

ORDINANCE NO. 17-039

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 8, "BEACHES AND WATERWAYS", SECTION 8-20.1, "RENTAL OF PERSONAL WATERCRAFT" OF "THE CODE OF THE CITY OF GALVESTON 1982", AS AMENDED; (A) DEFINING THE TERM PERSONAL WATERCRAFT; (C) REMOVING THE ACTION OF SELLING FROM PROHIBITED ACTIVITIES IN THE AREAS OF ENGLISH BAYOU, OFFAT'S BAYOU, OR THE CRASHBOAT BASIN; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 8, "Beaches and Waterways" of The Code of the City of Galveston 1982, as amended covers an array of topics related to aquatic and recreational activities at beaches and waterways in Galveston; and

WHEREAS, included in Chapter 8, "Beaches and Waterways" of The Code of the City of Galveston 1982, as amended is Section 8-20.1(c) that prohibits the sale of boats on English Bayou, Offatts Bayou, or the Crash Boat Basin or within eighty (80) feet of the shoreline thereof; and

WHEREAS, it appears that such restriction on sales is overly broad and is not in the best interest of the citizens of Galveston at this time and that section of the Code should be amended; and

WHEREAS, it appears that the prohibition against the rental of motorized recreational watercraft is similarly overbroad and could be construed as a prohibiting the incidental supply of watercraft in conjunction with educational undertaking; and

WHEREAS, the definition of personal watercraft is also overbroad and is not currently in the best interest of the citizens of Galveston and should also be amended; and

WHEREAS, the City Council of the City of Galveston, Texas, finds it to be in the best interest of the health, safety, and welfare of the public to amend City Code Chapter 8 Section 8-20.1(a) and Section 8-20.1(c) as set forth below.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The text of the City Code Chapter 8, Section 8-20.1(a) is amended to read as follows:

Sec. 8-20.1(a)

Personal watercraft shall mean a small vessel which uses ~~an outboard motor, or~~ an inboard motor powering a water jet pump, as its primary source of active power which is designed to be operated by a person sitting, standing, or kneeling on the vessel, such as jet skis or wave runners.

SECTION 3. The text of the City Code Chapter 8, Section 8-20.1(c) is amended to read and provide as follows:

It shall be unlawful for any person, corporation, partnership or other entity to ~~sell, lease or rent or offer for sale, lease or rent any~~ motorized recreational personal watercraft ~~to include personal watercraft~~ in, on, or over those particular bodies of water commonly known as English Bayou, Offatts Bayou, or the Crash Boat Basin or within eighty (80) feet of the shoreline thereof. For the purposes of this section, the terms “lease” and “rent” do not include the providing of a boat incidental to a course of instruction by a not for profit organization that provides sailing or boating instruction.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 7. This Ordinance shall be and become effective upon its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

MEHRAN JADIDI
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 22nd day of June, 2017, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this ____ day of _____, 2017.

Secretary for the City Council
of the City of Galveston