

CITY OF ALVARADO ORDINANCE NO. 2019- 009

AN ORDINANCE AMENDING CHAPTER 26 OF THE ALVARADO CODE OF ORDINANCES BY AMENDING SECTION 26-115, "FISHING," SECTION 26-141, "SWIMMING," AND SECTION 26-142, "BOATING;" PROVIDING REGULATIONS RELATED TO A BOAT RAMP AND/OR DOCK ON LAKE ALVARADO; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas is a Type A General Law Municipality located in Johnson County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and,

WHEREAS, staff has recommended that the City amend its ordinances concerning a boat ramp or dock on Lake Alvarado; and,

WHEREAS, the City Council has considered the staff's recommendations and agrees that the changes as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of Alvarado and should be adopted;

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

SECTION 1

Section 26-115, "Fishing," of the Alvarado Code of Ordinances is hereby amended to read as follows:

"Sec. 26-115. - Fishing.

Fishing shall be permitted in areas as designated through department rules and regulations and park signage, subject to compliance with all state and city laws and regulations. Fishing shall be permitted only from designated fishing docks or piers or the banks of any creek, pond, lake, or other body of water in designated city parks. Except for Lake Alvarado, no fishing shall be permitted on any boat ramp or dock located on Lake Alvarado and no fishing other than catch and release in other areas of the lake shall be permitted."

SECTION 2

Section 26-141, "Swimming," of the Alvarado Code of Ordinances is hereby amended to read as follows:

"Sec. 26-141. - Swimming.

No person in the park shall:

- (1) Swim or wade in any water or waterway or in adjacent to any park, except such water or waterway as may be designated in accordance with the terms of this article, park rules and regulations, or as authorized by permit issued in accordance with this article.
- (2) Swim or wade, except during those hours established for such activities by ordinance, park rules and regulations or authorized by permit issued in accordance with this article.
- (3) Swim within five feet of a boat ramp except that swimming within twenty-five feet (25') of a boat ramp or dock on Lake Alvarado shall be prohibited.”

SECTION 3

Section 26-142, “Boating,” of the Alvarado Code of Ordinances is hereby amended to read as follows:

“Sec. 26-142. - Boating.

No person shall bring into or operate any vessel upon any park waters, except by permit from the director or city manager. Boating is allowed in Lake Alvarado, however any boat ramp or dock on Lake Alvarado shall be used only for the purpose of loading and unloading boats. In Stonegate Park only non-motorized boating in vessels that do not exceed 12 feet in length shall be allowed.”

SECTION 4 ORDINANCE CUMULATIVE

This ordinance shall be cumulative of all provisions of ordinances of the City of Alvarado, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5 PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may also be subjected to such civil penalties and such civil remedies as authorized by law.

SECTION 6 RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS

All rights or remedies of the City are expressly saved as to any violations of the sections amended herein or of any other ordinances that have accrued at the time of the effective date of this Ordinance and such accrued violations and all pending litigation, both civil and criminal, shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

**SECTION 7
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 8
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary is hereby directed to publish in the official newspaper of the City the caption and penalty clause of this ordinance twice as authorized by Section 52.013 of the Local Government Code.

**SECTION 9
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

Passed on this 16th day of September, 2019, by a vote of 6
affirmative votes to 0 negative votes.

CITY OF ALVARADO

By: Tom Durlington
The Honorable Tom Durlington, Mayor

ATTEST:

Debbie Thomas
Debbie Thomas, City Secretary