

ORDINANCE NO. 792

“Modification of ‘No Wake Zone’ Ordinance”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CHAPTER 26 (PARKS AND RECREATION), ARTICLE III (LAKE USE REGULATION), OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Granite Shoals, Texas (“Council”) seeks to provide for the health, safety, and welfare of the citizens generally and to foster a sense of civic pride;

WHEREAS, the City operates an extensive park system for the benefit of its citizens and visitors, which includes portions of Lake LBJ; and

WHEREAS, Section 31.092(a) of the Texas Parks and Wildlife Code provides that the Council may designate by ordinance certain areas of Lake LBJ as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety; and

WHEREAS, the Council has determined that the establishment of certain no wake zones as provided in this Ordinance is necessary for public health and safety; and

WHEREAS, Section 31.106 of the Texas Parks and Wildlife Code prohibits the operation of a personal watercraft within 50 feet of any other vessel, person, stationary platform or other object, or shore, except at headway speed; and

WHEREAS, the Council wishes to amend the City’s “no-wake zone” regulations found in Chapter 26, Article III of the City Code of Ordinances to more closely conform to State law and to protect public safety.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS, THAT:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. NO-WAKE ZONE

Chapter 26 (Parks and Recreation), Article III (Lake Use Regulation) of the City of Granite Shoals Code of Ordinances is hereby amended to read as follows:

“Sec. 26-42. Definitions.

Headway speed. Slow, idle speed, or speed only fast enough to maintain steerage on course.

No wake. Headway speed without creating a swell or wake.

Vessel. Any watercraft, other than a seaplane on water, used or capable of being used for transportation on water.

Sec. 26-43. "No wake" zone established.

It is hereby declared that a “no wake” zone be established for all watercraft, to be effective at all times. No person shall operate a vessel in the no wake zone except at headway speed.

Sec. 26-44. Lake LBJ regulations.

(a) *No wake zone area.* The areas in which the no wake zone shall be effective are as follows:

- (1) In the lake area within 50 feet of the shoreline of Lake LBJ;
- (2) Within the following coves (designated hereby as ‘No Wake Coves’) and as represented on Exhibit ‘A’ to this Ordinance:

1. Areas indicated on attached Maps 1 – 12.

2. Within such other cove areas that the city manager or his designee shall identify with buoys or pilings consistent with the uniform state waterway buoy marking system.

(b) *No wake zone buoys.* The no wake zone buoys are used to identify the areas of the no wake zone within the city limits.

- (c) *Tampering with buoys.* The no wake zone buoys are not to be tampered with. “Tampering with” is defined as pushing, pulling, tugging on, moving, running into, or coming into contact with the buoy in any manner.
- (d) *Reckless or negligent operation.* No person may operate any motorboat or vessel or manipulate any water skis, aquaplane, or similar device on the waters of Lake LBJ or its tributaries in a willfully or wantonly reckless or negligent manner that endangers the life, limb, or property of any person.
- (e) *Excessive speed.* No person may operate any boat on the waters of Lake LBJ or its tributaries at a rate of speed greater than is reasonable and prudent, having due regard for the conditions and hazards, actual and potential then existing, including weather and density of traffic, or greater than will permit him or her, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead.
- (f) *Obstruction of ramps.* It shall be unlawful for any person to block any public boat loading ramp leading to the waters of Lake LBJ or its tributaries except while loading or unloading a boat.
- (g) *Removal from lake.* Any city police officer who holds a certification as a marine safety enforcement officer may require the removal of any boat or other craft from Lake LBJ in the following instances:
 - (1) Such boat or other craft is in an unsafe operating condition;
 - (2) Such boat or other craft is in violation of any of the applicable provisions of this section.
- (h) *Operation by minors.* No person under the age of 13 years shall operate a boat or other craft, including personal water craft, on Lake LBJ without a qualified adult in such boat or other craft, giving immediate and direct supervision to such minor.
- (i) *Sailboats.* Sailboats shall have the right-of-way over all boats under power.

Sec. 26-45. Penalty.

- (a) It shall be deemed a violation of this article to do any act which is prohibited by this article.
- (b) Each time that a violation occurs shall constitute a separate offense.

- (c) It shall be a defense to prosecution for the offense of violating the no wake zone restriction if the defendant proves that he or she was operating a sailboat completely under sail without any motorized power.”

