

ORDINANCE NO. 19-2024

AN ORDINANCE AMENDING CHAPTER 15, "LAKES," ARTICLE II, "LAKE FORT PHANTOM HILL," SECTION 15-18, "PROHIBITED AREAS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, the City of Clyde, Texas, as part of its Lake Fort Phantom pipeline project, has been requested by the TCEQ to place restrictions regarding recreational activities and trespassing near its proposed raw water intake; and

WHEREAS, the City of Clyde, Texas has no authority to add such a restriction to the City of Abilene's code of ordinances; and

WHEREAS, the City of Abilene seeks to accommodate and assist the City of Clyde in its pursuit to complete its pipeline project; and

WHEREAS, all costs associated with implementation of the restricted area will be paid for by the City of Clyde, Texas.

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

PART 1: That Chapter 15, "Lakes," Article II, "Lake Fort Phantom Hill," Sections 15-18, "Prohibited Areas," of the Abilene Municipal Code be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any costs associated with implementation of the restricted area around the City of Clyde, Texas' raw water intake shall be paid by the City of Clyde.

PART 3: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

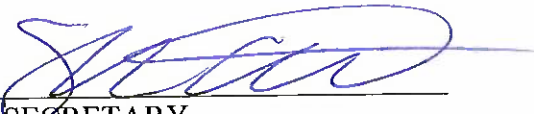
PART 4: That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with Chapter 1 (Section 1-9) of this Code. Each day such violation shall continue or be permitted 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.

APPROVED ON FIRST READING the 28th day of March, 2024.

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 7th day of April, 2024, 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 11th day of April, 2024, to permit the public to be heard.

APPROVED AND PASSED ON FINAL READING this 11th day of April, 2024.

ATTEST:




CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY



Sec. 15-18. Restricted and Prohibited areas.

- (a) A restricted zone is hereby established surrounding the City of Abilene's water intake pump station on the east shore of Lake Fort Phantom Hill, within a two hundred-foot radius of the pump station. Boating, skiing, swimming, or any other recreational 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-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-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-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).
- (d) A restricted zone is hereby established within a two-hundred-foot radius of the City of Clyde's water intake on the southeast shore of Lake Fort Phantom Hill, which zone shall be designated with signage. All recreational activities and trespassing are prohibited in this area. However, persons owning or leasing property along the shoreline of which is within the two hundred-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.