

ORDINANCE NUMBER 2025-003

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS RELATED TO BAY'S
LAKE WITHIN THE TOWN OF BERRY ALABAMA.

WHEREAS, the Town of Berry, Alabama ("the Town") purchased a reservoir for the Town's Water System on or about January 25, 1985 and has operated this reservoir as a water source for the Town's Water System on an ongoing basis, and;

WHEREAS, this lake has come to be known as "Bay's Lake", and;

WHEREAS, it is vital to the health, safety, and welfare of the Citizens of the Town of Berry and all users of the Town's Water System that Bay's Lake remain in a suitable condition to serve as a reservoir, and;

WHEREAS, the Town of Berry desires to allow the public to gain use and enjoyment of Bay's Lake in such a manner that its use as a reservoir remains unaffected; and

WHEREAS, numerous incidents have occurred causing negative impacts to the Town's Water System and possible negative impacts to the use of Bay's Lake as a reservoir causing the Mayor of the Town of Berry to raise the issue with the Town Council; and

WHEREAS, there are increasing regulations placed on public water systems by the Federal Environmental Protection Agency and the various State of Alabama authorities, including but not limited to the Alabama Department of Environmental Management; and,

WHEREAS, the Town of Berry, Alabama is exploring options to raise the dam of Bay's Lake; and,

WHEREAS, the Mayor and Town Council of the Town of Berry wish to establish rules and regulations regarding the use and access to Bay's Lake in order to best preserve its status as a reservoir for the Town; now

THEREFORE, BE IT ORDAINED by the Council of the Town of Berry, Alabama, that pursuant to its authority as described in §11-45-1 of the Code of Alabama, as follows:

Section 1. Definitions

- (a) Lake: The word “lake” shall mean and include the Town of Berry reservoir currently referred to as “Bay’s Lake”.
- (b) Personal Watercraft: A vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than inside the vessel.
- (c) All other terms shall have their standard meaning as found in a recognized dictionary.

Section 2. Lake Declared Public Waters for Certain Purposes

(a) It shall be unlawful for any person to commit any offense, which is declared to be a misdemeanor in the state water safety laws and regulations, which have the force and effect of law when duly adopted by the state department of conservation, on any area of land, or on the waters thereof, acquired by the Town and known as Bay’s Lake.

(b) For the purpose of control and enforcement of the state laws and regulations by enforcement officers of the state water safety division, said lake is hereby declared to be public waters.

Section 3. Docks

- (a) Only floating docks, piers, or other structures intended to serve as docks shall be permitted for the purposes of accessing the waters of Bay’s Lake without first seeking the approval of the Town of Berry.
- (b) The Town of Berry shall establish rules and regulations for the permitting of any new structures that in any manner exist on or above the water of Bay’s Lake.

Section 4. Rules and Regulations for use of Bay's Lake

- (a) Personal watercraft, including but not limited to jet ski or similar vessels, are hereby prohibited from use on Bay's Lake.
- (b) To operate any vessel that relies on gasoline-fueled propulsion on Bay's Lake must be idle speed only. The Lake is designated a "no wake zone."
- (c) All State boating laws, rules, and regulations shall apply as enforceable on Bay's Lake.
- (d) Anyone launching a vessel on Bay's Lake does so at their own risk and should observe any and all private property rules.
- (e) The operation of any vessel by a person under the influence of alcohol or other substances shall be prohibited.
- (f) No person shall operate any vessel where a valid vessel license is required by the State of Alabama without first obtaining said license.
- (g) It shall be unlawful to tow any person or object behind any vessel on Bay's Lake. This shall include but not be limited to knee boarding, wake boarding, water skiing, tubing, or any other method of towing a person or object on the lake.
- (h) Vessels propelled by electric motors and/or human-powered propulsion methods are allowed on Bay's Lake, but must observe a "no-wake" speed throughout the lake. This may also be referred to as "idle speed" in the case of gasoline propelled vessels for the purposes of clarification.
- (i) The operator and/or owner of any vessel in use on Bay's Lake is held directly responsible for the actions and conduct of the passengers and equipment in the vessel.

- (j) Fishing is allowed on Bay's Lake, but only via the hook and line method of doing so with a single hook and line per person. Only artificial or natural bait may be used to take or attempt to take fish from Bay's Lake. Those engaging in fishing on Bay's Lake must adhere to all other State of Alabama regulations regarding fish and wildlife.
- (k) No overnight camping is permitted.
- (l) There shall be no persons on Bay's Lake after 12 a.m. without permission, Individuals in violation of this Ordinance may be subject to prosecution for criminal trespass.
- (m) It shall be unlawful to litter on Bay's Lake.
- (n) It shall be unlawful to deface, litter, or destroy any real or personal property of the Town of Berry on or about Bay's Lake. This includes any property of the Town of Berry Water System.
- (o) It shall be unlawful for any vessel or boat on the Lake to be equipped with a toilet or sanitary system of any type whatsoever. Any vessel in violation of this provision shall be subject to immediate removal from the Lake.

Section 5. Swimming

- (a) There are no designated swimming areas on the Lake. Due to the remote location and limited access for emergency/rescue operations, entering the water, wading, or swimming in the lake is strongly discouraged. By doing so, swimmers may place themselves in danger. Persons doing so shall at their own risk.
- (b) No person shall swim more than 200 feet from the shoreline.

- (c) It shall be unlawful for any person to swim within 200 feet of the Town's raw water intake pumps for the Town's Water System.

Section 6. Construction and Land Disturbances

- (a) There shall be no cutting of any trees or other vegetation by any unauthorized individual on any of the Town's easements and rights-of-way or other access points.
- (b) There shall be no new construction of any kind within 200 feet of the shoreline of Bay's Lake without the Town's permission.

Section 7. Penalties

- (a) A violation of any of the provisions within this Ordinance shall constitute a misdemeanor.
- (b) Any violation shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) and may be imprisoned in the county jail or hard labor for a period not to exceed six (6) months or both, by the discretion of the Court.

Section 8. Severability

The terms and conditions contained within this Ordinance are severable and each part thereof is adopted separately by the governing body of the Town of Berry, Alabama. If for any reason a portion of this Ordinance is declared invalid by any Court having jurisdiction to do so, the remainder of the Ordinance shall remain in full force and effect.

Section 9. Other Laws and Regulations

Any prior laws, rules, or regulations of the Town of Berry, Alabama that are in conflict with those contained herein is hereby repealed and declared invalid.

Section 10. Effective Date.

This Ordinance shall become effective upon its publication as provided by law.

ADOPTED AND APPROVED by the Town Council of the Town of Berry, Alabama, this the

2 day of March 2026.

BERRY TOWN COUNCIL

By: 
Mayor

ATTEST:


City Clerk