

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING TITLE IX (TITLED GENERAL REGULATIONS), CHAPTER 95 (TITLED PARKS AND RECREATION), SECTION 95.30 (TITLED PROTECTION OF LAKE PFLUGERVILLE) BY PROHIBITING THE USE OF MOTORIZED BOATS; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 95 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$500.00; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE AND REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds that the City of Pflugerville (City) is a Texas Home-Rule Municipality with jurisdiction over and the authority to establish other regulations affecting parklands held by the City in trust for its citizens in the interest of preserving the public health, safety and welfare; and

WHEREAS, the City has determined that amendments to the City's existing Code of Ordinances affecting park and public recreational areas are necessary to preserve the public health, safety and welfare to prohibit the use of motorized boats on Lake Pflugerville, except as authorized by this Ordinance, as necessary to preserve and protect this precious water resource from pollution; and

WHEREAS, the City has determined that additional amendments are necessary to enhance the public's use and enjoyment of Lake Pflugerville.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Pflugerville, Texas Code of Ordinances, Title IX (entitled "*General Regulations*"), Chapter 95 (entitled "*Parks and Recreation*"), Section 95.30 (entitled "*Protection of Lake Pflugerville*") is hereby amended by deleting language that is stricken (~~stricken~~) and adding language that is underlined (underlined) as follows:

§ 95.30 PROTECTION OF LAKE PFLUGERVILLE

(A) Lake Pflugerville shall be open for public use from 5:00 a.m. until 10:00 p.m., provided, however, that Lake Pflugerville shall be open 24 hours a day for the purposes of actively fishing and in possession of valid Texas Fishing License as required by State Law; except in cases of an emergency or other good cause for closing Lake Pflugerville.

(B) In case of an emergency, or other good cause, the city may close Lake Pflugerville when the City Manager declares closing Lake Pflugerville to be appropriate.

(C) ~~Driving or operating a~~ Motorized boats of any kind on Lake Pflugerville ~~is~~ are prohibited, unless:

(1) The operator of the boat is authorized city staff, a County, State or Federal agency, or has been otherwise authorized by city staff to use the motorized boat ~~and is doing so in the ordinary course of carrying out city business for a public purpose~~; or

(2) ~~The boat is an electric powered fishing boat or~~ The boat is a fishing boat with a primary source of power being electric or an electric powered model boat.

(D) Horses are not allowed on the public lands or trails abutting or adjacent to Lake Pflugerville.

(E) Throwing, depositing, placing or dropping any materials (including glass containers) into Lake Pflugerville or on the land or trails abutting or adjacent to Lake Pflugerville is prohibited.

(F) Swimming in Lake Pflugerville is prohibited in the area between the buoys near the intake structure and the dam.

(G) Starting, creating, or maintaining a fire, except in a barbeque grill, is prohibited.

(H) Operating a motorized vehicle on the land or trails abutting or adjacent to Lake Pflugerville is prohibited unless the vehicle is being used for emergency or trail maintenance purposes.

(I) Bathing, urinating, or defecating in Lake Pflugerville or on the public lands or trails abutting or adjacent to Lake Pflugerville is prohibited.

(J) Camping on the public lands or trails abutting or adjacent to Lake Pflugerville is prohibited.

Section 3. Penalty. That a violation of this Ordinance shall be an offense punishable upon conviction as prescribed in Title IX, Chapter 95, Section 95.08 of this Code of Ordinances.

Section 4. Repealer. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 5. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 6. Effective Date. This Ordinance will take effect upon its adoption by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this 25th day of June 2019.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Charles Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC