

ORDINANCE NO. 49

AN ORDINANCE PRESCRIBING RULES GOVERNING THE BOAT RAMP AND DOCKS OWNED BY THE CITY OF PELICAN BAY; PROVIDING FOR CERTAIN FEES FOR USE IN CONNECTION THEREWITH; PROVIDING FOR CERTAIN SAFETY REGULATIONS IN CONNECTION THERETO; PROVIDING FOR CERTAIN PENALTIES AND FINES FOR VIOLATIONS OF SAID REGULATIONS; PROVIDING THAT EACH VIOLATION IS A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MATTER RELATED THERETO.

WHEREAS, the City of Pelican Bay, Texas (the "City") recognizes the need to provide for the public health, safety and welfare of the citizens of the City; and

WHEREAS, the City presently owns, operates and maintains a boat dock and ramp on Eagle Mountain Lake (the "Facilities"); and

WHEREAS, the City now finds the need to establish certain fees for the use of the Facilities; and

WHEREAS, the City finds that certain regulations are necessary in order to provide for the safety and welfare of its citizens in connection with the use of the Facilities and to provide penalties and fines in order to enforce those regulations.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PELICAN BAY, TEXAS, AS FOLLOWS:

Section 1. The City, acting through its Board of Aldermen, now finds that the fees for use of the Facilities shall be \$30. per year or \$3.00 per day. Both annual and daily permits shall be purchased from the City. The annual permit shall be displayed on the left front tongue of the boat trailer belonging to the permit holder and which is parked at the Facilities on the day of use of the Facilities. The daily permit shall be displayed on the left side of the rear window of the vehicle of the permit holder and which is parked at the Facilities on the day of use of the Facilities. Residents of the City may receive a free boat launch permit upon showing proof of residency and proof of ownership of their boat.

Section 2. The City, acting through the Board of Aldermen, now adopts the following regulations in connection with the use and operation of the Facilities:

- A. Bicycles and motorcycles shall not be permitted on the Facilities.
- B. Swimming shall be permitted only in the designated area which shall be marked by a rope.
- C. Swimming shall not be permitted after dark.
- D. A sign shall be posted to notify all swimmers that they swim at their own risk.
- E. There shall be no abusive activities permitted on the Facilities. By abusive activities is meant activities which in any way harm, vandalize, destroy or deface public or private property at the Facilities or immediately adjacent thereto.

Section 3. Any person who shall violate any of the above regulations or who shall attempt to use the Facilities without the proper permit shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than Twenty Five (\$25.00) Dollars and not to exceed Two Hundred (\$200.00) Dollars, and each violation shall constitute a separate offense and shall be punishable accordingly. Prosecution and conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.

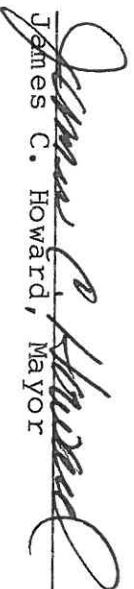
Section 4. It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation of any such invalid phrase, clause, sentence, paragraph or section.

Section 5. The Board of Aldermen may from time to time amend this Ordinance in accordance with appropriate procedures provided by law.

Section 6. This Ordinance shall become effective from and after its passage and publication as required by law.

PASSED AND ADOPTED this first day of July, 1986.

(S E A L)


James C. Howard, Mayor

Adopted on July 1, 1986
Effective on Sept. 25, 1986.


Teresa L. Whorton
Assistant City Secretary

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