

Ordinances Governing

LAKE ARLINGTON

in the

CITY OF ARLINGTON

TEXAS

Amended by Ordinance No. 11-042

(August 16, 2011)

(Chapter Designator: LAKE)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
88-84	06/07/88	
89-58	05/16/89	Repeal of the existing Chapter and adoption of a new Chapter.
96-154	11/19/96	Amendment to Article I, Section 1.01 , by the addition of the definitions of "Personal Watercraft" and "Waste Disposal Site"; Amendment to Article II by the amendment of Section 2.05 , by the addition of Subsections (E) through (K) ; addition of a new Section 2.06, Personal Flotation Devices and renumbering of the remaining sections; addition of a new Section 2.12, Fishing , and renumbering of the remaining sections; replace Section 2.21, Revocation of Recreation Permit ; Amendment to Article VII , by the addition of a new Section 7.12, Littering .
09-021	04/07/09	Repeal of the existing Chapter and adoption of a new Chapter.
11-042	08/16/11	Amend Article I, General Provisions, Section 1.01, Definitions , by the amendment of the definitions of "Boat", "Boathouse", "Earthwork" and "Owner", and the addition of the definitions of "Force Majeure", "Headway Speed", "Registration", "Regulated Area", "Right of Way", "Shoreline Restoration", "Slow, No Wake", "Texas Water Safety Act", and "Vessel"; amend Article II, Watercraft , through the amendment of Section 2.02, Launching of Watercraft, Section 2.03, Minimum Age of Operators, Section 2.04, Traffic Rules, Section 2.05, Personal Flotation Devices, Section

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<p><u>2.08, Hanging On to Buoys, Section 2.10, Accidents, Section 2.11, Fishing, Section 2.18, Removal of Watercraft from Lake, and Section 2.20, Inspection of Watercraft, and the addition of Section 2.22, Docking and Mooring Boats, and Section 2.23, Additional Enforcement, relative to updating to the Texas Water Safety Act and the Lake Master Plan; amend Article IV, Fishing, Section 4.02, Fishing from Bridges Prohibited, relative to updating to the Texas Water Safety Act and the Lake Master Plan; amend Article V, Buildings and Structures, Section 5.01, Annual License Required, Section 5.02, Permit Required, Section 5.03, Site Plan Approval Required, Section 5.04, License, Permit and Site Plan Application, Section 5.05, Consideration of Application and Issuance of Permit, License or Approval, Section 5.06, Duration of Annual License, Section 5.07, Fees, Section 5.08, Revocation of License and Unlicensed Facilities, Section 5.10, Earthwork within Reservoir Area or Flowage Easement, Section 5.11, Construction Chapter Applicable to Piers and Boathouses, and Section 5.12, Design and Construction of Piers and Boathouses, relative to incorporation of the Lake Arlington Master Plan including an annual license and processing; amend Article VII, Miscellaneous Offenses, Section 7.06, Prohibited Hours, Section 7.09, Vehicles in Water, and Section 7.11, Littering, relative to Richard W. Simpson Park hours and the</u></p>

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<u>Texas Water Safety Act, and by the deletion of Section 7.12, Storage of Fuel or Oil; amend Article VIII, Enforcement, by the addition of Section 8.02, No Culpable Mental State is Required.</u>

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ARTICLE I

GENERAL PROVISIONS

Section 1.01 Definitions

"Boat" means a vessel not more than 65 feet in length, measured from end to deck, excluding sheer. (Amend Ord 11-042, 8/16/11)

"Boathouse" shall have the same meaning as that word is defined in the Construction Chapter. (Amend Ord 11-042, 8/16/11)

"City" means the City of Arlington, Tarrant County, Texas.

"City Code" means the Code of Ordinances of the City of Arlington, Texas, 1987, as amended.

"Competition Type Motorboat" means any detachable propulsion system boat which exceeds U.S. Coast Guard maximum horsepower limitations or any non-detachable propulsion system boat which does not meet limitations specified in this Chapter.

"Earthwork" shall have the same meaning as that word is defined in the Construction Chapter. (Amend Ord 11-042, 8/16/11)

"Facilities" mean any building, boathouse, pier or other structure or any combination of structures.

"Force Majeure" (Act of God) shall mean an immediate loss which is the result of an irresistible natural cause without the intervention of man, and could not have been prevented by the exercise of prudence, diligence and care. (Amend Ord 11-042, 8/16/11)

"Gunwales" mean the upper edge of a vessel or boat.

"Headway Speed" means slow, idle speed, or speed only fast enough to maintain steerage on course. (Amend Ord 11-042, 8/16/11)

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"Hearing Authority" means the City's Municipal Court, a board or commission listed in the Administration Chapter of the City Code, or a person assigned the responsibility of conducting a hearing under this Chapter by the Ordinance Administrator.

"Lake Arlington" means all of the waters within the Lake Arlington reservoir area that are located within the corporate limits of the City of Arlington.

"Lake Arlington Flowage Easement or Flowage Easement" means that area adjacent to the Reservoir Area which is bounded by the contour line of elevation five hundred sixty feet (560') above mean sea level, lying between said contour line and the Lake Arlington Reservoir Area.

"Lake Arlington Reservoir Area or Reservoir Area" means the area bounded by the Lake Arlington Dam and the contour line of elevation five hundred fifty feet (550') above mean sea level.

"Launch Area" means the geographic area operated or designed for the purposes of launching and recovering watercraft including the water covered areas from the shore to the center thread of the waterway and bounded by the property lines extended to said center thread.

"License" means that license required for any boathouse, pier or other structure or any combination of structures.

"Motorboat" means any watercraft propelled or designed to be propelled by machinery, whether or not the machinery is permanently or temporarily affixed, or is the principal source of propulsion.

"Operate" means to navigate or otherwise use a watercraft.

"Ordinance Administrator or Director" means the City Manager appointed Department Ordinance Administrator or their designees charged with the administration and enforcement of this Chapter.

"Owner", applied to a building, land, personal property, or structure shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant by the entirety, of the whole or of a part of such building or land

or personal property or structure. (Amend Ord 11-042, 8/16/11)

"Peace Officer" means any person so designated by the Texas Code of Criminal Procedure.

"Person" means any natural person, association of persons, partnership, corporation, agent or officer, or other entity.

"Personal watercraft" means any type of watercraft which is specifically designed to be operated by a person or persons sitting, standing, or kneeling on the surface of the watercraft such as a jet ski or surfboard, rather than in the conventional manner of sitting or standing inside the vessel, such as a motorboat or sailboat.

"Pier" means any pier, wharf, boat dock, gangway, or other platform or structure in or adjoining the water to which vessels may be moored, by which they may be boarded, or on which persons may walk or sit.

"Raft" means a collection of logs or timber fastened together or any non-motorized rubber, canvas or plastic vessel not approved for use on Lake Arlington by the Ordinance Administrator.

"Registration" shall have the same meaning as that word is defined in the Construction Chapter. (Amend Ord 11-042, 8/16/11)

"Regulated area" means any area on public water officially designated and posted "Slow, No Wake" area. (Amend Ord 11-042, 8/16/11)

"Right of Way" shall mean the Lake Arlington Reservoir Area and Flowage Easements, streets, City rights-of-way and City easements within the corporate limits of the City of Arlington and Fort Worth, as from time to time amended. (Amend Ord 11-042, 8/16/11)

"Shoreline Restoration" means shoreline modifications maintaining, reestablishing or preserving the natural attributes of the lake including the maintenance of intact shoreline areas, repairing degraded shoreline habitat, reestablishing native plants, erosion control improvements

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and modifications that minimize the opportunity for human disturbance. (Amend Ord 11-042, 8/16/11)

"Slow, No Wake" means headway speed without creating a swell or wake. (Amend Ord 11-042, 8/16/11)

"Texas Water Safety Act" means the statutory provisions of Chapter 31 of the Texas Parks and Wildlife Code. (Amend Ord 11-042, 8/16/11)

"Vessel" means any watercraft, other than a seaplane on water, used or capable of being used for transportation on water. (Amend Ord 11-042, 8/16/11)

"Waste Disposal Site" means a bin, can or other container placed and designated for the disposal of solid waste, litter, or recyclable materials.

"Watercraft" means any and all kinds or types of flotation vessels designated for use on the water whether or not motorized including, but not limited to, boats, canoes, kayaks, jet skis, skidoos, pedal craft, pontoon boats, rafts, inflatable craft, tubes, or wind propelled surfboards.

Section 1.02 Inspection

The Ordinance Administrator shall inspect all boats and other watercraft before they are permitted on Lake Arlington. The Ordinance Administrator or any peace officer may exclude any person or watercraft from Lake Arlington when such person or watercraft is in violation of the terms and provisions of this Chapter including watercraft that is unsafe or dangerous to life or property.

Section 1.03 Liability

The City shall in no event be liable to any person on account of the loss or damage to any property that may be placed in or upon Lake Arlington, nor shall the City be liable in any event to any person or persons whomsoever on account of personal injuries or loss of life that may be sustained by any person or persons in or upon Lake Arlington; and persons entering in or upon Lake Arlington shall do so at their sole risk and shall not be privileged

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(Amend Ord 11-042, 8/16/11)

to enter or remain in or upon Lake Arlington save and except under the terms and provisions of this Chapter and any other applicable law.

Section 1.04 Waiver

The City Council may upon owner application and consideration waive for a specified length of time such of the terms, provisions and conditions of this Chapter as may be deemed appropriate for the accommodation of water carnivals, shows, boat races, swimming meets, educational purposes, exhibitions and other special events as may be permitted from time to time and subject to such safety measures as the City Council may require.

Section 1.05 Purpose

The provisions in this chapter are cumulative of all City ordinances. The purpose of this chapter is to protect the health, safety and general welfare of Arlington citizens and visitors; to minimize property damages or losses; and to prevent erosion at or near Lake Arlington, Lake Arlington Flowage Easement or Lake Arlington Reservoir Area. The provisions of this Chapter are also designed to:

1. Regulate or prohibit activities or buildings or structures which are dangerous to health, safety or property or may cause increased flood heights or velocities.
2. Minimize damage to public facilities and utilities such as water, gas, electric, telephone, storm drainage, sanitary sewer, streets and bridges located in Lake Arlington.
3. Conserve in perpetuity the waterways throughout the City as a natural protection against the hazards and losses connected with flooding.
4. Regulate the construction and disposal of Lake Arlington hazards or flood barriers which will unnaturally divert waters or which may increase flood hazards to other lands or citizens or visitors in the Lake Arlington area, Lake Arlington Flowage Easement or Lake Arlington Reservoir Area.

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Section 1.06 Permits and Licenses

Any permits or licenses issued under any provision of this chapter are not transferable.

(Adopt Ord 09-021, 4/7/09)

ARTICLE II

WATERCRAFT

Section 2.01 Recreation Permit

- A. No person shall place, operate or keep any watercraft on Lake Arlington without first having obtained a Recreation Permit. The Recreation Permit shall be issued for a one year period by the Ordinance Administrator upon the approval of the watercraft as being safe, seaworthy and in compliance with all provisions of this Chapter, and upon payment of the applicable Recreation Permit fee. The fee shall be as set by resolution of the City Council. A Recreation Permit may be revoked if the watercraft is occupied on Lake Arlington by an intoxicated person who does not leave said Lake pursuant to an order to do so by an Ordinance Administrator or a peace officer. In such case, a new permit must be obtained, or the revocation overturned pursuant to this Chapter before the watercraft may be returned to Lake Arlington.
- B. All annual Recreation Permits, regardless of their dates of issuance, shall expire at 12:00 o'clock midnight on December 31st of the year of issuance.
- C. Upon payment of the Recreation Permit fee, a decal evidencing the issuance of such Recreation Permit shall be affixed securely to the transom of the watercraft. Any watercraft without a decal may be denied admittance to Lake Arlington. The Ordinance Administrator may remove from the waters of Lake Arlington any boat or watercraft for which a Recreation Permit has not been obtained or on which a Recreation Permit has not been affixed.
- D. Application for a Recreation Permit and its issuance shall constitute consent by the permittee and probable cause for any Ordinance Administrator and any peace officer to stop, board and inspect the permitted watercraft. Failure to comply with this Chapter shall constitute grounds to exclude such watercraft from Lake Arlington, regardless of whether a permit has been issued. No person shall place, operate or keep any watercraft on Lake Arlington in contravention of an order by the Ordinance Administrator. The Ordinance Administrator may remove the boat under this section.

A watercraft shall not be returned to the waters of Lake Arlington until there is full compliance with the provisions of this Chapter.

Section 2.02 Launching of Watercraft

- A. No person shall launch a boat or other watercraft on Lake Arlington except at points designated and authorized by the Ordinance Administrator, or provided by the Texas Water Safety Act regarding state-owned boat launching ramps.
- B. No vehicle, watercraft or trailer shall be placed, parked or left unattended in such a position and manner as to limit access to any designated launch area. (Amend Ord 11-042, 8/16/11)

Section 2.03 Minimum Age of Operators

- A. No person may operate a motorboat of over 15 horsepower on the public waters of this state unless the person is 16 years of age or older or is accompanied by a person 18 years of age or older; or is at least 13 years of age and has successfully passed a boating safety course prescribed and approved by the Texas Parks and Wildlife Department.
- B. This section shall be enforced under the Texas Water Safety Act. (Amend Ord 11-042, 8/16/11)

Section 2.04 Traffic Rules

The following traffic rules shall be observed by watercraft operating on Lake Arlington:

- 1. **Passing:** Unless otherwise agreed, when two power-driven vessels, boats, or other watercraft are approaching each other "head-on" or nearly "head-on" so as to involve risk of collision each shall bear to the right and pass on the left side of the other. This subsection shall be enforced under the United States Coast Guard Inland Rules as adopted by the Texas Water Safety Act.
- 2. **Crossing:** When two power-driven vessels, boats, or other watercraft are crossing so as to involve risk of

- collision, the vessel approaching from the right side has the right-of-way. The other vessel shall keep out of the way and shall, if the circumstances of the case allow, avoid crossing ahead of the vessel with the right-of-way. This subsection shall be enforced under the United States Coast Guard Inland Rules as adopted by the Texas Water Safety Act.
3. Overtaking: Any boat, vessel, or other watercraft may overtake another on either side, but must keep out of the way of and grant right-of-way to the overtaken boat, vessel, or other watercraft. This subsection shall be enforced under the United States Coast Guard Inland Rules as adopted by the Texas Water Safety Act.
 4. Excessive Speed. No person may operate any boat 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, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead. This section shall be enforced under the Texas Water Safety Act.
 5. No person operating a personal watercraft above headway speed may come closer than 150 feet from another vessel, except another personal watercraft.
 6. No person operating a personal watercraft shall jump the wake of another watercraft towing a person for any type of water skiing activity. This subsection shall be enforced under the Texas Water Safety Act.
 7. No person shall operate a personal watercraft between the hours of sunset to sunrise. This subsection shall be enforced under the Texas Water Safety Act.
 8. No person may operate a boat above headway speed in any regulated area, including those marked or designated as "Slow, No Wake," as provided by the applicable provisions of the Texas Administrative Code adopted through the Texas Water Safety Act.
 9. No person may operate a boat above headway speed within 50 feet of another boat, platform, person, object or shore. This subsection shall be enforced under the Texas Water Safety Act.

10. A boat when not at dock must have and exhibit at least one bright light from sunset to sunrise. This subsection shall be enforced under the Texas Water Safety Act.
11. A boat underway between sunset and sunrise must have and exhibit the lights prescribed by the Texas Water Safety Act. This subsection shall be enforced under the Texas Water Safety Act.
12. In addition to these regulations, all provisions of the Texas Water Safety Act will be enforced in accordance with State law. (Amend Ord 11-042, 8/16/11)

Section 2.05 Personal Flotation Devices

- A. A motorboat must have at least one life preserver, life belt, ring buoy, or other device of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board, so placed as to be readily accessible.
- B. A motorboat carrying passengers for hire must have a readily accessible life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board.
- C. The operator of a class A or class 1 motorboat, while underway, shall require every passenger under 13 years of age to wear a life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard. A life belt or ring buoy does not satisfy this requirement.
- D. No person shall operate a personal watercraft unless each person riding on or towed behind the vessel is wearing a U.S. Coast Guard approved Type I, II, III, or V personal flotation device.
- E. This section shall be enforced under the Texas Water Safety Act and other applicable state law. (Amend Ord 11-042, 8/16/11)

Section 2.06 Riding on Decks and Gunwales

No person operating a motorized watercraft on Lake Arlington shall allow any person to ride or sit on the

gunwales thereof or on the decking over the bow of said motorized watercraft while the same is underway, nor shall any person operating an open motorized watercraft allow any person to stand in said motorized watercraft while the same is underway. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorized watercraft cannot stand on the decking over the bow of said motorized watercraft to moor the same or to cast off, or for any other necessary purpose when said motorized watercraft is not underway.

Section 2.07 Obstruction of Traffic Lanes Prohibited

No person shall anchor a watercraft for fishing or other purpose on Lake Arlington in such a position as to obstruct a passageway ordinarily used by other watercraft.

Section 2.08 Hanging On to Buoys

No person shall at any time hang on with a watercraft to any buoy, beacon or sign placed on Lake Arlington by the City, except as provided by the Texas Water Safety Act. (Amend Ord 11-042, 8/16/11)

Section 2.09 Anchoring

No person shall leave a watercraft on Lake Arlington without having the same dependably fastened to an anchorage, either in the water or upon the land. Any such watercraft not so fastened must be removed from the water a sufficient distance to assure that it will not be caused to float away from its station because of rising waters.

Section 2.10 Accidents

- A. The operator of any watercraft involved in an accident resulting in injury or death to any person, or resulting in damage to property, shall report such accident immediately, as provided by the Texas Water Safety Act.
- B. This section shall be enforced under the Texas Water Safety Act. (Amend Ord 11-042, 8/16/11)

Section 2.11 Fishing

- A. No person shall be in possession of any game fish which is under the statewide legal size limit for that species as defined by the Texas Parks and Wildlife Department.
- B. No person may possess more game fish of any species than is allowed by the Texas Parks and Wildlife Department.
- C. No person may fish in Lake Arlington without a current Texas Fishing License.
- D. Fishing regulations shall be enforced under the Texas Parks and Wildlife Code and the regulations promulgated by the Texas Parks and Wildlife Commission. (Amend Ord 11-042, 8/16/11)

Section 2.12 Skiing, Surfing and Water Sports

The activities of skiing, surfing, pulling another person upon any buoyant device or material behind or beside a watercraft, or other comparable water sports shall be governed as follows:

- 1. All persons directly engaged in any activities under this section shall wear life preservers at all times.
- 2. No watercraft or person engaged in any activities under this section shall approach closer than 100 feet to docks, swimming areas, any shoreline or other watercraft.
- 3. No person shall engage in activities under this section south of Bowman Springs Park.
- 4. No boat or other watercraft shall follow closer than 200 feet behind a person engaged in any activity under this section.
- 5. No person shall tow another person by any method into a "No Ski" area, regardless of whether the towed person is using a ski or skis or is on any other buoyant device or material.

Section 2.13 Capacity of Watercraft

No person owning or operating a watercraft on Lake Arlington shall permit watercraft to be occupied by more persons than the rated capacity of such watercraft, nor shall any person owning or operating a watercraft on Lake Arlington permit same to be loaded with passengers or cargo beyond its safe capacity, taking into consideration weather and other operating conditions.

Section 2.14 Intoxication

Any person operating or occupying a watercraft on Lake Arlington, or engaged in any activity in or upon the water of Lake Arlington, who is found to be or appears to be intoxicated and a danger to himself or herself or others may be ejected from Lake Arlington by an Ordinance Administrator or any peace officer. Failure to leave Lake Arlington when ordered to do so under this section shall constitute grounds for the revocation of the Recreation Permit issued to any watercraft involved in a violation of this section.

Section 2.15 Certain Types of Watercraft Prohibited

- A. No person shall place, operate or keep any watercraft commonly referred to as a competition type motorboat, houseboat, air boat or raft on Lake Arlington without first obtaining written permission from the Ordinance Administrator. The ordinance Administrator may grant, for a period not to exceed 30 days, a permit to use these types of watercraft on Lake Arlington under specific written guidelines.
- B. No detachable propulsion system watercraft shall be operated on Lake Arlington with an engine horsepower exceeding that listed on its permanently attached U.S. Coast Guard capacity plate. In the event that the watercraft has no capacity plate attached, the maximum safe horsepower for such watercraft shall be determined by using the Code of Waters, Chapter 1, Coast Guard, Department of Transportation, Part 183, Subpart D - Safe Powering, and the engine horsepower of the watercraft shall not exceed that maximum safe horsepower. Non-detachable propulsion system boats shall be exempt from a horsepower limitation.

- C. All motorized watercraft shall meet the following conditions:
1. The engine shall be exhausted below the water line.
 2. The watercraft shall be in a safe condition and may be utilized only for recreational purposes.

Section 2.16 Use for Commercial Fishing Prohibited

No person shall use or operate a watercraft on Lake Arlington for the purpose of catching and taking fish or game for market or sale, except for the removal of rough fish as authorized by the Ordinance Administrator.

Section 2.17 Severe Weather Warning

When in the opinion of an Ordinance Administrator, severe weather is forecast, or when weather conditions on Lake Arlington are such as to render boating, fishing, swimming and other activities hazardous, he shall have the authority to order all persons and all watercraft ashore, under such terms and conditions as in his sole judgment are deemed necessary for the protection of people and property. No person shall knowingly or intentionally remain in or upon the waters of Lake Arlington in violation of a severe weather warning issued under this section.

Section 2.18 Removal of Watercraft from Lake

- A. An Ordinance Administrator may require the removal of any watercraft from Lake Arlington if such watercraft is in an unsafe operating condition or is in violation of any of the applicable provisions of this Chapter.
- B. Any peace officer may require the removal of any watercraft from Lake Arlington if such watercraft is in an unsafe operating condition or is in violation of any of the applicable provisions of this Chapter or the Texas Parks and Wildlife Code or regulations promulgated by the Texas Parks and Wildlife Commission.
- C. This section shall be enforced under the Texas Water Safety Act. (Amend Ord 11-042, 8/16/11)

Section 2.19 Abandoned Watercraft, Boathouses or Other Structures

- A. Any watercraft, boathouses, or other structures found abandoned or adrift on Lake Arlington, not in use and not anchored or grounded in compliance with this Chapter, shall be deemed to be abandoned and shall be taken up by an Ordinance Administrator; and the City shall have a lien thereon for the expenses of taking, towing and keeping the same, which shall be done at the owner's risk and without any liability whatsoever on the part of the City. Processing of the abandoned watercraft shall be in accordance with the Nuisance Chapter of the Code of the City of Arlington.
- B. The abandonment of any property on the land and waters covered by this article is prohibited. Property shall not be left unattended upon such land or waters.

