

**ORDINANCE NO. 2025-01**

**AN ORDINANCE OF THE  
THE CITY OF FAIRFIELD BAY, ARKANSAS,  
PROTECTING THE LYNN CREEK CROSSING AREA  
ON WEST CLIFF DRIVE, CITY OF FAIRFIELD BAY,  
VAN BUREN COUNTY, ARKANSAS,  
FROM ALL-TERRAIN VEHICLES,  
UTILITY TASK VEHICLES,  
AND ALL OTHER MOTORIZED VEHICLES;  
ESTABLISHING A PENALTY FOR VIOLATIONS;  
DECLARING AN EMERGENCY;  
AND FOR OTHER PURPOSES**

*WHEREAS*, The City of Fairfield Bay, as well as the surrounding communities, suffered significant damage from flooding and severe storm damage in 2011, including damage to the spillway crossing at Lynn Creek ("Lynn Creek Crossing") on West Cliff Drive; and

*WHEREAS*, The City, as part of its response to the flood and storm damage the previous year, in 2012 received a grant from the U.S. Department of Commerce Economic Development Administration to repair and upgrade the Lynn Creek Crossing on West Cliff Drive, including raising the spillway and installing larger pipes underneath the roadway; and

*WHEREAS*, The City, in August of 2018, again suffered significant damage from flooding, substantially degrading the recently-completed repairs to the West Cliff Drive crossing over Lynn Creek, with erosion threatening the integrity of the recently-completed project; and

*WHEREAS*, the City, later in 2018, received significant support from the community, the State of Arkansas Natural Resources Commission, and the Fairfield Bay Community Club, Inc., to fund repairs to the Lynn Creek Crossing on West Cliff Drive, and to prevent further similar problems in the future; and

*WHEREAS*, the City estimates that total repair costs for the Lynn Creek Crossing on West Cliff Drive, including upgrades and other soil erosion protections, made from 2012 to 2020, total nearly one million dollars (\$1,000,000.00); and

*WHEREAS*, the City seeks to protect the significant community investment in the Lynn Creek Crossing on West Cliff Drive, made over the course of years, by prohibiting the use of

motorized vehicles, including off-road vehicles, All Terrain Vehicles, Utility Task Vehicles, golf-carts, electric scooters, electric bicycles, dirt bikes, motorcycles, and all other motorized forms of transportation within a five hundred feet of the Lynn Creek Crossing, upon which West Cliff Drive passes; and

**WHEREAS**, the City of Fairfield Bay desires to amend its Municipal Code provisions for the regulation of the disposal of waste in the City of Fairfield Bay;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS**, that the following amendments are made to TITLE 8 Prohibitions on Vehicular Traffic at Lynn Creek Crossing underpass on West Cliff Drive, as set forth herein, with additions in *bold italics* and deletions in interlineated bold text like the word **deletions**:

1. **CODIFICATION REQUIRED:** This addition of Chapter 8.20, Prohibitions on Vehicular Traffic at Lynn Creek Crossing underpass on West Cliff Drive, should be **ADDED TO TITLE 8 OF THE MUNICIPAL CODE**. The Municipal Code be, and it is hereby **AMENDED**, accordingly, as set forth below.
2. **NOT TO BE CODIFIED: SUPPLEMENTAL.** The provisions set forth herein, in Chapter 8.20 – Prohibitions on Vehicular Traffic at Lynn Creek Crossing underpass on West Cliff Drive, are **SUPPLEMENTAL** to the Municipal Code. No explicit repeal is intended.
3. **CODIFICATION REQUIRED: Chapter 8.20 be, and it is hereby, added to the Municipal Code as set forth herein:**

*8.20.01 Prohibition It shall be unlawful to operate motorized vehicles on the creek-bed at Lynn Creek, within five hundred feet of each side of West Cliff Drive, whether or not water is present. It shall be unlawful to operate motorized vehicles within five hundred feet (500') of each side of West Cliff Drive where it crosses Lynn Creek; the five-hundred foot area shall commence at the High Water Mark on each bank of Lynn Creek, continuing FIVE HUNDRED feet (500') away from each bank of Lynn Creek. This prohibition shall continue along West Cliff Drive, for five hundred feet on each side of the roadway, for the entire length of the roadway across Lynn Creek, plus five hundred feet (500') from each end of the improvements made to West Cliff Drive to create the crossing over Lynn Creek. This prohibition specifically applies to All-Terrain Vehicles (ATVs), Utility Task Vehicles (UTVs), Golf Carts, motorized scooters,*

