

ORDINANCE NO. 29-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE REPLACING CHAPTER 15, "LAKES", ARTICLE III "LAKE ABILENE AND LAKE KIRBY" OF THE ABILENE CODE OF ORDINANCES WITH THE FOLLOWING; PROVIDING A SEVERABILITY CLAUSE; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, a Memorandum of Agreement exists between the City of Abilene and the Texas Parks and Wildlife Department for certain management functions of the Lake Abilene Property; and

WHEREAS, the Park Superintendent of the Abilene State Park, recently proposed to City Administration that they desire to designate a swimming area at Lake Abilene; and

WHEREAS, Chapter 15, "Lakes", Article III "Lake Abilene and Lake Kirby", of the Abilene Code of Ordinances prohibits swimming at Lake Abilene;

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

- PART 1:** That Chapter 15, "Lakes", Article III "Lake Abilene and Lake Kirby" of the Code of Ordinances, City of Abilene, Texas, is hereby replaced as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. 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.

PASSED ON FIRST READING this 14th day of June, 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 24th day of June, 2012, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 28th day of June, 2012, to permit the public to be heard.

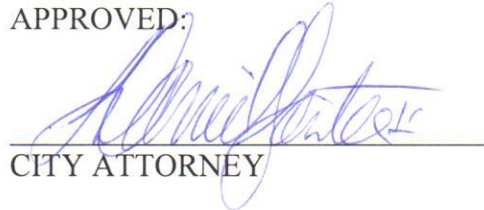
PASSED ON SECOND AND FINAL READING this 28th day of June, 2012.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

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EXHIBIT A

Replace CHAPTER 15 "Lakes", Article III. "Lake Abilene and Lake Kirby", with the following:

ARTICLE III. LAKE ABILENE AND LAKE KIRBY

Sec. 15-72. Enforcement.

The chief of police or any city policemen or other peace officers or any person employed or designated through agreement as having control or responsibility for the lake by the city shall have full power and authority to enforce this article and other ordinances made in relation to the regulation of police conditions on either Lake Abilene or Lake Kirby. Such officers or specially employed persons shall at all times have the power to seize and take possession of all fish taken in violation of the terms of this division while in possession of or in control of the offender. Such officer and employees may arrest without warrant persons violating this division or other similar ordinances and may deliver the offender to the proper authorities where complaint may be filed and prosecution had in terms of the law for such violation.

Sec. 15-73. Prohibited areas.

- (a) No person shall operate a water vessel or fish in the waters of Lake Abilene at a distance of less than two hundred (200) feet from the water intake.

- (b) Swimming is prohibited in all areas of Lake Kirby.

- (c) Operation of small recreational water vessels, e.g., jet skis and wind/surf craft, is prohibited at Lake Kirby and Lake Abilene.

(d) No person shall drive, park or otherwise place a motor vehicle, motorcycle, dirt bike, 4-wheeler or other wheeled-recreational vehicle, nor place any other obstruction, upon the bed of Lake Abilene or Lake Kirby.

(e) Nothing in this section shall be construed as prohibiting any use authorized by the city or the operation of water vessels (other than those listed in (c) above) upon the waters of said lakes nor the launching of water vessels at launching ramps at said lakes through the use of a motor vehicle or through the use of other lawful means.

Sec. 15-74. Fishing regulations.

No person shall enter the premises of either Lake Abilene or Lake Kirby and seine either of such lakes or wade therein or use what is commonly known as a trot line. No person shall fish in either Lake Kirby or Lake Abilene with more than two (2) lines with more than two (2) hooks each. No person shall buy or sell, offer for sale, offer to buy or have in his possession to sell, carry, transport or ship for the purpose of sale, barter or exchange any fish taken from the waters of Lake Abilene or Lake Kirby.

Sec. 15-75. Lake Abilene hours of operation.

Lake Abilene shall be closed to all recreational uses including but not limited to swimming, fishing, boating, or camping, between sunset of one day and sunrise of the following day except by special permission from the director of water utilities.

Sec. 15-76. Swimming at Lake Abilene

Swimming shall be permitted in certain areas of Lake Abilene only as authorized by the Director of the Water Utilities or designated entity.

Sec. 15-77. Reserved