE¼ of the SE¼ of Section 26, Township 2 North, Range 7 West (250 acres);

The NE¼, and the E½ of the NE¼ of the NW¼, and the NW¼ of the NE¼ of the NW¼, and the NW¼ of the SE¼, and the E½ of the E½ of the SE¼, and the SW¼ of the SE¼ of the SE¼, and the E½ of the SE¼ of the SW¼ of the SE¼, of Section 34, Township 2 North, Range 7 West (285 acres);

The S½ of the NE¼ of the NE¼ and the NW¼ of the NE¼ of the NE¼, and the E½ of the E½ of the NW¼ of the NE¼ of Section 3, Township 1 North, Range 7 West (40 acres);

The SE¼ of the SW¼ and the SW¼ of the SW¼ of the SE¼ of Section 27, Township 2 North, Range 7 West (50 acres);

The above described real estate, the surface to which is owned by the City of Duncan, Oklahoma, totalling in all 2,975 acres.

WHEREAS, The surface rights to the said property above described was acquired for the purpose of building and constructing thereon a reservoir for impounding water for the use of the City of Duncan and its inhabitants; and said reservoir has been so constructed for said purpose, and is known as LAKE HUMPHREYS; and

WHEREAS, Said lake and the land adjacent thereto belong to the City of Duncan and are suitable for park and recreation purposes, which will not interfere with the use of said lake and reservoir for securing water therefrom for the use of said City and its inhabitants:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DUNCAN, OKLAHOMA:

That the reservoir constructed upon the above described real estate be and the same is hereby officially designated as "LAKE HUMPHREYS", and that said lake and the real estate belonging to the City of Duncan adjacent thereto be, and the same is hereby, officially designated as the "LAKE HUMPHREYS" property.

That said LAKE HUMPHREYS property above specifically described be, and the same is hereby, dedicated for park and recreational purposes, under such rules as have been or may hereafter be prescribed by the governing body of said City, provided that the use of said property for said purpose shall not interfere with the use of said reservoir for the purpose of securing water for the use of said City and its inhabitants.

That said property above specifically described, including said LAKE HUMPHREYS and LAKE HUMPHREYS property, be, and the same is hereby annexed to and made a part and parcel of the incorporated city of Duncan, Oklahoma.

That all of the valid provisions of the charter of the City of Duncan, and amendments thereto, and all valid ordinances and resolutions of said City now in force, or that may hereafter be enacted, be, and they are hereby, extended in force over and on said LAKE HUMPHREYS and said LAKE HUMPHREYS property above specifically described.

SECTION 3: PERMIT FOR PRIVATELY OWNED COTTAGES, ETC. No person, firm or corporation shall erect or build any building or structure on LAKE HUMPHREYS property without first securing a permit therefor. A permit fee of $20.00 per year shall be paid in advance for each lot leased for privately owned cottages; that each year thereafter a permit fee shall be paid in advance in the sum of $10.00 per annum. Such permit shall be upon a form approved by the City Manager, and shall provide that the City of Duncan shall have a first lien upon all improvements placed upon such lots to secure payment of said permit fee or any other dues or fees that may be owing to the City of Duncan. Only one lot shall be leased to a family. No building or cottage shall be erected except upon plans to be approved by the City Manager and the Fish and Game Commission of the City of Duncan.

SECTION 4: WHERE BUILDINGS MAY BE LOCATED. All privately owned buildings or structures located on said LAKE HUMPHREYS property shall not be less than 660 feet distant from the high water mark of said LAKE HUMPHREYS, except police stations and boat houses and no cottage shall be built except upon locations designated and laid out by said City. No tents shall be put up or trailers parked for camping purposes except at places designated by the said City, and upon a permit secured for said purpose for temporary camp sites. A permit for temporary camp sites shall be for a period not exceeding two weeks.

SECTION 5: COTTAGES AND BOATS FOR RENTAL PURPOSES. No cottage shall be built on said property and no boat shall be placed on said lake, for rental purposes, except by the person or persons who may own the concession on said LAKE HUMPHREYS property for said purpose.

SECTION 6: SANITARY TOILETS. All persons owning a cottage on said property may erect in connection therewith, a sanitary toilet, but such toilet shall be built in accordance with plans and specifications thereof to be approved by the City Health Officer.

SECTION 7: OTHER SANITARY PROVISIONS. It shall be unlawful for any person to leave or deposit in the Lake or on Lake Property any substance or refuse which may tend to pollute the waters of said Lake, or to leave or deposit any cans or rubbish thereon.

