

**STATE OF ALABAMA
COUNTY OF BLOUNT
TOWN OF HIGHLAND LAKE**

ORDINANCE NO. HL 2020-04

**AN ORDINANCE ESTABLISHING A LICENSE AND PERMIT FOR THE USE,
DEVELOPMENT AND CONTROL OF HIGHLAND LAKE AND TO BE KNOWN AS
THE "LAKE USE PERMIT" AND TO FIX THE PURCHASE COST OF SUCH
PERMITS, THE DURATION OF VALIDATION AND TO ESTABLISH THE USES FOR
SAID PERMIT, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS
ORDINANCE**

**BE IT ORDAINED BY THE TOWN COUNCIL OF HIGHLAND LAKE, ALABAMA, AS
FOLLOWS:**

SECTION 1: LAKE USE PERMIT

In order to maintain the Highland Lake Dam, develop and manage Highland Lake Park and Recreational areas, and to provide custodial care of Highland Lake and Recreational areas, all persons using Highland Lake and Recreational areas are required to purchase either an annual (or a daily) "Lake Use Permit".

SECTION 2: THE PERMIT DESCRIPTION AND FEE

- A. RESIDENTS - WATERFRONT PROPERTY: Annual Lake Use Permit fee is two hundred and no/100 dollars (\$200.00) per year plus twenty-five and no/100 dollars (\$25.00) for a dock sticker and twenty-five and no/100 dollars (\$25.00) per motorized watercraft per year with a four motorized watercraft limit per permit holder for property owners. RESIDENTS - NON-WATERFRONT PROPERTY: Annual Lake Use Permit fee is one hundred and no/100 dollars (\$100.00) per year plus twenty-five and no/100 dollars (\$25.00) per motorized watercraft per year with a four motorized watercraft limit per permit holder for property owners. NON-RESIDENTS: Annual lake use permit fee is four hundred and no/100 (\$400.00) per year. This permit will cover one (1) motorized (or non-motorized) vessel, and one additional non-motorized vessel, if desired, i.e., non-motorized canoe or kayak. Maximum of two vessels.
- B. Daily LAKE USE PERMIT fee is two and 50/100 dollars (\$2.50) per person for bank fishing where permitted. Individuals purchasing a DAILY LAKE USE PERMIT will be issued an identification card valid only for the day issued and is not transferable. A yearly DAILY LAKE USE PERMIT for two people for "bank fishing" will be issued for one hundred dollars (\$100).
- C. There will be no charge for handicapped persons fishing from the bank. You must show proof of handicap (such as parking permit) and apply for a daily lake use permit in advance from the Town Clerk. This permit will be valid for one year, beginning May 15 and ending May 14 of the next year.
- D. Annual Permits will not be issued to a non-resident for the use of Personal Watercraft, such as, but not limited, to seadoos and wave runners

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Failure to purchase permits as described shall be in violation of HL-2020-04

SECTION 3: DISPLAY REQUIREMENTS WITH TIME AND QUANTITY RESTRICTIONS

- A. Each Property owner/resident who purchases a Lake Use Permit will be entitled to a watercraft decal for each craft (with a limit of (4) four) registered in the name of the property owner, with the STATE OF ALABAMA.
 - 1. A decal will be issued at the time a Lake Use Permit is purchased, and shall be displayed on the dock, pier or boathouse of the property owner/resident for identification from the water, indicating the presence of a valid LAKE USE PERMIT.
- B. Non-property owners may purchase an annual permit, which shall be restricted to the use of the purchaser/permittee. This permit will cover one (1) motorized (or non-motorized) vessel, and one additional non-motorized vessels if desired, i.e., non-motorized canoe or kayak. Maximum of two vessels.
- C. Annual LAKE USE PERMITS are valid for one (1) year beginning at 12:01 a.m. on May 15th of each year and are delinquent after May 31st of each year. A ten dollar (\$10.00) late charge will be charged for all delinquent permits.
- D. Daily LAKE USE PERMITS are valid only for the day issued and are not transferable.
- E. Purchasers of Annual permits and Daily permits will be issued recognizable identification material.

Failure to purchase permits as described shall be in violation of HL-2020-04

SECTION 4: USE OF PERMIT

- A. Lake Use Permits are necessary for any water activity including boating, swimming, fishing and other water recreation.
- B. Lake Use Permits are necessary for any permanently constructed or temporarily positioned structure extending from owners/resident's property into the water.
- C. Watercraft identification decals must be displayed on the watercraft in the area adjacent to the state registration numbers and must be clearly visible.
- D. Daily Lake Use Permits must remain with purchaser at all times. Permits are not transferable.

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Improper use of permits as described shall be in violation of HL-2020-04

SECTIONS: HOLD HARMLESS AGREEMENT

As part of the permit process approved by the town council, a hold harmless agreement must be signed before lake use decals are issued (reference Amendment to HL-05-04 Regulating the use of Town Property).

SECTION 6: PENALTIES

A. Upon the determination of the Mayor of the Town, or his/her subordinate that any violation of this Ordinance exists after notice, such official shall issue a citation to the property owner. The citation shall identify the violation and shall notify the Defendant, if this is a fourth offense, to appear in the District Court of Blount County, Alabama, at the time and place stated in the citation to answer the charge. The Defendant shall have all rights secured to persons charged in the town with violations generally. If the Defendant is found guilty by the District Court of Blount County, Alabama, the Court may impose a fine or imprisonment or both and court costs. Violations of this Ordinance are punishable by a term of imprisonment in the Blount County Jail not to exceed 30 days and a fine not to exceed \$500.00.

B. For a first offense, the property owner shall be required to pay a fine of \$50.00. For a second offense, the property owner shall be required to pay a fine of \$100.00. For a third offense, the property owner shall be required to pay a fine of \$500.00 and suspension of the lake use privileges for one year. For a fourth or subsequent offense, the property owner shall have a complaint filed against him or her in the District Court of Blount County, Alabama and punishment shall be determined by the District Court Judge. The fines for a first, second or third offense shall be paid to the Town Clerk at the Highland Lake Town Hall. Failure to pay the fine for a first, second or third offense may result in charges being brought against the owner or person in charge in the District Court for Blount County, Alabama.

A non-resident that has launched his boat on the lake without having registered his boat and therefore has no Boat Sticker on said boat will be in violation of this Ordinance and will be fined \$400.00.

Any person having three convictions for reckless operation of a watercraft upon the waters of Highland Lake shall have no recourse or right of appeal but shall forfeit all Lake Use Privileges.

Any person found upon the waters of Highland Lake after having Lake Use Privileges revoked shall be guilty of unlawful trespass and shall be so charged.

C. Any person convicted of any offense provided for herein by the Blount County District Court shall have the right to appeal to the Blount County Circuit Court, Criminal Division, for a trial de novo by filing within the same time and in the same manner as prescribed with the law for violations generally.

SECTION 7: PASSAGE OF ORDINANCE

Upon passage of this Ordinance, all previous Ordinances and amendments pertaining to Lake Use Permit for the Town of Highland Lake, Alabama are hereby rescinded.

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Adopted and approved this the 4th day of August 2020.

_____ Donna Hanby, Mayor	_____ Sid Nelson, Council
_____ Chase Moore, Council	_____ Carl Randall, Council
_____ Ramzi Malek	_____ Greg Posey, Council
ATTEST:	
_____ Joan Shirley, Clerk	