SECTION III. SUBMISSION TO TEXAS PARKS AND WILDLIFE

The City Secretary is hereby directed to file a copy of this Ordinance with the Texas Parks and Wildlife Department immediately following its passage.

SECTION IV. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION V. SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION VI. REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VII. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION VIII.
NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Passed and approved this 9th day of June, 2020.

APPROVED:



Carl J. Brugger, Mayor

ATTEST:



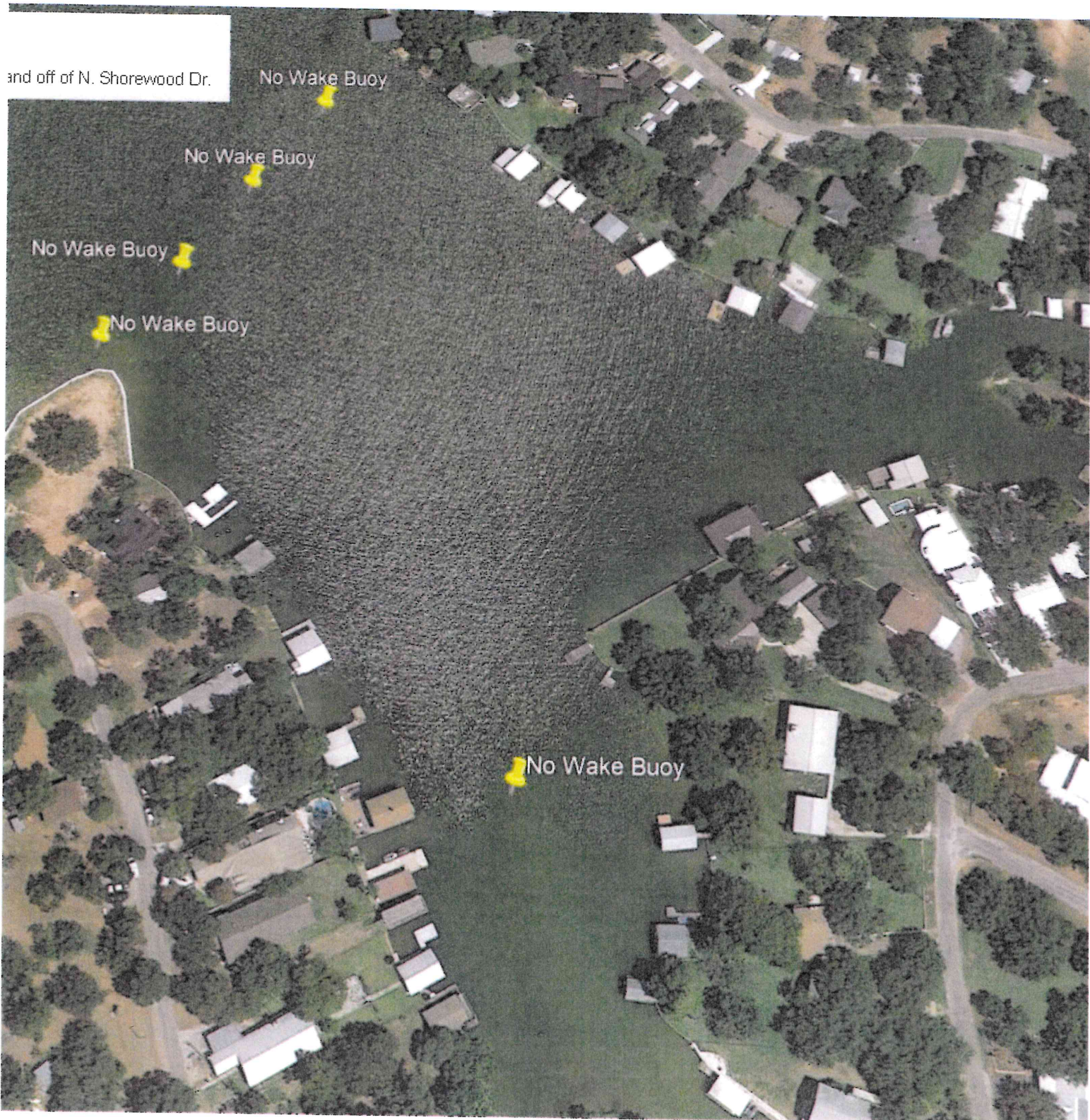
Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Josh Katz, City Attorney

No Wake Buoy





and off of N. Shorewood Dr.

