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ORDINANCE NO. 955

AN ORDINANCE AMENDING CHAPTER 20, PARKS AND RECREATION, ARTICLE II, MUNICIPAL LAKES; PROVIDING CERTAIN CONDITIONS CONCERNING PIERS AND DOCKS; PROVIDING CERTAIN BUILDING AND SEPTIC TANK RESTRICTIONS; PROVIDING FOR CERTAIN ZONES OF USAGE AND SPEEDS FOR SAME; PROVIDING FOR CONDITIONS FOR RECREATIONAL PROGRAMS; PROHIBITING PARKING VEHICLES ON PUBLIC BOAT RAMPS; PROVIDING A SEVERABILITY CLAUSE, A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Section 20-14, Building Permits - Building Specifications and

Requirements, of Chapter 20, Parks and Recreation, Article II, Municipal Lakes, of the

Abilene Municipal Code be, and the same is hereby amended by relettering subsection (d)

as (g), repealing present subsection (e) and by adding new subsections (d), (e), (f) and (h) as follows:

" (d) All piers, wharves, floats and docks shall be inspected by the Lake Patrol Officers during the month of July each year. The owner or lessee of the property on which the structure is situated shall be notified in writing if the structure does not meet the code requirements. If the structure does not meet the code requirements, repair or alteration shall be required at the owner's or lessee's expense to bring such structure into compliance with this chapter within thirty (30) days of receipt of notification of deficiency. A permit tag shall be issued to all such structures which meet code requirements. The permit tag issued shall be firmly affixed to the structure where it will be visible from the lake-side approach to this structure. An annual fee of Five Dollars (\$5.00) shall be charged for this permit. All such structures in existence at Lake Fort Phantom Hill, regardless of the date of their construction, shall be repaired as necessary to meet the requirements of this code.

(e) In no event shall metal barrels or oil drums be used in the installation, repair or remodeling of a pier or dock. The property owner or lessee shall maintain all piers and docks in a safe condition for their intended use at all times. All existing drums shall be removed prior to July 1, 1979.

(f) Any pier or dock which extends fifty feet (50') from 1635.0 MSL or extends out to the 1630.0 MSL contour line, shall be continuously lighted during the period after sunset and before sunrise each calendar day with amber lights as follows:

(1) The light station shall be on the end or side of the structure farthest from the shoreline.

(2) Each light station required by this section shall have a two (2) bulb fixture with two (2) operable amber light bulbs of at least fifteen (15) watt intensity each and the lights shall be elevated at least two feet (2') above the horizontal surface of the pier or dock and so located as to be visible from all directions on the surface of the lake.

- (3) The lights shall be so wired with a photo-electric cell-operated switch that the light will automatically operate during the hours the structure is to be lighted as required in this subsection.
- (4) Weatherproof lamp holders and weatherproof junction boxes shall be used for placement of the light fixtures at each light station.
- (5) Every structure of the type described in this section, regardless of the date it was constructed, or altered, shall be lighted in the manner described in this section, by July 1, 1977.

(h) From and after July 1, 1977, any structure erected or structurally altered in or along the shoreline of Lake Fort Phantom Hill, including residential and commercial structures, but excluding boat houses, docks and other non-residence structures which must have water contact, shall be situated so that the floor of such building shall be above the elevation of 1642 ft. above MSL. No new or additional septic tanks shall be installed or permitted either below elevation 1642.0 MSL or within twenty-five feet (25') horizontally of the elevation 1635.0 MSL spillway level contour line and no new or additional drain lines shall be installed closer than fifty feet (50') of elevation 1635.0 MSL, provided that any septic tank or drain line existing on July 1, 1977, that does not meet these requirements but is in use at such time may continue to be used and maintained contingent upon proper maintenance as determined by periodic inspection and subject to all existing and future federal, state and city rules, regulations, laws and ordinances."

PART 2: That Section 20-19, Operation of Boats, of Article II, Municipal Lakes of Chapter 20, Parks and Recreation, of the Abilene Municipal Code, be repealed.

PART 3: That Section 20-19, Operation of Boats, of Article II, Municipal Lakes, of Chapter 20, Parks and Recreation, of the Abilene Municipal Code, be, and is hereby amended to read as follows:

"Sec. 20-19. Operation of boats.