Section 2.20 Inspection of Watercraft

- A. In order to enforce the provisions of this Chapter or the Texas Parks and Wildlife Code, any peace officer may stop and board any watercraft subject to this Chapter and may inspect the same to determine compliance with applicable provisions. In order to enforce the provisions of this Chapter, an Ordinance Administrator may board and inspect a watercraft when the same is at dock or anchored at a shoreline only.
- B. Failure by the owner or operator of a watercraft on Lake Arlington to comply with an inspection under this Chapter may constitute grounds for ejection from said Lake and the revocation of the Recreation Permit issued for such watercraft.
- C. Criminal violations under this section shall be enforced under Section 31.124 of the Texas Water Safety. (Amend Ord 11-042, 8/16/11)

Section 2.21 Revocation of Recreation Permit

- A. The Ordinance Administrator may revoke a Recreation Permit if an authorized representative of the City or a peace officer provides the Ordinance Administrator with written notice that a person operating or occupying a

- watercraft on Lake Arlington for which the Recreation Permit was issued was found to be in violation of any provision of this Chapter.
- B. Written notice of the revocation shall be sent by the Ordinance Administrator to the person in whose name the permit was obtained by certified mail or shall be given to such individual personally. The notice shall contain the date of the notice, the effective date of the revocation and shall state the grounds therefore.
 - C. A person that has had his Recreation Permit revoked may, within ten calendar days after the date of the notice of revocation, submit to the Ordinance Administrator a written request to appear before the Ordinance Administrator in order to show cause why the permit should not be revoked. Such request for a hearing shall not stay the revocation, and the watercraft affected thereby shall not be allowed on Lake Arlington unless and until the revocation is overturned. If no hearing is requested, the Ordinance Administrator's decision shall be final.
 - D. Following the show cause hearing, the Ordinance Administrator may either uphold or overturn the revocation. The Ordinance Administrator's decision shall be in writing and delivered to the permit holder in person or by certified mail.
 - E. A decision, after a show cause hearing, to revoke a permit may be appealed to the Appeal Officer by written request to the Appeal Officer within five business days of the date of the decision of the Ordinance Administrator rendered pursuant to Subsection (D) above. The Appeal Officer shall set a date for the appeal hearing no later than five business days following receipt of the notice of appeal, and after such hearing, shall uphold or overturn the revocation. If no such appeal is taken, the decision of the Ordinance Administrator rendered pursuant to Subsection (D) above shall be final.
 - F. No person whose permit has been revoked twice within a 12 month period shall be eligible for a new permit until 12 months have expired from the date of the second revocation. Otherwise, an application for a new permit following a revocation shall be processed pursuant to this Chapter. (Adopt Ord 09-021, 4/7/09)

Section 2.22 Docking and Mooring Boats

- A. When not in use, all boats and other watercraft shall be moored only to docks, permanent docking structures, or other authorized docking locations, as designated by the City. Boats and other watercraft shall not be moored to any other structure not primarily designed for the mooring of boats and other watercraft, including, but not limited to retaining walls, sign posts, and other similar structures.
- B. It is a defense to prosecution that the person failed to moor the boat or other water craft as required by this section due to force majeure. (Amend Ord 11-042, 8/16/11)

Section 2.23 Additional Enforcement

In addition to this Article, State law provisions are applicable to Lake Arlington and shall be enforced according to the substance and procedures established by State law. Applicable State law includes, but is not limited to, as amended, the Texas Parks and Wildlife Code, the regulations promulgated by the Texas Parks and Wildlife Commission, and the United States Coast Guard Inland Rules as adopted by the Texas Parks and Wildlife Code. (Amend Ord 11-042, 8/16/11)

ARTICLE III

SWIMMING AND BATHING

Section 3.01 Swimming

No person shall swim, wade, bathe or otherwise immerse himself or herself in whole or in part in the waters of Lake Arlington except in specified areas designated by the Ordinance Administrator.

(Adopt Ord 09-021, 4/7/09)

ARTICLE IV

FISHING

Section 4.01 Trotlines and Juglines

No person shall place a trotline or jugline in open water between the Bowman Springs Park buoy line and the Lake Arlington Dam.

Section 4.02 Fishing from Bridges Prohibited

No person shall fish from any bridge maintained by the City of Arlington that crosses any part of the waters of Lake Arlington. Fishing from any bridge or causeway on a road maintained by the Texas Department of Transportation shall be enforced under the Texas Parks and Wildlife Code. (Amend Ord 11-042, 8/16/11)

ARTICLE V

BUILDINGS AND STRUCTURES

Section 5.01 Permit and Annual License Agreement Required

No person shall construct, keep, erect, maintain, enlarge, alter or move any building, boathouse, dock, pier or other structure or any combination of structures on the Flowage Easement, nor shall any person cause any of said acts to be done without first making application and obtaining a permit and complying with all other applicable City ordinances.

No person shall construct, keep, erect, maintain, enlarge, alter or move any building, boathouse, dock, pier or other structure or any combination of structures; or excavate, grade, or fill property or cause the same to be done on any property located within the Lake Arlington Reservoir Area, except for structure support poles, piers, anchors or rip rap for slope stabilization, without first making application and obtaining a permit and an annual license agreement and complying with all other applicable City ordinances. A license agreement issued under this chapter is valid for the calendar year or the unexpired portion of the calendar year unless the license agreement is revoked or terminated in accordance with City ordinances or in accordance with the terms of the license agreement. Prior to the expiration of a license agreement, a person can renew the license agreement for the following calendar year by submission of the required fee and a completed form provided by the Ordinance Administrator. (Amend Ord 11-042, 8/16/11)

Section 5.02 Construction on Lake Arlington

Construction on Lake Arlington shall be governed by the Construction Chapter and other relevant City ordinances. (Amend Ord 11-042, 8/16/11)

Section 5.03 Site Plan Approval Required

No person shall perform any earthwork in the Reservoir Area or Flowage Easement unless such work is approved by City and performed in accordance with the Construction,

Flood Damage Prevention and other relevant ordinances of the City Code. (Amend Ord 11-042, 8/16/11)

Section 5.04 License Agreement Application

Each application for a license agreement, together with the required compensation, shall be filed with the Ordinance Administrator on a form prescribed by the Ordinance Administrator. (Amend Ord 11-042, 8/16/11)

Section 5.05 Consideration of Application

The Ordinance Administrator shall examine and consider each application for an annual license agreement, and shall ascertain whether the building, structure or earthwork complies with the requirements of the City Code of Ordinances. If the building, structure or earthwork complies with such requirements and is determined to be a safe and proper use of the Reservoir Area consistent with the public interest, having due regard for the recreational and water storage and conservation purposes of the Lake, the Ordinance Administrator shall issue an annual license agreement. Otherwise, he or she shall deny the application. The license agreement shall be in addition to such permits or approvals as may be required by other provisions of this Chapter and other Chapters of the City Code. The annual license agreement shall be issued for the calendar year or the unexpired portion thereof. The fee required, however, shall not be prorated to cover a portion of a calendar year, but in all instances shall be collected as if the license agreement covered the full calendar year. (Amend Ord 11-042, 8/16/11)

Section 5.06 Shoreline Restoration and Preservation

The restoration or preservation of natural shoreline areas in Lake Arlington is strongly encouraged provided that the restoration or preservation does not remove storage volume from the Reservoir Area or the Flowage Easement, increase sediment run off into the lake during or after construction or periods of plant stabilization, or increase soil erosion of the shoreline. Methods are listed below along with approved plants.

- A. Erosion control can be achieved by shoreline tie backs or other erosion control systems and plants for slopes

- with a ratio of greater than fifty per cent or when the ratio of run to the rise is greater than two to one.
- B. Existing trees and invasive plants may be thinned to provide access to the lake provided that soils are stabilized with approved plants and no more than fifty percent of the existing trees are removed within fifty feet of the shoreline.
- C. Approved plant list.
1. Trees: Bald Cypress, Pecan, Cedar Elm, American Elm, Southern Red Oak, Eastern Sycamore, Live Oak, Shumard Oak, Eastern Redbud, Dessert Willow, Red Maple, Southern Magnolia, Mexican Plum, Youpon, Flowering Dogwood, and Green Ash.
 2. Plants: Wax Myrtle, Island Sea Oats, Maidenhair Fern, Dwarf Palmetto, Buffalo Grass, Indian Paintbrush, Plains Coreopsis, Lindheimer's Muhly, Purple Cone Flower, Indian Blanket, Turk's Cap, Frogfruit, Annual Phlox, Black-eyed Susan and Spiderwort.
- D. Property owners that remove existing retaining walls and accomplish shoreline restoration and preservation projects will be granted an additional 25% of dock space excluding walkways as provided in the Construction Chapter. Size and setback limitations are provided in the Construction Chapter. (Amend Ord 11-042, 8/16/11)

Section 5.07 Fees

Annual License agreement compensation and permit fees for boathouses, piers or other structures or any combination of structures or earthwork shall be as established by resolution of the City Council. An applicant shall pay the fee or compensation in effect at the time of the application. The fees or compensation shall be reviewed on an annual basis and, if necessary, shall be revised by resolution of the City Council. (Amend Ord 11-042, 8/16/11)

Section 5.08 Revocation of License Agreement and Unlicensed Facilities

After written notice of the Ordinance Administrator, license agreements under this Ordinance may be revoked in the event the facilities are not properly maintained by the owner or licensee and unlicensed facilities may be removed at the property owner's expense in accordance with this Chapter. The written notice by the Ordinance Administrator shall be addressed to the last licensee, if such facility has been previously licensed, and to the owner of the property to which such facility is appurtenant as the ownership appears in the Tarrant Appraisal District records. Such notice shall be mailed by certified United States mail, postage prepaid and properly addressed to the licensee, if any, and owner. The Ordinance Administrator shall issue written notice as follows:

1. In the event a licensed facility is found to be improperly maintained or otherwise in disrepair, the Ordinance Administrator shall issue written notice ordering said licensee and owner to make required improvements to the facility licensee within 30 days from the date of the written notice. If the required improvements are not made by the licensee or owner within the specified time and the written notice was not appealed in accordance with this Chapter, the license agreement for the facility shall be revoked and the facility shall be removed at the property owner's expense, in accordance with this Chapter.
2. In the event a facility is found to be unlicensed and improperly maintained or otherwise in disrepair, the Ordinance Administrator shall issue written notice ordering said owner to obtain a license agreement and to make required improvements to the facility within 30 days from the date of the written notice. If the license agreement for the facility is obtained but the required improvements are not made within the specified time and the written notice was not appealed in accordance with this Chapter, the license agreement for the facility shall be revoked and the facility shall be removed at the property owner's expense, in accordance with this Chapter. If the license agreement is not obtained within the specified time, regardless to whether the required improvements are or are not made, and the written notice was not appealed in accordance with this Chapter, the City may remove, or cause to be removed, all or any part of same at the owner's

expense. The City may proceed with all legal remedies available to collect such expense and no further license agreement shall be issued for such facilities appurtenant to the property which was served by such removed facility until said City has been reimbursed for such removal expense.

3. In the event a facility is found to be unlicensed, the Ordinance Administrator shall issue written notice ordering said owner to obtain a license agreement within 30 days from the date of the written notice. If the license agreement for the facility is not obtained and the written notice was not appealed in accordance with this Chapter, the City may remove, or cause to be removed, all or any part of same at the owner's expense. The City may proceed with all legal remedies available to collect such expense and no further license agreement shall be issued for such facilities appurtenant to the property which was served by such removed facility until said City has been reimbursed for such removal expense. (Amend Ord 11-042, 8/16/11)

Section 5.09 Certain Structures Prohibited

- A. Except as otherwise specifically provided in this Chapter and except for any permitted structure in existence at the time of the effective date of this ordinance amendment, it shall be unlawful for any person to construct, place or locate within, over or on Lake Arlington or on the City's lands or easements abutting Lake Arlington, any structure of any nature whatsoever, including but not limited to buildings, boat slips, pilings, trailers, houses, cabins, shacks, outhouses, toilets, privies, septic tanks, cesspools, canals, ditches, fills, causeways, channels, jetties, bridges, islands and roads (excluding from this provision, however, boats of any nature). It shall be unlawful to construct any canals, channels, ditches, boat slips or other excavation connection to Lake Arlington or any of its connecting waters.
- B. It shall be unlawful for any person to erect, place or permit to stand any duck or goose blind upon Lake Arlington Reservoir, its draining streams or tributaries.

- C. Boathouses shall be used for the housing of boats and equipment only, and human habitation therein shall not be permitted.
- D. The City expressly reserves the right to exercise and pursue any and all legal procedures and remedies available to it to protect its property rights, including but not limited to requiring the removal of any existing structures, fill or excavation constructed or encroaching into or upon Lake Arlington or any of the City's lands or easements. This express reservation of this right to the City shall be in addition to any other rights, remedies and penalties provided for in this Chapter.

Section 5.10 Environmental Protection

No person shall store containers of hazardous materials, herbicides, insecticides, fertilizers or other pollutants on Lake Arlington, the Flowage Easement, or the Reservoir Area. The storage of fuel and oil shall be allowed as provided by the Zoning Chapter of the City Code of Ordinances. (Amend Ord 11-042, 8/16/11)

Section 5.11 Construction Chapter Applicable to Docks, Retaining Walls, Piers and Boathouses

Docks, retaining walls, piers, and boathouses are structures, as that term is used in the Construction Chapter of the Code of the City of Arlington, and persons desiring to construct them shall comply in all respects with the Construction Chapter. (Amend Ord 11-042, 8/16/11)

Section 5.12 Design and Construction of Marinas

The design and construction of marinas on Lake Arlington, the Flowage Easement, or the Reservoir Area shall comply with the Construction and Zoning Chapters of the City Code. (Amend Ord 11-042, 8/16/11)

Section 5.13 Enforcement Authority

Enforcement and inspections under this Chapter shall be made by the Ordinance Administrator or any peace officer.

Section 5.14 Requiring Repair, Removal, or Demolition of Building

If the Ordinance Administrator has reason to believe that a building is a dangerous building as defined in the Construction Chapter of the City Code or other relevant ordinances, the Ordinance Administrator shall proceed in accordance with the Construction Chapter or other relevant law:

1. to determine whether the building is a dangerous building and, if so, whether it shall be vacated, secured, repaired, removed, and/or demolished, or any occupants relocated; and,
2. to recover expenses incurred for any work that is done to repair, remove, secure, vacate, or demolish.

Section 5.15 Requiring Repair, Removal, or Demolition of Structure

A. If the Ordinance Administrator has reason to believe that a bulkhead or other method of shoreline protection, fence, shed, awning, or other structure, or part of a structure, hereinafter referred to as "structure", is likely to endanger persons or property, the Ordinance Administrator shall schedule a public hearing before the Hearing Authority for a determination of whether the structure is likely to endanger persons or property and for the issuing of a proposed order on the determination of whether the structure is likely to endanger persons or property and on the repair, removal or demolition of the structure.

B. Hearing Authority Hearing

1. Scheduling a Hearing. The Ordinance Administrator shall schedule a public hearing when the Ordinance Administrator has inspected any structure and has determined that such structure is likely to endanger persons or property.

2. Issuance of Notice.

a. The Ordinance Administrator shall issue a notice of hearing to each owner of the structure, owner of the property on which the structure is located, mortgagee, and lienholder, as known by the City and as shown by search of the following records:

- (1) Official Public Records of Real Property in Tarrant County, specifically in the Tarrant County Clerk's Office;
- (2) Appraisal district records for the appraisal district in which the structure is located;
- (3) Records of the Texas Secretary of State;
- (4) Assumed name records for Tarrant County;
- (6) Tax records of the City of Arlington; and
- (7) Utility records for the City of Arlington.

b. The Ordinance Administrator shall issue notice of hearing to all unknown owners, if any, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

3. Contents of Notice. The notice shall contain:

- a. The street address or legal description of the structure;
- b. A statement that the Ordinance Administrator has found that the structure is likely to endanger persons or property, and a brief description of the conditions found to render such likely to endanger persons or property;
- c. A statement specifying the date, time and place of the hearing; and

- d. A statement that the owner of the structure, owner of the property on which the structure is located, mortgagee, and lienholder will be afforded an opportunity to comment at the hearing and will be required to submit at the hearing proof of the scope of any work that may be required to abate the condition likely to endanger persons or property and the time it will take to reasonably perform the work.
4. Service of Notice.
- a. Notice of the hearing shall be given by certified mail, return receipt requested, or by personal service. If the address of any person entitled to notice cannot be ascertained, or if service cannot be made by mail or in person after a reasonable attempt, and for all unknown owners, service shall be made by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.
 - b. The notice shall be mailed and/or posted before the tenth (10th) day before the date of the hearing. Service by certified mail shall be effective on the date of mailing.
 - c. Proof of personal service shall be certified at the time of service by a written declaration executed by the person effecting service, declaring the date, time and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice retained by the Ordinance Administrator.
 - d. Notice of the hearing may be filed in the Official Public Records of Real Property in Tarrant County, specifically in the Tarrant County Clerk's Office. The notice shall contain:
 - (1) the name and address of the owner of the affected property if that information can be determined;

(2) a legal description of the affected property; and

(3) a description of the hearing.

The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

5. Conduct of Hearing.

a. Failure to Appear. If the owner fails to appear at the hearing after being duly served, the Hearing Authority shall conduct the hearing as if the owner personally appeared.

b. Subpoena Power. Witnesses may be subpoenaed in accordance with the procedures set forth in Article XI of the "Administration" Chapter.

c. Procedure. The Hearing Authority shall be authorized to establish rules and regulations for the conduct of hearings, if such are consistent with this Chapter, other local ordinances and state law.

6. Findings and Orders.

a. After all evidence has been presented, the Hearing Authority shall determine whether the structure is likely to endanger persons or property.

b. The Hearing Authority shall enter an order as set forth below:

(1) If the structure is believed by the Hearing Authority to likely endanger persons or property, the Hearing Authority may issue an order that:

- (a) finds that the structure is likely to endanger persons or property;
 - (b) orders the owner of the structure or owner of the property on which the structure is located, at his option, to repair, remove, or demolish the structure, or the part of the structure within a specified time;
 - (c) orders an additional specified period of time for all mortgagees or lienholders to comply with the order should the owner of the structure or the owner of the property on which the structure is located fail to comply with the order within the time provided for action; and
 - (d) orders that if the owner of the structure or the owner of the property on which the structure is located fails to comply with any part of the order by the specified dates and if any of the mortgagees or lienholders fail to comply with the order in the owner's stead by the specified dates, the City is hereby authorized at its discretion to repair, remove or demolish, at the expense of the City, on behalf of the owner of the structure or the owner of the property on which the structure is located, and assess the repair, removal or demolition expenses on the property on which the structure was located.
- (2) If the structure is not believed by the Hearing Authority to likely endanger persons or property, the Hearing Authority may issue an order that finds that the structure is not likely to endanger persons or property.

7. Proposed Order.

- a. The proposed order issued by the Hearing Authority shall be in writing and shall set forth the decisions of the Hearing Authority made pursuant to this Chapter.
- b. An order to repair, remove or demolish shall set forth those items that need to be repaired, removed, or demolished.
- c. The proposed order shall be signed and dated by the Municipal Court Judge or one or more persons assigned the responsibility of conducting a hearing under this Chapter.
- d. After the hearing, the Hearing Authority shall promptly send a copy of the proposed order, a record of the hearing and any evidence to the Ordinance Administrator.
- e. The Ordinance Administrator shall promptly send a copy of the Hearing Authority's proposed order by certified mail, return receipt requested, to the owner of the structure, owner of the property on which the structure is located, mortgagee, and lienholder. If a notice is mailed according to this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected, and the notice shall be deemed as delivered.
- f. The Ordinance Administrator may schedule on the City Council agenda the proposed order for final resolution by City Council. The Ordinance Administrator shall issue notice of the City Council agenda date, time and place for final resolution pursuant to the issuance, contents and service of notice for the Hearing Authority's hearing in this Chapter.

C. City Council Resolution

1. City Council may adopt, in whole or part, by City Council Resolution the Hearing Authority's order as its finding and order.

2. City Council may amend, modify or reject the Hearing Authority's order. If City Council amends, modifies or rejects the Hearing Authority's order, the City Council by City Council Resolution shall issue its finding and order. City Council's finding and order shall be issued in accordance with the Hearing Authority's procedures for Findings and Decisions set forth in this Chapter.
3. A copy of the City Council Resolution shall be sent promptly by the Ordinance Administrator by certified mail, return receipt requested, to the owner of the structure, owner of the property on which the structure is located, mortgagee, and lienholder. If such City Council Resolution is mailed according to this subsection and the United States Postal Service returns the order as "refused" or "unclaimed", the validity of notice of the order is not affected, and the order shall be deemed as delivered.
4. Within ten (10) days after the date of passage of the City Council Resolution:
 - a. a copy of the City Council Resolution containing its finding and order regarding the structure shall be filed in the Office of the City Secretary; and
 - b. a notice shall be published in a newspaper of general circulation in the City, said notice containing:
 - (1) the street address or legal description of the property;
 - (2) the date of consideration of the City Council Resolution;
 - (3) a brief statement indicating the results of the City Council Resolution; and
 - (4) instructions stating where a complete copy of the City Council Resolution may be obtained.

- (5) If the owner of structure or the owner of the property on which the structure is located fails to comply with an order in the City Council Resolution within the allotted time, the Ordinance Administrator shall cause a copy of the City Council Resolution to be sent by certified mail return receipt requested to each lienholder and mortgagee as was determined pursuant to this Chapter. This shall constitute notice to the lienholders and mortgagees that the owner has failed to comply with the order.
5. When any work to repair, remove, or demolish is done pursuant to this Chapter, the Ordinance Administrator shall cause the work to be accomplished by City personnel or by private contract under the direction of the Ordinance Administrator, or he may employ such architectural, engineering, or other specialized assistance on a contract basis as reasonably necessary.
6. Any expenses for work to repair, remove or demolish shall be assessed pursuant to Article XVIII of the Construction Chapter except as to the following:

The Ordinance Administrator shall also provide notice of the assessment to the owner of structure and the owner of the property on which the structure was located by mailing by certified mail, postage prepaid a copy of the Hearing Authority's order assessing cost.

(Adopt Ord 09-021, 4/7/09)

ARTICLE VI

SANITATION

Section 6.01 Sewage Systems Required

All habitations located within thirteen hundred feet (1,300') of the emergency spillway level (elevation five hundred sixty feet [560'] above mean sea level) in Lake Arlington shall be connected to a municipal sanitary sewer system.

Section 6.02 Livestock

No animals or livestock shall be permitted nearer to Lake Arlington than the emergency spillway level (elevation five hundred sixty feet [560'] above mean sea level). No animal pens, corrals or barns shall be constructed within three hundred feet (300') (measured horizontally) of said emergency spillway elevation, nor shall they be constructed at any point from which drainage may run into Lake Arlington or into any stream which lies within the Lake Arlington watershed.

(Adopt Ord 09-021, 4/7/09)

ARTICLE VII

MISCELLANEOUS OFFENSES

Section 7.01 Restricted Areas

No person shall engage in wading, bathing, swimming or floating, fishing, boating, skiing or otherwise being towed, surfing, jet skiing or any other activity in or upon Lake Arlington in any areas designated as restricted areas and marked with buoys, signs or in any other manner. Nor shall any person, other than City employees in the performance of their duties, in any manner go upon any part of the Lake Arlington Dam or emergency spillway for any purpose whatever.

Section 7.02 No Motor Vehicles Permitted on Dam or Emergency Spillway

No person, other than City employees in the performance of their duties, shall operate or park any motor vehicle on the Lake Arlington Dam or emergency spillway.

Section 7.03 Parachute or Kite Flying

No person shall engage in parachute flying or kite flying on or over Lake Arlington unless authorized to do so in writing by the Ordinance Administrator.

Section 7.04 Camping

No camping shall be permitted within thirteen hundred feet (1,300') of the emergency spillway level (elevation five hundred sixty feet [560'] above mean sea level) of Lake Arlington, save and except in certain designated areas authorized by the Ordinance Administrator.

Section 7.05 Children to be Accompanied by Adults

No child under the age of twelve (12) years shall be permitted to enter or remain in or upon Lake Arlington unless accompanied by and under the immediate supervision at all times of an adult person aged 21 or older.

Section 7.06 Prohibited Hours

Prohibited hours and activities at Richard W. Simpson Park are governed by the Parks Chapter of the Code of the City of Arlington. (Amend Ord 11-042, 8/16/11)

Section 7.07 Unmanned Boats

No person shall leave a watercraft on Lake Arlington overnight unmanned, unless he has written permission to do so from the Ordinance Administrator.

Section 7.08 Landing Airplanes

No person shall land an airplane on Lake Arlington, except in case of emergency or as allowed by law.

Section 7.09 Vehicles in Water

No person shall drive a motor vehicle into the waters of Lake Arlington or on the lake bed at times when the water level has receded below elevation five hundred fifty feet (550').

It is an affirmative defense to prosecution under this section that the person was engaged in the act of launching or retrieving a watercraft at an approved location. (Amend Ord 11-042, 8/16/11)

Section 7.10 Weapons on Lake

No person, while engaged in any activity upon, on, in or at Lake Arlington, shall carry on or about his person any firearm, as that term is defined in Texas Penal Code, Section 46.01(3); provided, however, that this section shall not apply to conduct addressed in Chapter 46, entitled "Weapons", of the Texas Penal Code.

Section 7.11 Illegal Dumping at Lake Arlington

No person shall dispose or allow or permit the disposal of litter, debris, other solid waste, or any other material into Lake Arlington, its surrounding shorelines, the Flowage Easement, or the Reservoir Area, without the express written permission of the Ordinance Administrator. (Amend Ord 11-042, 8/16/11)

ARTICLE VIII

ENFORCEMENT

Section 8.01 Violations and Penalties

Any person who violates or fails to comply with any section or provision of this Chapter or the order, rule, regulation, license or permit issued hereunder shall be guilty of a misdemeanor, and each day the violation continues shall be a separate offense. Upon conviction each offense shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00). This penalty shall be in addition to and supplemental to any other remedies available to the City to suppress and abate the acts and conditions prohibited under the provisions hereof.

Section 8.02 No Culpable Mental State is Required

If the definition of an offense does not prescribe a culpable mental state, then a culpable mental state is not required. (Amend Ord 11-042, 8/16/11)

ARTICLE IX

APPEAL

Section 9.01 Appeal

Any person aggrieved by a decision of the Ordinance Administrator in accordance with this Chapter may appeal said decision or action to the Appeal Officer by making a written request within seven business days of the adverse decision or action. Appeal Officer means the City Manager designee that presides over appeals of the Ordinance Administrator actions or decisions. The appeal hearing shall be conducted no later than seven business days following receipt of the notice of appeal unless the parties agree to a later date. The appeal shall be conducted by the Appeal Officer. The decision of the Appeal Officer shall be final.

(Adopt Ord 09-021, 4/7/09)

ORDINANCE NO. 96-154

AN ORDINANCE AMENDING THE "**LAKE ARLINGTON**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I**, ENTITLED GENERAL PROVISIONS, BY THE AMENDMENT OF **SECTION 1.01**, DEFINITIONS, BY THE ADDITION OF THE DEFINITIONS OF "PERSONAL WATERCRAFT" AND "WASTE DISPOSAL SITE"; THROUGH THE AMENDMENT OF **ARTICLE II**, ENTITLED BOATS AND BOATING, BY THE AMENDMENT OF **SECTION 2.05**, TRAFFIC RULES, BY THE ADDITION OF SUBSECTIONS (E) THROUGH (K), RELATIVE TO THE OPERATIONS OF A BOAT AND PERSONAL WATERCRAFT AND THE LIGHTING OF BOATS BETWEEN SUNSET AND SUNRISE; BY THE ADDITION OF A NEW **SECTION 2.06**, PERSONAL FLOTATION DEVICES, RELATIVE TO THE RULES REGARDING PERSONAL FLOTATION DEVICES AND THE RENUMBERING OF THE REMAINING SECTIONS; BY THE ADDITION OF A NEW **SECTION 2.12**, FISHING, RELATIVE TO THE SIZE AND AMOUNT OF GAME FISH POSSESSED AND THE REQUIREMENT FOR A TEXAS FISHING LICENSE AND THE RENUMBERING OF THE REMAINING SECTIONS; BY THE AMENDMENT OF **SECTION 2.21**, REVOCAION OF RECREATION PERMIT, RELATIVE TO REVOCATION OF RECREATION PERMIT FOR VIOLATION OF ANY PROVISION OF THIS CHAPTER; THROUGH THE AMENDMENT OF **ARTICLE VII**, ENTITLED MISCELLANEOUS OFFENSES, BY THE ADDITION OF **SECTION 7.12**, LITTERING, RELATIVE TO LITTERING INTO LAKE ARLINGTON OR ONTO ITS SURROUNDING SHORELINES; PROVIDING FOR A FINE OF UP TO **\$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON,
TEXAS:

1.

That the "Lake Arlington" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, General Provisions, by the amendment of **Section 1.01, Definitions**, by the addition of the definitions of "Personal Watercraft" and "Waste Disposal Site" so that hereafter the same shall be and read as follows:

Personal Watercraft - shall mean any type of motorboat which is specifically designed to be operated by a person or persons sitting, standing, or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

Waste Disposal Site - shall mean a bin, can or other container placed and designated for the disposal of solid waste, litter, or recyclable materials.

Further, Article II, is hereby amended through the amendment of **Section 2.05, Traffic Rules**, by the addition of Subsections (E) through (K), so that hereafter said subsections shall be and read as follows:

- E. No person operating a personal watercraft above headway speed may come closer than one-hundred fifty (150) feet from another vessel, except another personal watercraft.
- F. No person operating a personal watercraft shall jump the wake of another vessel towing a person for any type of water skiing activity.
- G. No person shall operate a personal watercraft between the hours of sunset to sunrise.
- H. No person may operate a boat above headway speed in any area marked/designated as a "No Wake" zone.
- I. No person may operate a boat above headway speed within fifty (50) feet of another boat, platform, person, object or shore.
- J. A boat when not at dock must have and exhibit at least one bright light from sunset to sunrise.

- K. A boat underway between sunset and sunrise must have and exhibit the lights prescribed by the Water Safety Act, Chapter 31, of the Parks and Wildlife Code, V.T.C.A.

Further, Article II, is hereby amended through the addition of a new **Section 2.06, Personal Flotation Devices**, and the renumbering of the remaining sections, so that hereafter said section shall be and read as follows:

Section 2.06 Personal Flotation Devices

The following rules regarding personal flotation devices shall be observed by boats and all other craft operating on Lake Arlington:

- A. A boat must have at least one Coast Guard approved *life preserver* aboard for each person on the boat.
- B. All passengers under thirteen (13) years of age on a boat must wear a Coast Guard approved life preserver any time the boat is underway.
- C. All persons operating or riding upon a personal watercraft shall wear a U.S. Coast Guard approved Type I, II, III or V personal flotation device.

Further, Article II, is hereby amended through the addition of a new **Section 2.12, Fishing**, and the renumbering of the remaining sections, so that hereafter said section shall be and read as follows:

Section 2.12 Fishing

- A. No person shall be in possession of any game fish which is under the statewide legal size limit for that species as defined by the Texas Parks and Wildlife Department.
- B. No person may possess more game fish of any species than is allowed by the Texas Parks and Wildlife Department.
- C. No person may fish in Lake Arlington without a current Texas Fishing License.

Further, Article II, is hereby amended through the amendment of **Section 2.21, Revocation of Recreation Permit**, so that hereafter said section shall be and read as follows:

Section 2.21 Revocation of Recreation Permit

- A. The Lake Supervisor of Parks and Recreation may revoke a Recreation Permit if an authorized representative of the City or a peace officer provides said Supervisor with written notice that a person operating or occupying the boat or other craft on Lake Arlington for which the Recreation Permit was issued was found to be in violation of any provision of this Chapter.
- B. Written notice of the revocation shall be sent by said Supervisor to the person in whose name the permit was obtained by certified mail or shall be given to such individual personally. Said notice shall contain the date of the notice, the effective date of the revocation and shall state the grounds therefor.
- C. A person whose Recreation Permit has been revoked may, within ten (10) calendar days after the date of the notice of revocation, submit to the Lake Supervisor of Parks and Recreation a written request to appear before said Supervisor in order to show cause why the permit should not be revoked. Such request for a hearing shall not stay the revocation, and the boat or other craft affected thereby shall not be allowed on Lake Arlington unless and until the revocation is overturned. If no hearing is requested, the Supervisor's decision shall be final.
- D. Following the show cause hearing, the Lake Supervisor may either uphold or overturn the revocation. The Supervisor's decision shall be in writing and delivered to the permit holder in person or by certified mail.
- E. A decision, after a show cause hearing, to revoke a permit may be appealed to the Director of Parks and Recreation or his designee (Appeal Officer) by written request to said Appeal Officer within five (5) days of the date of the decision of the Supervisor rendered pursuant to Subsection (D) above. The Appeal Officer shall set a date for the appeal hearing no later than five (5) days following receipt of the notice of appeal, and after such hearing, shall uphold or overturn the revocation. If no such appeal is taken,

the decision of the Supervisor rendered pursuant to Subsection (D) above shall be final.

- F. No person whose permit has been revoked twice within a twelve (12) month period shall be eligible for a new permit until twelve (12) months have expired from the date of the second revocation. Otherwise, an application for a new permit following a revocation shall be processed pursuant to Section 2.01 above.

Further, Article VII, Miscellaneous Offenses, is hereby amended through the addition of a new **Section 7.12, Littering**, so that hereafter said section shall be and read as follows:

Section 7.12 Littering

A person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste under fifteen (15) pounds or with a volume of thirteen (13) gallons or less into Lake Arlington or onto its surrounding shorelines. It is an exception to the above offense that the litter or solid waste was disposed of into an approved waste disposal or recycling site.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances 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, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 12th day of November, 1996, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING,

passed and approved on the 19th day of November, 1996, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

RICHARD E. GREENE, Mayor

ATTEST:

CINDY KEMP, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

Ordinance No. 09-021

An ordinance amending the “Lake Arlington” Chapter of the Code of the City of Arlington, Texas, 1987, through the repeal of the existing chapter and the adoption of a new “Lake Arlington” chapter, relative to new requirements and clarification and updating of the ordinance; and providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Lake Arlington” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended to read as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Definitions

“Boat” means all devices used or capable of being used for transportation on water, regardless of the means of propulsion or locomotion.

“Boathouse” means any covered structure or attached appurtenance which is used for the temporary or permanent storage of watercraft or personal property on or over the water.

“City” means the City of Arlington, Tarrant County, Texas.

“City Code” means the Code of Ordinances of the City of Arlington, Texas, 1987, as amended.

“Competition Type Motorboat” means any detachable propulsion system boat which exceeds U.S. Coast Guard maximum horsepower limitations or any non-detachable propulsion system boat which does not meet limitations specified in this Chapter.

“Earthwork” means the disturbance of soils associated with filling, clearing, and grading or excavation activity.

“Facilities” mean any building, boathouse, pier or other structure or any combination of structures.

“Gunwales” mean the upper edge of a vessel or boat.

“Hearing Authority” means the City’s Municipal Court, a board or commission listed in the Administration Chapter of the City Code, or a person assigned the responsibility of conducting a hearing under this Chapter by the Ordinance Administrator.

“Lake Arlington” means all of the waters within the Lake Arlington reservoir area that are located within the corporate limits of the City of Arlington.

“Lake Arlington Flowage Easement or Flowage Easement” means that area adjacent to the Reservoir Area which is bounded by the contour line of elevation five hundred sixty feet (560’) above mean sea level, lying between said contour line and the Lake Arlington Reservoir Area.

“Lake Arlington Reservoir Area or Reservoir Area” means the area bounded by the Lake Arlington Dam and the contour line of elevation five hundred fifty feet (550’) above mean sea level.

“Launch Area” means the geographic area operated or designed for the purposes of launching and recovering watercraft including the water covered areas from the shore to the center thread of the waterway and bounded by the property lines extended to said center thread.

“License” means that license required for any boathouse, pier or other structure or any combination of structures.

“Motorboat” means any watercraft propelled or designed to be propelled by machinery, whether or not the machinery is permanently or temporarily affixed, or is the principal source of propulsion.

“Operate” means to navigate or otherwise use a watercraft.

“Ordinance Administrator or Director” means the City Manager appointed Department Ordinance Administrator or their designees charged with the administration and enforcement of this Chapter.

The word “Owner”, applied to a building, land, personal property, or structure shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant by the entirety, of the whole or of a part of such building or land or personal property or structure.

“Peace Officer” means any person so designated by the Texas Code of Criminal Procedure.

“Person” means any natural person, association of persons, partnership, corporation, agent or officer, or other entity.

“Personal watercraft” means any type of watercraft which is specifically designed to be operated by a person or persons sitting, standing, or kneeling on the surface of the watercraft such as a jet ski or surfboard, rather than in the conventional manner of sitting or standing inside the vessel, such as a motorboat or sailboat.

“Pier” means any pier, wharf, boat dock, gangway, or other platform or structure in or adjoining the water to which vessels may be moored, by which they may be boarded, or on which persons may walk or sit.

“Raft” means a collection of logs or timber fastened together or any non-motorized rubber, canvas or plastic vessel not approved for use on Lake Arlington by the Ordinance Administrator.

“Waste Disposal Site” means a bin, can or other container placed and designated for the disposal of solid waste, litter, or recyclable materials.

“Watercraft” means any and all kinds or types of flotation vessels designated for use on the water whether or not motorized including, but not limited to, boats, canoes, kayaks, jet skis, skidoos, pedal craft, pontoon boats, rafts, inflatable craft, tubes, or wind propelled surfboards.

Section 1.02 Inspection

The Ordinance Administrator shall inspect all boats and other watercraft before they are permitted on Lake Arlington. The Ordinance Administrator or any peace officer may exclude any person or watercraft from Lake Arlington when such person or watercraft is in violation of the terms and provisions of this Chapter including watercraft that is unsafe or dangerous to life or property.

Section 1.03 Liability

The City shall in no event be liable to any person on account of the loss or damage to any property that may be placed in or upon Lake Arlington, nor shall the City be liable in any event to any person or persons whomsoever on account of personal injuries or loss of life that may be sustained by any person or persons in or upon Lake Arlington; and persons entering in or upon Lake Arlington shall do so at their sole risk and shall not be privileged to enter or remain in or upon Lake Arlington save and except under the terms and provisions of this Chapter and any other applicable law.

Section 1.04 Waiver

The City Council may upon owner application and consideration waive for a specified length of time such of the terms, provisions and conditions of this Chapter as may be deemed appropriate for the accommodation of water carnivals, shows, boat races, swimming meets, educational purposes, exhibitions and other special events as may be permitted from time to time and subject to such safety measures as the City Council may require.

Section 1.05 Purpose

The provisions in this chapter are cumulative of all City ordinances. The purpose of this chapter is to protect the health, safety and general welfare of Arlington citizens and visitors; to minimize property damages or losses; and to prevent erosion at or near Lake Arlington, Lake Arlington Flowage Easement or Lake Arlington Reservoir Area. The provisions of this Chapter are also designed to:

1. Regulate or prohibit activities or buildings or structures which are dangerous to health, safety or property or may cause increased flood heights or velocities.
2. Minimize damage to public facilities and utilities such as water, gas, electric, telephone, storm drainage, sanitary sewer, streets and bridges located in Lake Arlington.
3. Conserve in perpetuity the waterways throughout the City as a natural protection against the hazards and losses connected with flooding.
4. Regulate the construction and disposal of Lake Arlington hazards or flood barriers which will unnaturally divert waters or which may increase flood hazards to other lands or citizens or visitors in the Lake Arlington area, Lake Arlington Flowage Easement or Lake Arlington Reservoir Area.

Section 1.06 Permits and Licenses

Any permits or licenses issued under any provision of this chapter are not transferable.

ARTICLE II

WATERCRAFT

Section 2.01 Recreation Permit

- A. No person shall place, operate or keep any watercraft on Lake Arlington without first having obtained a Recreation Permit. The Recreation Permit shall be issued

for a one year period by the Ordinance Administrator upon the approval of the watercraft as being safe, seaworthy and in compliance with all provisions of this Chapter, and upon payment of the applicable Recreation Permit fee. The fee shall be as set by resolution of the City Council. A Recreation Permit may be revoked if the watercraft is occupied on Lake Arlington by an intoxicated person who does not leave said Lake pursuant to an order to do so by an Ordinance Administrator or a peace officer. In such case, a new permit must be obtained, or the revocation overturned pursuant to this Chapter before the watercraft may be returned to Lake Arlington.

- B. All annual Recreation Permits, regardless of their dates of issuance, shall expire at 12:00 o'clock midnight on December 31st of the year of issuance.
- C. Upon payment of the Recreation Permit fee, a decal evidencing the issuance of such Recreation Permit shall be affixed securely to the transom of the watercraft. Any watercraft without a decal may be denied admittance to Lake Arlington. The Ordinance Administrator may remove from the waters of Lake Arlington any boat or watercraft for which a Recreation Permit has not been obtained or on which a Recreation Permit has not been affixed.
- D. Application for a Recreation Permit and its issuance shall constitute consent by the permittee and probable cause for any Ordinance Administrator and any peace officer to stop, board and inspect the permitted watercraft. Failure to comply with this Chapter shall constitute grounds to exclude such watercraft from Lake Arlington, regardless of whether a permit has been issued. No person shall place, operate or keep any watercraft on Lake Arlington in contravention of an order by the Ordinance Administrator. The Ordinance Administrator may remove the boat under this section. A watercraft shall not be returned to the waters of Lake Arlington until there is full compliance with the provisions of this Chapter.

Section 2.02 Launching of Watercraft

- A. No person shall launch a boat or other watercraft on Lake Arlington except at points designated and authorized by the Ordinance Administrator.
- B. No vehicle, watercraft or trailer shall be placed, parked or left unattended in such a position and manner as to limit access to any designated launch area.

Section 2.03 Minimum Age of Operators

No person under the age of 14 years shall operate a watercraft on Lake Arlington without a person aged 21 years or older in such watercraft giving immediate and direct supervision to such minor.

Section 2.04 Traffic Rules

The following traffic rules shall be observed by watercraft operating on Lake Arlington:

1. **Passing:** When two (2) boats or other watercraft are approaching each other "head-on" or nearly so (so as to involve risk of collision), it shall be the duty of each boat to bear to the right and pass the other boat on its left side.
2. **Crossing:** When boats or other watercraft approach each other obliquely or at right angles, the boat or other watercraft approaching on the right side has the right-of-way.
3. **Overtaking:** One (1) boat or other watercraft may overtake another on either side, but must grant right-of-way to the overtaken boat or other watercraft.
4. **Speed Limit:** No person shall operate any boat or other watercraft on Lake Arlington at a rate of speed greater than thirty (30) miles per hour.
5. No person operating a personal watercraft above headway speed may come closer than one-hundred fifty (150) feet from another vessel, except another personal watercraft.
6. No person operating a personal watercraft shall jump the wake of another watercraft towing a person for any type of water skiing activity.
7. No person shall operate a personal watercraft between the hours of sunset to sunrise.
8. No person may operate a boat above headway speed in any area marked/designated as a "No Wake" zone.
9. No person may operate a boat above headway speed within fifty (50) feet of another boat, platform, person, object or shore.
10. A boat when not at dock must have and exhibit at least one bright light from sunset to sunrise.
11. A boat underway between sunset and sunrise must have and exhibit the lights prescribed by the Water Safety Act, Chapter 31, of the Parks and Wildlife Code, V.T.C.A.

Section 2.05 Personal Flotation Devices

The following rules regarding personal flotation devices shall be observed by all watercraft operating on Lake Arlington:

1. A watercraft must have at least one Coast Guard approved life preserver aboard for each person on the boat.
2. All passengers under 13 years of age on a watercraft must wear a Coast Guard approved life preserver any time the watercraft is underway.
3. All persons operating or riding upon a personal watercraft shall wear a U.S. Coast Guard approved Type I, II, III or V personal flotation device.

Section 2.06 Riding on Decks and Gunwales

No person operating a motorized watercraft on Lake Arlington shall allow any person to ride or sit on the gunwales thereof or on the decking over the bow of said motorized watercraft while the same is underway, nor shall any person operating an open motorized watercraft allow any person to stand in said motorized watercraft while the same is underway. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorized watercraft cannot stand on the decking over the bow of said motorized watercraft to moor the same or to cast off, or for any other necessary purpose when said motorized watercraft is not underway.

Section 2.07 Obstruction of Traffic Lanes Prohibited

No person shall anchor a watercraft for fishing or other purpose on Lake Arlington in such a position as to obstruct a passageway ordinarily used by other watercraft.

Section 2.08 Hanging On to Buoys

No person shall at any time hang on with a watercraft to any buoy, beacon or sign placed on Lake Arlington by the City.

Section 2.09 Anchoring

No person shall leave a watercraft on Lake Arlington without having the same dependably fastened to an anchorage, either in the water or upon the land. Any such watercraft not so fastened must be removed from the water a sufficient distance to assure that it will not be caused to float away from its station because of rising waters.

Section 2.10 Accidents

The operator of any watercraft involved in an accident resulting in injury or death to any person, or resulting in damage to property, shall report such accident immediately to an Ordinance Administrator.

Section 2.11 Fishing

- A. No person shall be in possession of any game fish which is under the statewide legal size limit for that species as defined by the Texas Parks and Wildlife Department.
- B. No person may possess more game fish of any species than is allowed by the Texas Parks and Wildlife Department.
- C. No person may fish in Lake Arlington without a current Texas Fishing License.

Section 2.12 Skiing, Surfing and Water Sports

The activities of skiing, surfing, pulling another person upon any buoyant device or material behind or beside a watercraft, or other comparable water sports shall be governed as follows:

- 1. All persons directly engaged in any activities under this section shall wear life preservers at all times.
- 2. No watercraft or person engaged in any activities under this section shall approach closer than 100 feet to docks, swimming areas, any shoreline or other watercraft.
- 3. No person shall engage in activities under this section south of Bowman Springs Park.
- 4. No boat or other watercraft shall follow closer than 200 feet behind a person engaged in any activity under this section.
- 5. No person shall tow another person by any method into a "No Ski" area, regardless of whether the towed person is using a ski or skis or is on any other buoyant device or material.

Section 2.13 Capacity of Watercraft

No person owning or operating a watercraft on Lake Arlington shall permit watercraft to be occupied by more persons than the rated capacity of such watercraft, nor shall any person owning or operating a watercraft on Lake Arlington permit same to be

loaded with passengers or cargo beyond its safe capacity, taking into consideration weather and other operating conditions.

Section 2.14 Intoxication

Any person operating or occupying a watercraft on Lake Arlington, or engaged in any activity in or upon the water of Lake Arlington, who is found to be or appears to be intoxicated and a danger to himself or herself or others may be ejected from Lake Arlington by an Ordinance Administrator or any peace officer. Failure to leave Lake Arlington when ordered to do so under this section shall constitute grounds for the revocation of the Recreation Permit issued to any watercraft involved in a violation of this section.

Section 2.15 Certain Types of Watercraft Prohibited

- A. No person shall place, operate or keep any watercraft commonly referred to as a competition type motorboat, houseboat, air boat or raft on Lake Arlington without first obtaining written permission from the Ordinance Administrator. The ordinance Administrator may grant, for a period not to exceed 30 days, a permit to use these types of watercraft on Lake Arlington under specific written guidelines.
- B. No detachable propulsion system watercraft shall be operated on Lake Arlington with an engine horsepower exceeding that listed on its permanently attached U.S. Coast Guard capacity plate. In the event that the watercraft has no capacity plate attached, the maximum safe horsepower for such watercraft shall be determined by using the Code of Waters, Chapter 1, Coast Guard, Department of Transportation, Part 183, Subpart D - Safe Powering, and the engine horsepower of the watercraft shall not exceed that maximum safe horsepower. Non-detachable propulsion system boats shall be exempt from a horsepower limitation.
- C. All motorized watercraft shall meet the following conditions:
 - 1. The engine shall be exhausted below the water line.
 - 2. The watercraft shall be in a safe condition and may be utilized only for recreational purposes.

Section 2.16 Use for Commercial Fishing Prohibited

No person shall use or operate a watercraft on Lake Arlington for the purpose of catching and taking fish or game for market or sale, except for the removal of rough fish as authorized by the Ordinance Administrator.

Section 2.17 Severe Weather Warning

When in the opinion of an Ordinance Administrator, severe weather is forecast, or when weather conditions on Lake Arlington are such as to render boating, fishing, swimming and other activities hazardous, he shall have the authority to order all persons and all watercraft ashore, under such terms and conditions as in his sole judgment are deemed necessary for the protection of people and property. No person shall knowingly or intentionally remain in or upon the waters of Lake Arlington in violation of a severe weather warning issued under this section.

