

ORDINANCE NO. 16-2017

AN ORDINANCE AMENDING CHAPTER 15, "LAKES," ARTICLE I, "IN GENERAL," SECTION 15-9, "RESERVED", ARTICLE II, "LAKE FORT PHANTOM HILL", SECTION 15-17, "HIGH WATER LINE," SECTION 15-18, "PROHIBITED AREAS," AND SECTION 15-43, "SEPTIC TANKS RESTRICTED," AND ARTICLE III "LAKE ABILENE AND LAKE KIRBY", SECTION 15-72, "ENFORCEMENT," AND SECTION 15-73, "PROHIBITED AREAS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, the City of Abilene (City) owns and operates several lakes for the purposes of water supply and to improve the quality of life and recreational opportunities for the community and region; and

WHEREAS, the Abilene Municipal Code, Chapter 15 – Lakes, establishes and describes the parameters for the proper use of and suitable recreational activities for the City's lakes, including use of septic systems, swimming and boating.

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

PART 1: That Chapter 15, "Lakes", Article I "In General", Section 15-9, Article II "Lake Fort Phantom Hill", Sections 15-17, 15-18, and 15-43, and Article III "Lake Abilene and Lake Kirby", Sections 15-72, and 15-73, of the Abilene Municipal Code be amended as set out in Exhibit "A-1", 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 27th day of April, A.D., 2017.

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 4th day of June, 2017, 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 8th day of June, 2017, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 8th day of June, A.D., 2017.

ATTEST:

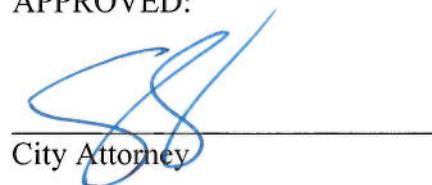


City Secretary



Mayor

APPROVED:



City Attorney

EXHIBIT A-1

CHAPTER 15

LAKES

ARTICLE I. IN GENERAL

15-9. Enforcement.

Peace officers shall have full power and authority to enforce this Chapter and other ordinances made in relation to the regulation of activities and conditions on Lake Fort Phantom Hill, Lake Abilene, Lake Kirby, Cameron Lake, and Nelson Park Lake. Violations of any provision of this Chapter are declared a class C misdemeanor and shall be punishable pursuant to section 1-9 of this Code.

ARTICLE II. LAKE FORT PHANTOM HILL

DIVISION 1. GENERALLY

Sec. 15-17. High water line.

The high water line of Lake Fort Phantom Hill is hereby designated as the uncontrolled spillway elevation of one thousand six hundred thirty-five and nine-tenths (1,635.9) feet above mean sea level enclosing that lake.

Sec. 15-18. Prohibited areas.

(a) A prohibited area is hereby established surrounding the water intake pump station on the east shore of Lake Fort Phantom Hill, within a two hundred (200) foot radius of the pump station. Boating, skiing, swimming, or any other activity is hereby prohibited within the buoys marking the boundary of this area. However, persons owning or leasing property along the shoreline of which is within the two hundred (200) foot 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.

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

(c) A prohibited area is hereby designated within a one hundred (100) foot radius of the Indirect Reuse Discharge Point structure (Outfall 003) located near the shoreline south of the east boat ramp (marked with a buoy).

DIVISION 2. CONSTRUCTION REGULATIONS

Sec. 15-43. Septic tanks restricted.

No existing septic tanks or drain lines shall be permitted either below elevation 1642.0 mean sea level or within twenty-five (25) feet horizontally of the elevation 1635.9 mean sea level (uncontrolled spillway elevation) contour line and no new septic tanks or new or additional drain lines shall be installed closer than seventy five (75) feet of elevation 1635.9 feet mean sea level; 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.

ARTICLE III. LAKE ABILENE, LAKE KIRBY, CAMERON LAKE, AND NELSON PARK LAKE

Sec. 15-72. Reserved

Sec. 15-73. Prohibited activities, areas.

- (a) No person shall operate a personal water vessel, water craft or surf craft 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 and Nelson Park Lake.
- (c) Operation of personal water vessels, is prohibited at Lake Abilene, Cameron Lake, and Nelson Park Lake. Personal Water Vessel means a motorized vessel that is specifically designed to be operated by a person or persons sitting, standing, or kneeling on the vessel or in the conventional manner of sitting or standing inside the vessel.
- (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, Lake Kirby, Cameron Lake or Nelson Park Lake.
- (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 subsections (c) or (f)) 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.

(f) Operation of wind craft and surf craft is prohibited at Nelson Park Lake. Wind craft and surf craft means non-motorized canoes, punts, rowboats, sailboats, rubber rafts, racing shells, rowing sculls, kayaks, and other paddle craft when paddled, poled, oared, or windblown. The Abilene Zoo shall have authority to operate wind craft and surf craft on Nelson Park Lake.

(g) A prohibited area is hereby designated within a one hundred (100) foot radius of the outlet control tower located near the east end of the dam at Lake Kirby.