(a) No person shall operate any boat at a speed which produces a white wake within any harbor or within one hundred feet (100') of any shoreline or dock, or other permanent structure, or within one hundred feet (100') of any approved and clearly designated swimming area.

Exception: If a boat is outbound more than seventy-five feet (75') from the shore or dock, it may produce a white wake.

(b) A prohibited area is hereby established surrounding the water intake pump station on the east shore of Lake Fort Phantom Hill, within a five hundred foot (500') radius of the pump station. Boating, skiing, swimming, fishing or any other activity is hereby prohibited within the buoys marking the boundary of this area. However, persons owning or leasing property the shoreline of which is within the five hundred foot (500') area shall be allowed to operate a boat at a speed which produces no white wake from their property to the nearest point outside the prohibited area, and return only.

(c) It shall be unlawful to operate within, or otherwise allow any boat to enter any approved and clearly marked swimming area. All such swimming areas shall be approved by the City Council.

(d) A prohibited area is hereby designated within a fifty foot (50') radius of the control tower located near the east end of the dam at Lake Fort Phantom Hill. No boating, skiing, fishing, swimming, or any other activity is allowed in the prohibited area.

A harbor is hereby defined as an embayment of a width of eight hundred feet (800') or less from shore to shore."

PART 4: That Sections 20-23, Bathing, Boating, etc. Near Pump House, and 20-24, Enforcement of Division, of Article II, Municipal Lakes, of Chapter 20, Parks and Recreation, of the Abilene Municipal Code, be repealed.

PART 5: That Article II, Municipal Lakes, of Chapter 20, Parks and Recreation, of the Abilene Municipal Code, be amended by adding a new Section 20-23, Recreational Activity Programs, to read as follows:

"Sec. 20-23. Recreational activity programs.

(a) No person shall conduct any water carnival, power boat race, trade show, or water skiing competition or exhibition at the lake or lake shore without having entered into a recreational activity agreement with the Water Superintendent or his designated representative. This agreement shall constitute a permit for the requesting organization to hold such activity.

(b) No person shall conduct any such water or recreational program in violation of any term or condition specified in such agreement.

(c) The person or entity proposing to hold a water or recreational program shall make application to the Water Superintendent for a recreational activity agreement for such program or event. Such application shall be signed by the person or entity making application and shall state all details of the proposed program or event. All applications shall be in writing and shall be submitted thirty (30) days in advance of the planned activity.

(d) The fee for such permit shall be Ten Dollars (\$10.00). The applicant shall obtain insurance in the minimum amount of Three Hundred Thousand Dollars (\$300,000.00) bodily injury and Fifty Thousand Dollars (\$50,000.00) property damage public liability per occurrence, and shall furnish a certificate of insurance in said amount before the permit shall be issued. The City of Abilene shall be named in such insurance policy as an additional insured.

(e) The Water Superintendent or his designated representative shall have the right to rescind any permit granted under this section and to require the removal of any and all equipment to be used by the applicant, upon his failure to comply with the terms and conditions in this chapter or in the recreational activity agreement, or if weather conditions or some other conditions should arise which would require that activity not be permitted at the lake because the public safety would be jeopardized by such recreational activity."

PART 6: That Article II, Municipal Lakes, of Chapter 20, Parks and Recreation, of the Abilene Municipal Code, be amended by adding a new Section 20-24.1, Unattended Vehicles In Public Boat Ramps, to read as follows:

"Sec. 20-24.1. Unattended vehicles in public boat ramps.

No person shall park, place or leave standing any unattended motor vehicle or trailer, including boat trailers, in or on any portion of any publicly owned boat launching ramp at Lake Fort Phantom Hill for a period of more than fifteen (15) continuous minutes."

PART 7: That if any provision of any section of this ordinance shall be held to be void or unconstitutional such holding shall in no way affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.

PART 8: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PART 9: Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING, this 28 day of April, A.D. 1977.

PASSED ON SECOND AND FINAL READING, this 12 day of May

A.D. 1977.

ATTEST:

Ruth Hodgins
CITY SECRETARY

Paul Tolson
MAYOR

APPROVED:

Harry Cayle
CITY ATTORNEY