Section 2.18 Removal of Watercraft from Lake

- A. An Ordinance Administrator may require the removal of any watercraft from Lake Arlington if such watercraft is in an unsafe operating condition or is in violation of any of the applicable provisions of this Chapter.
- B. Any peace officer may require the removal of any watercraft from Lake Arlington if such watercraft is in an unsafe operating condition or is in violation of any of the applicable provisions of this Chapter or the Texas Parks and Wildlife Code.
- C. Any person refusing to remove any watercraft under the provisions of this section shall be deemed guilty of a misdemeanor.

Section 2.19 Abandoned Watercraft, Boathouses or other Structures

- A. Any watercraft, boathouses, or other structures found abandoned or adrift on Lake Arlington, not in use and not anchored or grounded in compliance with this Chapter, shall be deemed to be abandoned and shall be taken up by an Ordinance Administrator; and the City shall have a lien thereon for the expenses of taking, towing and keeping the same, which shall be done at the owner's risk and without any liability whatsoever on the part of the City. Processing of the abandoned watercraft shall be in accordance with the Nuisance Chapter of the Code of the City of Arlington.
- B. The abandonment of any property on the land and waters covered by this article is prohibited. Property shall not be left unattended upon such land or waters.

Section 2.20 Inspection of Watercraft

- A. In order to enforce the provisions of this Chapter or the Texas Parks and Wildlife Code, any peace officer may stop and board any watercraft subject to this Chapter and may inspect the same to determine compliance with applicable provisions. In order to enforce the provisions of this Chapter, an Ordinance Administrator may board and inspect a watercraft when the same is at dock or anchored at a shoreline only.

- B. Failure by the owner or operator of a watercraft on Lake Arlington to comply with an inspection under this Chapter shall be a misdemeanor and may constitute grounds for ejection from said Lake and the revocation of the Recreation Permit issued for such watercraft.

Section 2.21 Revocation of Recreation Permit

- A. The Ordinance Administrator may revoke a Recreation Permit if an authorized representative of the City or a peace officer provides the Ordinance Administrator with written notice that a person operating or occupying a watercraft on Lake Arlington for which the Recreation Permit was issued was found to be in violation of any provision of this Chapter.
- B. Written notice of the revocation shall be sent by the Ordinance Administrator to the person in whose name the permit was obtained by certified mail or shall be given to such individual personally. The notice shall contain the date of the notice, the effective date of the revocation and shall state the grounds therefore.
- C. A person that has had his Recreation Permit revoked may, within ten calendar days after the date of the notice of revocation, submit to the Ordinance Administrator a written request to appear before the Ordinance Administrator in order to show cause why the permit should not be revoked. Such request for a hearing shall not stay the revocation, and the watercraft affected thereby shall not be allowed on Lake Arlington unless and until the revocation is overturned. If no hearing is requested, the Ordinance Administrator's decision shall be final.
- D. Following the show cause hearing, the Ordinance Administrator may either uphold or overturn the revocation. The Ordinance Administrator's decision shall be in writing and delivered to the permit holder in person or by certified mail.
- E. A decision, after a show cause hearing, to revoke a permit may be appealed to the Appeal Officer by written request to the Appeal Officer within five business days of the date of the decision of the Ordinance Administrator rendered pursuant to Subsection (D) above. The Appeal Officer shall set a date for the appeal hearing no later than five business days following receipt of the notice of appeal, and after such hearing, shall uphold or overturn the revocation. If no such appeal is taken, the decision of the Ordinance Administrator rendered pursuant to Subsection (D) above shall be final.
- F. No person whose permit has been revoked twice within a 12 month period shall be eligible for a new permit until 12 months have expired from the date of the second revocation. Otherwise, an application for a new permit following a revocation shall be processed pursuant to this Chapter.

ARTICLE III

SWIMMING AND BATHING

Section 3.01 Swimming

No person shall swim, wade, bathe or otherwise immerse himself or herself in whole or in part in the waters of Lake Arlington except in specified areas designated by the Ordinance Administrator.

ARTICLE IV

FISHING

Section 4.01 Trotlines and Juglines

No person shall place a trotline or jugline in open water between the Bowman Springs Park buoy line and the Lake Arlington Dam.

Section 4.02 Fishing from Bridges Prohibited

No person shall fish from any bridge that crosses any part of the waters of Lake Arlington.

ARTICLE V

BUILDINGS AND STRUCTURES

Section 5.01 Annual License Required

No person shall keep, maintain, erect, construct, enlarge, alter or move any building, boathouse, pier or other structure or any combination of structures on the Reservoir Area or Flowage Easement, nor shall any person cause any of said acts to be done without first making application and obtaining a license and complying with all other applicable City ordinances.

Section 5.02 Permit Required

No person shall keep, maintain, erect, construct, enlarge, alter or move any building, boathouse, pier or other structure or any combination of structures on the

Reservoir Area or Flowage Easement, nor shall any person cause any of said acts to be done without first making application and obtaining a permit and complying with all other applicable City ordinances.

Section 5.03 Site Plan Approval Required

No person shall perform any earthwork in the Reservoir Area or Flowage Easement, nor shall any person cause any of said acts to be done without first making application and obtaining the Ordinance Administrator's approval of the site plan or the earthwork and complying with all other applicable City ordinances.

Section 5.04 License, Permit and Site Plan Application

Each application for a license, permit or approval of a site plan, together with the required fee, shall be filed with the Ordinance Administrator on a form prescribed by the Ordinance Administrator.

Section 5.05 Consideration of Application and Issuance of Permit, License or Approval

The Ordinance Administrator shall examine and consider each application for a license, permit or approval of a site plan and shall ascertain whether the structure or earthwork complies with the requirements of the City Code. If the structure complies with such requirements and is determined to be a safe and proper use of the Reservoir Area consistent with the public interest, having due regard for the recreational and water storage and conservation purposes of said Reservoir Area, the Ordinance Administrator shall issue a permit, license or approval of the site plan. Otherwise, he or she shall deny the application. The license herein required shall be in addition to such permits or approvals as may be required by other provisions of this Chapter and other Chapters of the City Code. Such license shall be issued for the calendar year or the unexpired portion thereof. The fee required, however, shall not be prorated to cover a portion of a calendar year, but in all instances shall be collected as if the license covered the full calendar year.

The Department responsible for building permits and site plan review shall require compliance with the Flood Hazards Chapter for structures, buildings and earthwork in the Reservoir Area and Flowage Easement.

Section 5.06 Duration of Annual License

A license issued under this Article is valid for the calendar year or the unexpired portion thereof unless such license is revoked under the authority of this Chapter.

Prior to expiration of an issued license, a license for the following calendar year shall be applied for by submission of an application for a license together with the required fee to the Ordinance Administrator on a form prescribed by the Ordinance Administrator.

Section 5.07 Fees

License, permit and approval of site plan fees for a boathouse, pier or other structure, any combination of structures or earthwork shall be as established by resolution of the City Council. An applicant shall pay the fee in effect at the time of the application. The fees shall be reviewed on an annual basis and, if necessary, shall be revised by resolution of the City Council.

Section 5.08 Revocation of License and Unlicensed Facilities

After written notice of the Ordinance Administrator, licenses under this Ordinance may be revoked in the event the facilities are not properly maintained by the owner or licensee and unlicensed facilities may be removed at the property owner's expense in accordance with this Chapter. The written notice by the Ordinance Administrator shall be addressed to the last licensee, if such facility has been previously licensed, and to the owner of the property to which such facility is appurtenant as the ownership appears in the Tarrant Appraisal District records. Such notice shall be mailed by certified United States mail, postage prepaid and properly addressed to the licensee, if any, and owner. The Ordinance Administrator shall issue written notice as follows:

In the event a licensed facility is found to be improperly maintained or otherwise in disrepair, the Ordinance Administrator shall issue written notice ordering said licensee and owner to make required improvements to the facility licensee within 30 days from the date of the written notice. If the required improvements are not made by the licensee or owner within the specified time and the written notice was not appealed in accordance with this Chapter, the license for the facility shall be revoked and the facility shall be removed at the property owner's expense, in accordance with this Chapter.

2. In the event a facility is found to be unlicensed and improperly maintained or otherwise in disrepair, the Ordinance Administrator shall issue written notice ordering said owner to obtain a license and to make required improvements to the facility within 30 days from the date of the written notice. If the license for the facility is obtained but the required improvements are not made within the specified time and the written notice was not appealed in accordance with this Chapter, the license for the facility shall be revoked and the facility shall be removed at the property owner's expense, in accordance with this Chapter. If the license is not obtained within the specified time, irregardless to whether the required improvements are or are not made, and the written notice was not appealed in accordance with this Chapter, the City may remove, or cause to be

Section 5.12 Design and Construction of Piers and Boathouses

- A. Width and Length Requirements: The minimum width of any pier constructed in the Lake Arlington Reservoir Area shall be four feet (4'). The maximum length that any pier constructed in such area may extend beyond the back property line and onto public property shall in no case exceed one hundred feet (100').
- B. Loadings and Structural Requirements: All plans submitted for permit shall be signed and sealed by a Texas licensed, professional engineer.
- C. Addresses: Each pier, dock or boathouse shall have the street address of the property clearly marked and legible from the lake side of the structure.

Section 5.13 Enforcement Authority

Enforcement and inspections under this Chapter shall be made by the Ordinance Administrator or any peace officer.

Section 5.14 Requiring Repair, Removal, or Demolition of Building

If the Ordinance Administrator has reason to believe that a building is a dangerous building as defined in the Construction Chapter of the City Code or other relevant ordinances, the Ordinance Administrator shall proceed in accordance with the Construction Chapter or other relevant law:

- 1. to determine whether the building is a dangerous building and, if so, whether it shall be vacated, secured, repaired, removed, and/or demolished, or any occupants relocated; and,
- 2. to recover expenses incurred for any work that is done to repair, remove, secure, vacate, or demolish.

Section 5.15 Requiring Repair, Removal, or Demolition of Structure

- A. If the Ordinance Administrator has reason to believe that a bulkhead or other method of shoreline protection, fence, shed, awning, or other structure, or part of a structure, hereinafter referred to as "structure", is likely to endanger persons or property, the Ordinance Administrator shall schedule a public hearing before the Hearing Authority for a determination of whether the structure is likely to endanger persons or property and for the issuing of a proposed order on the determination of whether the structure is likely to endanger persons or property and on the repair, removal or demolition of the structure.

B. Hearing Authority Hearing

1. Scheduling a Hearing. The Ordinance Administrator shall schedule a public hearing when the Ordinance Administrator has inspected any structure and has determined that such structure is likely to endanger persons or property.
2. Issuance of Notice.
 - a. The Ordinance Administrator shall issue a notice of hearing to each owner of the structure, owner of the property on which the structure is located, mortgagee, and lienholder, as known by the City and as shown by search of the following records:
 - (1) Official Public Records of Real Property in Tarrant County, specifically in the Tarrant County Clerk's Office;
 - (2) Appraisal district records for the appraisal district in which the structure is located;
 - (3) Records of the Texas Secretary of State;
 - (4) Assumed name records for Tarrant County;
 - (6) Tax records of the City of Arlington; and
 - (7) Utility records for the City of Arlington.
 - b. The Ordinance Administrator shall issue notice of hearing to all unknown owners, if any, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.
3. Contents of Notice. The notice shall contain:
 - a. The street address or legal description of the structure;
 - b. A statement that the Ordinance Administrator has found that the structure is likely to endanger persons or property, and a brief description of the conditions found to render such likely to endanger persons or property;
 - c. A statement specifying the date, time and place of the hearing; and
 - d. A statement that the owner of the structure, owner of the property on which the structure is located, mortgagee, and lienholder will be afforded an opportunity to comment at the hearing and will be

required to submit at the hearing proof of the scope of any work that may be required to abate the condition likely to endanger persons or property and the time it will take to reasonably perform the work.

4. Service of Notice.

- a. Notice of the hearing shall be given by certified mail, return receipt requested, or by personal service. If the address of any person entitled to notice cannot be ascertained, or if service cannot be made by mail or in person after a reasonable attempt, and for all unknown owners, service shall be made by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.
- b. The notice shall be mailed and/or posted before the tenth (10th) day before the date of the hearing. Service by certified mail shall be effective on the date of mailing.
- c. Proof of personal service shall be certified at the time of service by a written declaration executed by the person effecting service, declaring the date, time and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice retained by the Ordinance Administrator.
- d. Notice of the hearing may be filed in the Official Public Records of Real Property in Tarrant County, specifically in the Tarrant County Clerk's Office. The notice shall contain:
 - (1) the name and address of the owner of the affected property if that information can be determined;
 - (2) a legal description of the affected property; and
 - (3) a description of the hearing.