SECTION 8: BOAT REGULATIONS. That Section 449 of the Revised Ordinances of 1941 of the City of Duncan be amended to read as follows: No boat shall be place upon said Lakes, meaning LAKE DUNCAN, CLEAR CREEK LAKE, and LAKE HUMPHREYS, until the same has been registered with the Keeper of said Lake Property, and the permit fee provided therefor paid in advance. No boat shall be registered or permitted to be operated upon said Lakes unless the same complies with the regulations provided and approved by the Fish and Game Commission of said City.

SECTION 9: PERMIT FOR FISHING AND HUNTING. That Section 450 of the Revised Ordinances of 1941 of the City of Duncan be amended to read as follows: No person shall fish or hunt on said Lakes or Lake Property without first securing a permit therefor, and paying such fees as may from time to time be provided by the rules and regulations of the Fish and Game Commission. No free permit shall ever be issued. No game, except migratory birds, shall be killed upon said Lakes or Lakes Properties, except as may be provided by the Fish and Game Commission.

SECTION 10: RULES TO GOVERN FISHING: That Section 451 of the Revised Ordinances of 1941 of the City of Duncan shall be amended to read as follows: No fishing shall be allowed in said Lakes until such times and under such conditions as shall be provided by the Fish and Game Commission, and no swimming shall be allowed or permitted in said Lakes.

SECTION 11: RULES BY FISH AND GAME COMMISSION. The Duncan Fish and Game Commission shall make rules and regulations governing boating, fishing and use of the Lakes and adjoining City properties belonging to said City. Said Commission may change or modify such rules from time to time which they may deem advisable. Such rules and regulations so adopted by said Fish and Game Commission shall have the same force and effect as an ordinance by said City and shall be and become a part and parcel of said City Ordinances.

SECTION 12: UNLAWFUL TO DUMP FISH, MINNOWS, ETC. It shall be unlawful to dump any fish, minnows, or water animals in LAKE HUMPHREYS except under the supervision of the Fish and Game Commission.

SECTION 13: APPOINTMENTS MADE ON RECOMMENDATION OF FISH AND GAME COMMISSION. The appointment of persons to have charge of the Fish Hatcheries on LAKE HUMPHREYS property, and the propagation of fish and game on LAKE HUMPHREYS property, shall be made upon recommendations of the Fish and Game Commission.

SECTION 14: PROVIDED, That the Council of the City of Duncan on recommendation of the Fish and Game Commission, may revoke any concession, permit or license of any person for violation of the ordinances, rules and regulations governing LAKE HUMPHREYS and its properties.

SECTION 15: DISTURBANCE OF THE PEACE. It shall be unlawful for any person to operate any boat upon the waters of LAKE HUMPHREYS at such speed or in such manner as to endanger the lives of themselves or to interfere with or disturb other persons in their boating, fishing, or other lawful acts. Such an act shall be deemed a disturbance of the peace and an offense.

SECTION 16: UNLAWFUL TRESPASS ON PROPERTY: It shall be unlawful for any person to trespass upon or loiter about or upon the buildings, improvements, fences and premises belonging to the LAKE HUMPHREYS property, or to trespass upon or loiter upon or about any property located upon said above described properties or premises which may belong to any other person or which may be in the possession or charge of any concessioner or licensee thereof, without the consent of the City of Duncan and the consent of such concessioner or licensee thereof.

SECTION 17: PENALTY. Any person, firm or corporation violating any provision hereof or violating any rules or regulations so adopted by said Fish and Game Commission shall be guilty of an offense, and upon conviction thereof shall be fined in a sum not exceeding $20.00, including all costs.

SECTION 18: That nothing in this Ordinance shall modify, change or void any of the provisions of Chapter 4, Article 4, Sections 439 to 455, inclusive, of the Revised Ordinances of 1941, except such sections which have been herein specifically amended.

SECTION 19: EMERGENCY. For the preservation of the public peace, health and safety, and there being no adequate ordinances covering the subject matter hereof, an emergency is hereby declared to exist, by reason whereof this Ordinance shall take effect and be in force from and after its passage and approval and publication.

PASSED AND APPROVED This 6th day of May, 1958.

/s/ Wayne W. Holden
MAYOR

ATTEST:

/s/ T. E. Capp
CITY CLERK

(SEAL)

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