*motorized bicycles, electric bicycles, electric scooters, dirt bikes, motorcycles, automobiles, trucks, and all other types of motor vehicles, including electric vehicles.*

**8.20.03 Exceptions** *Nothing in this Ordinance shall be construed so as to apply to:*

- A. Any motor vehicle that is operating on the roadway (West Cliff Drive).*
- B. Emergency Vehicles, including those vehicles used to respond to an emergency.*
- C. Law enforcement vehicles, including vehicles used for law enforcement, even if unmarked.*
- D. Federal officials in the course of their official duties.*
- E. State officials in the course of their official duties.*
- F. County officials in the course of their official duties.*
- G. Local government officials in the course of their official duties.*
- H. Authorized personnel, in the course of their official duties, including maintenance personnel, contract workers, and others with official duties that directly relate to Lynn Creek, West Cliff Drive, and the surrounding land.*
- I. A designated parking area for ATVs or UTVs or both, at the entrance to the Blue Trail.*

**8.20.05 Enforcement** *The provisions of this Ordinance shall be enforced by the Department of Public Safety, and by any state, county, or local police department. They are hereby authorized and empowered to issue citations to any persons violating this Ordinance.*

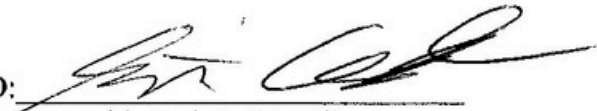
**8.20.07 Penalty** *A first violation of this Ordinance is hereby declared to be a VIOLATION and punishable by a fine of not less than Five Hundred Dollars (\$500.00), plus all court costs, fees, and expenses. Each separate incursion on the area of the prohibition shall constitute a separate offense. The second, and each subsequent violation (after a first violation) is hereby declared to be a VIOLATION and punishable by a fine of not less than One Thousand Dollars (\$1000.00), plus all court costs, fees, and expenses.*

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4. **NOT TO BE CODIFIED:** For additional informational purposes, the City will cause appropriate signs to be posted, on both sides of West Cliff Drive. **The SIZE of the signs shall be twenty-four inches by twenty-four inches (24" x 24")**, and shall include language such as: "AUTHORIZED VEHICLES ONLY," "NO ATVs, NO UTVs" and "PROTECTED AREA, ENHANCED PENALTIES APPLY TO UNAUTHORIZED ACCESS." **The lack of signs shall not constitute a defense to any violation.** The City will cause to be posted at least TWO signs on each side of West Cliff Drive, provided that funds are available.
  
5. **NOT TO BE CODIFIED: EMERGENCY CLAUSE: EFFECTIVE DATE:** Because of the potential danger to public peace, health, and safety, and because of the risk of damage to the improvements made on West Cliff Drive at the Lynn Creek Crossing, the City Council finds and concludes that AN EMERGENCY HEREBY EXISTS, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, **IT SHALL BE IN FULL FORCE AND EFFECT ON JANUARY 31, 2026, AT 11:59 P.M.** and after that date.
  
6. **NOT TO BE CODIFIED: SEVERABILITY CLAUSE:** If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

***IT IS SO CONSIDERED, ORDAINED, AND DECLARED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, ON this 12 Day of JANUARY, 2026, at a regular Meeting of the City Council.***

APPROVED: \_\_\_\_\_

  
Honorable Seth J. Connell  
Mayor  
City of Fairfield Bay

ATTEST, a true copy:



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Honorable Rose M. Ostronic Owen  
Recorder-Treasurer

Prepared at the request of Council,  
And Mayor:

A.J. Kelly

Kelly Law Firm, PLC

PO Box 251570

Little Rock AR 72225-1570

Rev: 12/8/25