

ORDINANCE: 1521

AN ORDINANCE OF THE CITY OF LIVE OAK, TEXAS, AMENDING CHAPTER 16, ARTICLE III OF THE CODE OF ORDINANCES TO ADD SECTION 16-45, REGULATING THE USE OF CANOES, KAYAKS OR OTHER NON MOTORIZED VESSELS ON THE CITY PROVIDING FOR PENALTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECT DATE.

WHEREAS, in Live Oak, Texas, Live Oak's City Lake is governed by the rules of the Texas Parks and Wildlife Department and the Ordinances of the City of Live Oak; and

WHEREAS, the sport of canoeing, kayaking and other personal, non-motorized watercraft has continued to grow in popularity for both health reasons and opportunities for family outdoor activities; and

WHEREAS, the City was approached by the Texas Parks and Wildlife to determine the City's interest in allowing canoes, kayaks and other non-motorized personal watercraft in the City Lake; and

WHEREAS, The City of Live Oak Parks and Recreation Commission contemplated the use of non-motorized personal watercraft a regular meeting and voted to recommend approval to the City Council for the City of Live Oak, and;

WHEREAS, The City Council for the City of Live Oak convened in regular session on July 28th, 2015 and provided direction to staff to work on a process in which to allow for canoes, kayaks and other non-motorized, personal watercraft on the City Lake and amend the City's code of ordinances to allow for the use and regulations of such non-motorized vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LIVE OAK, TEXAS:

Section 1. That Chapter 16, Article III of the Code of Ordinances is hereby amended by adding Section 16-45 to read as follows:

SECTION 16-45. Non-Motorized Vehicles and Devices.

The use and regulations governing the use of canoes, kayaks and other non-motorized Personal Watercraft on the City Lake are as follows:

Section 16.45(a): Definitions

City Lake: Lake in the Live Oak Main City Park. Also referred to as Farmer's Lake as well as the lake created by Martinez Creek Dam #5.

Personal Watercraft: Kayaks, canoes, paddleboards, paddle boats and small boats designed for personal flotation or other non-motorized personal flotation devices. This does not include individual self or manually inflatable rafts or boats.

State Authorized Personal Flotation Device: (PFD) a life jacket or device that is approved by the United States Coast Guard that is in good, serviceable condition.

Section 16.45(b): Rules and Regulations

1. Swimming and willful contact with the water in the City Lake is prohibited.
2. Each rider must wear a PFD, approve by the US Coast Guard in good, serviceable condition, in an appropriate size for the intended user and in an appropriate manner.
3. Use of Personal Watercraft must be limited to daylight hours.
4. The Personal Watercraft must be removed from the lake after each day of use.
5. Consuming or possessing alcoholic beverages while engaging in canoe, kayak or non-motorized water craft activities is prohibited.
6. The City of Live Oak makes no guarantee about the safety of water recreation activities on the City Lake. Participants assume all risk and liabilities associated with participation and use of Personal Watercraft in the City Lake.
7. Personal Water Craft operators on the City Lake are only allowed to operate his/her watercraft within the boundaries stated above and must obey all posted signage instructions.
8. Users must follow all state and federal laws, including but not limited to the Water Safety Act.
9. The City Manager may temporarily prohibit operation of Personal Watercraft on the City Lake during Flood Hazard times or at other times to protect the public health and safety.

Section 2. Fine. Any person found to violate Section 16-45 of the Code of Ordinances as established by this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not more than \$2,000.00. Each continuing day's violation under this Ordinance shall constitute a separate offense.

Section 3. This Ordinance has a penalty associated with a violation and shall take effect immediately upon its publication as provided by law. Notice of the enactment of this Ordinance will be given by publishing the Ordinance or its descriptive caption and penalty in the City's official newspaper one time within 30 days of passage.

Section 4. If any section, provision, subdivision, clause or part of this ordinance shall be adjudged or held unconstitutional or invalid, it shall not affect the validity of this ordinance as a whole or any other part or provision contained herein.

Section 5. This Ordinance shall be cumulative of all provisions of ordinances of the City of Live Oak, Texas, except where the provisions of the Ordinance are in direct conflict with the

provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

PASSED AND APPROVED this 11th day of August, 2015.

CITY OF LIVE OAK

By: //SIGNED//
Mayor Mary M. Dennis

ATTEST:

 //SIGNED//
Deborah L. Goza, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

 //SIGNED//
City Attorney