No Wake Buoy

No Wake Buoy

No Wake Buoy

No Wake Buoy

No Wake Buoy



briar Dr.

No Wake Buoy





ewood

No Wake Zone Buoy

No Wake Zone Buoy

No Wake Zone Buoy

No Wa

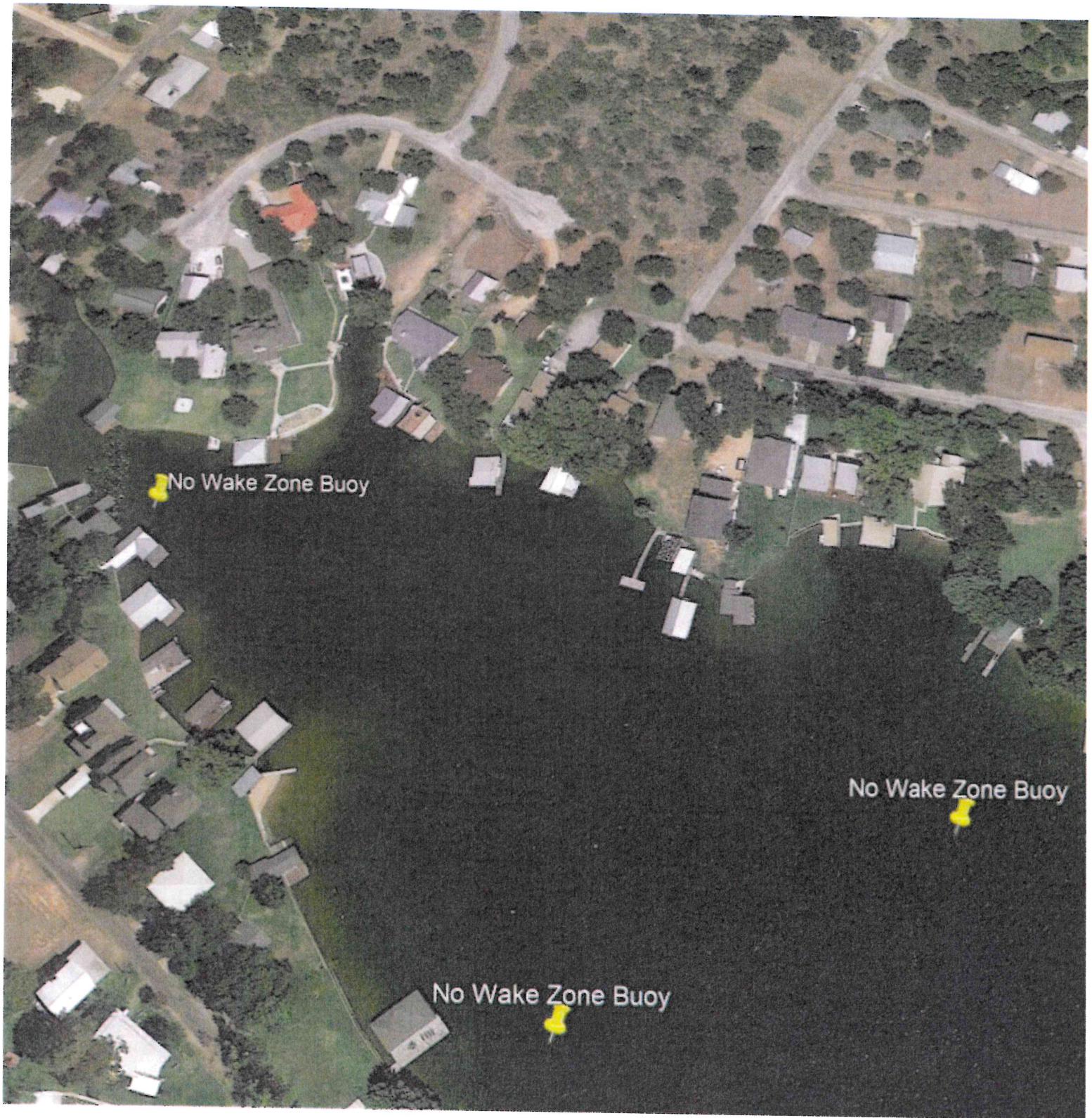
No Wake Zone Buoy

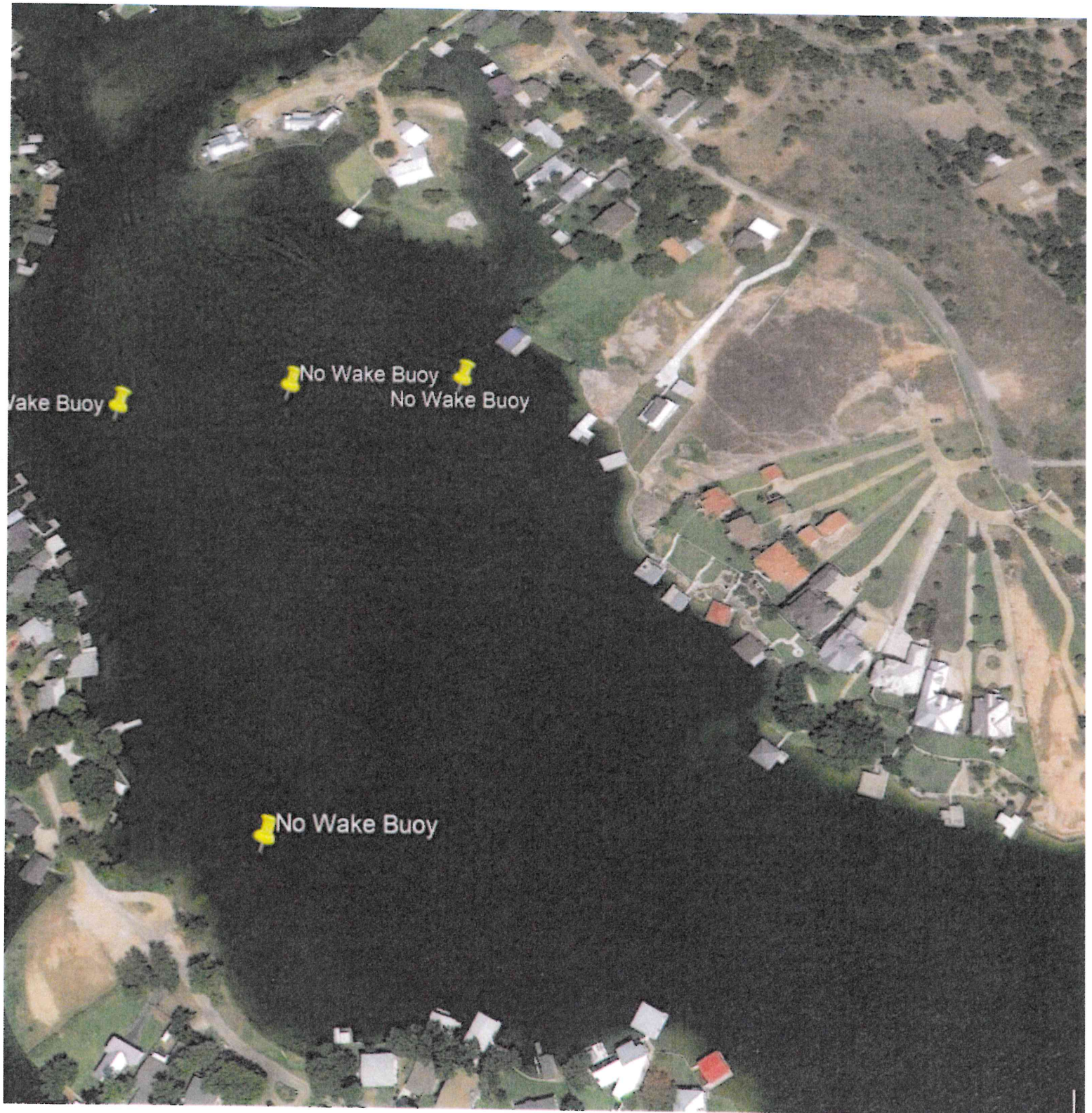














No Wake Zone Buoy

No Wake Zone Buoy