The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

5. Conduct of Hearing.

- a. Failure to Appear. If the owner fails to appear at the hearing after being duly served, the Hearing Authority shall conduct the hearing as if the owner personally appeared.
- b. Subpoena Power. Witnesses may be subpoenaed in accordance with the procedures set forth in Article XI of the "Administration" Chapter.
- c. Procedure. The Hearing Authority shall be authorized to establish rules and regulations for the conduct of hearings, if such are consistent with this Chapter, other local ordinances and state law.

6. Findings and Orders.

- a. After all evidence has been presented, the Hearing Authority shall determine whether the structure is likely to endanger persons or property.
- b. The Hearing Authority shall enter an order as set forth below:
 - (1) If the structure is believed by the Hearing Authority to likely endanger persons or property, the Hearing Authority may issue an order that:
 - (a) finds that the structure is likely to endanger persons or property;
 - (b) orders the owner of the structure or owner of the property on which the structure is located, at his option, to repair, remove, or demolish the structure, or the part of the structure within a specified time;
 - (c) orders an additional specified period of time for all mortgagees or lienholders to comply with the order should the owner of the structure or the owner of the property on which the structure is located fail to comply with the order within the time provided for action; and
 - (d) orders that if the owner of the structure or the owner of the property on which the structure is located fails to comply with any part of the order by the specified dates and if any of the mortgagees or lienholders fail to comply with the order in the owner's stead by the specified dates, the City is

hereby authorized at its discretion to repair, remove or demolish, at the expense of the City, on behalf of the owner of the structure or the owner of the property on which the structure is located, and assess the repair, removal or demolition expenses on the property on which the structure was located.

- (2) If the structure is not believed by the Hearing Authority to likely endanger persons or property, the Hearing Authority may issue an order that finds that the structure is not likely to endanger persons or property.

Proposed Order.

- a. The proposed order issued by the Hearing Authority shall be in writing and shall set forth the decisions of the Hearing Authority made pursuant to this Chapter.
- b. An order to repair, remove or demolish shall set forth those items that need to be repaired, removed, or demolished.
- c. The proposed order shall be signed and dated by the Municipal Court Judge or one or more persons assigned the responsibility of conducting a hearing under this Chapter.
- d. After the hearing, the Hearing Authority shall promptly send a copy of the proposed order, a record of the hearing and any evidence to the Ordinance Administrator.
- e. The Ordinance Administrator shall promptly send a copy of the Hearing Authority's proposed order by certified mail, return receipt requested, to the owner of the structure, owner of the property on which the structure is located, mortgagee, and lienholder. If a notice is mailed according to this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected, and the notice shall be deemed as delivered.
- f. The Ordinance Administrator may schedule on the City Council agenda the proposed order for final resolution by City Council. The Ordinance Administrator shall issue notice of the City Council agenda date, time and place for final resolution pursuant to the issuance, contents and service of notice for the Hearing Authority's hearing in this Chapter.

C. City Council Resolution

1. City Council may adopt, in whole or part, by City Council Resolution the Hearing Authority's order as its finding and order.
2. City Council may amend, modify or reject the Hearing Authority's order. If City Council amends, modifies or rejects the Hearing Authority's order, the City Council by City Council Resolution shall issue its finding and order. City Council's finding and order shall be issued in accordance with the Hearing Authority's procedures for Findings and Decisions set forth in this Chapter.
3. A copy of the City Council Resolution shall be sent promptly by the Ordinance Administrator by certified mail, return receipt requested, to the owner of the structure, owner of the property on which the structure is located, mortgagee, and lienholder. If such City Council Resolution is mailed according to this subsection and the United States Postal Service returns the order as "refused" or "unclaimed", the validity of notice of the order is not affected, and the order shall be deemed as delivered.
4. Within ten (10) days after the date of passage of the City Council Resolution:
 - a. a copy of the City Council Resolution containing its finding and order regarding the structure shall be filed in the Office of the City Secretary; and
 - b. a notice shall be published in a newspaper of general circulation in the City, said notice containing:
 - (1) the street address or legal description of the property;
 - (2) the date of consideration of the City Council Resolution;
 - (3) a brief statement indicating the results of the City Council Resolution; and
 - (4) instructions stating where a complete copy of the City Council Resolution may be obtained.
 - (5) If the owner of structure or the owner of the property on which the structure is located fails to comply with an order in the City Council Resolution within the allotted time, the Ordinance Administrator shall cause a copy of the City Council Resolution to be sent by certified mail return receipt requested to each lienholder and mortgagee as was determined pursuant to this Chapter. This shall constitute

notice to the lienholders and mortgagees that the owner has failed to comply with the order.

5. When any work to repair, remove, or demolish is done pursuant to this Chapter, the Ordinance Administrator shall cause the work to be accomplished by City personnel or by private contract under the direction of the Ordinance Administrator, or he may employ such architectural, engineering, or other specialized assistance on a contract basis as reasonably necessary.
6. Any expenses for work to repair, remove or demolish shall be assessed pursuant to Article XVIII of the Construction Chapter except as to the following:

The Ordinance Administrator shall also provide notice of the assessment to the owner of structure and the owner of the property on which the structure was located by mailing by certified mail, postage prepaid a copy of the Hearing Authority's order assessing cost.

ARTICLE VI

SANITATION

Section 6.01 Sewage Systems Required

All habitations located within thirteen hundred feet (1,300') of the emergency spillway level (elevation five hundred sixty feet [560'] above mean sea level) in Lake Arlington shall be connected to a municipal sanitary sewer system.

Section 6.02 Livestock

No animals or livestock shall be permitted nearer to Lake Arlington than the emergency spillway level (elevation five hundred sixty feet [560'] above mean sea level). No animal pens, corrals or barns shall be constructed within three hundred feet (300') (measured horizontally) of said emergency spillway elevation, nor shall they be constructed at any point from which drainage may run into Lake Arlington or into any stream which lies within the Lake Arlington watershed.

ARTICLE VII

MISCELLANEOUS OFFENSES

Section 7.01 Restricted Areas

No person shall engage in wading, bathing, swimming or floating, fishing, boating, skiing or otherwise being towed, surfing, jet skiing or any other activity in or upon Lake Arlington in any areas designated as restricted areas and marked with buoys, signs or in any other manner. Nor shall any person, other than City employees in the performance of their duties, in any manner go upon any part of the Lake Arlington Dam or emergency spillway for any purpose whatever.

Section 7.02 No Motor Vehicles Permitted on Dam or Emergency Spillway

No person, other than City employees in the performance of their duties, shall operate or park any motor vehicle on the Lake Arlington Dam or emergency spillway.

Section 7.03 Parachute or Kite Flying

No person shall engage in parachute flying or kite flying on or over Lake Arlington unless authorized to do so in writing by the Ordinance Administrator.

Section 7.04 Camping

No camping shall be permitted within thirteen hundred feet (1,300') of the emergency spillway level (elevation five hundred sixty feet [560'] above mean sea level) of Lake Arlington, save and except in certain designated areas authorized by the Ordinance Administrator.

Section 7.05 Children to be Accompanied by Adults

No child under the age of twelve (12) years shall be permitted to enter or remain in or upon Lake Arlington unless accompanied by and under the immediate supervision at all times of an adult person aged 21 or older.

Section 7.06 Prohibited Hours

No person shall engage in any activity, with the exception of fishing, on a twenty-four (24) hour basis at the Arkansas Lane Park, on Lake Arlington or on any City property adjacent to Lake Arlington daily between the hours of 12:00 midnight and 5:00 a.m.

Section 7.07 Unmanned Boats

No person shall leave a watercraft on Lake Arlington overnight unmanned, unless he has written permission to do so from the Ordinance Administrator.

Section 7.08 Landing Airplanes

No person shall land an airplane on Lake Arlington, except in case of emergency or as allowed by law.

Section 7.09 Vehicles in Water

No person shall intentionally drive a motor vehicle into the waters of Lake Arlington or on the lake bed at times when the water level has receded below elevation five hundred fifty feet (550'), unless while engaged in the act of launching or retrieving a watercraft.

Section 7.10 Weapons on Lake

No person, while engaged in any activity upon, on, in or at Lake Arlington, shall carry on or about his person any firearm, as that term is defined in Texas Penal Code, Section 46.01(3); provided, however, that this section shall not apply to conduct addressed in Chapter 46, entitled "Weapons", of the Texas Penal Code.

Section 7.11 Littering

A person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste under fifteen (15) pounds or with a volume of thirteen (13) gallons or less into Lake Arlington or onto its surrounding shorelines. It is an exception to the above offense that the litter or solid waste was disposed of into an approved waste disposal or recycling site.

Section 7.12 Storage of Fuel or Oil

No person shall store within the Reservoir Area or Flowage Easement any gasoline, oil, or other flammable or combustible liquid without written approval of the Ordinance Administrator.

ARTICLE VIII

ENFORCEMENT

Section 8.01 Violations and Penalties

Any person who violates or fails to comply with any section or provision of this Chapter or the order, rule, regulation, license or permit issued hereunder shall be guilty of a misdemeanor, and each day the violation continues shall be a separate offense. Upon conviction each offense shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00). This penalty shall be in addition to and supplemental to any other remedies available to the City to suppress and abate the acts and conditions prohibited under the provisions hereof.

ARTICLE IX

APPEAL

Section 9.01 Appeal

Any person aggrieved by a decision of the Ordinance Administrator in accordance with this Chapter may appeal said decision or action to the Appeal Officer by making a written request within seven business days of the adverse decision or action. Appeal Officer means the City Manager designee that presides over appeals of the Ordinance Administrator actions or decisions. The appeal hearing shall be conducted no later than seven business days following receipt of the notice of appeal unless the parties agree to a later date. The appeal shall be conducted by the Appeal Officer. The decision of the Appeal Officer shall be final.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances 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, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

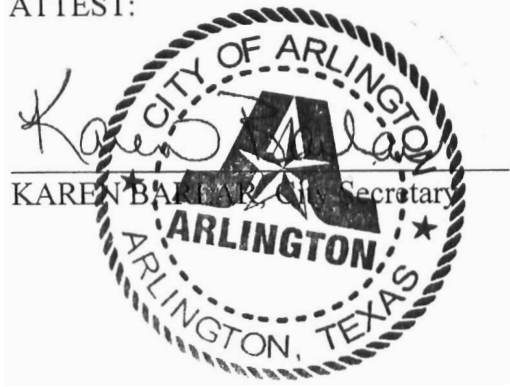
8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 24th day of March, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 7th day of April, 2009, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:



APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 11-042

An ordinance amending the "Lake Arlington" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, General Provisions, Section 1.01, Definitions, by the amendment of the definitions of "Boat", "Boathouse", "Earthwork" and "Owner", and the addition of the definitions of "Force Majeure", "Headway Speed", "Registration", "Regulated Area", "Right of Way", "Shoreline Restoration", "Slow, No Wake", "Texas Water Safety Act", and "Vessel"; through the amendment of Article II, Watercraft, by the amendment of Section 2.02 Launching of Watercraft, Section 2.03, Minimum Age of Operators, Section 2.04, Traffic Rules, Section 2.05, Personal Flotation Devices, Section 2.08, Hanging On to Buoys, Section 2.10, Accidents, Section 2.11, Fishing, Section 2.18, Removal of Watercraft from Lake, and Section 2.20, Inspection of Watercraft, and the addition of Section 2.22, Docking and Mooring Boats, and Section 2.23, Additional Enforcement, relative to updating to the Texas Water Safety Act and the Lake Master Plan; through the amendment of Article IV, Fishing, Section 4.02, Fishing from Bridges Prohibited, relative to updating to the Texas Water Safety Act and the Lake Master Plan; through the amendment of Article V, Buildings and Structures, Section 5.01, Annual License Required, Section 5.02, Permit Required, Section 5.03, Site Plan Approval Required, Section 5.04, License, Permit and Site Plan Application, Section 5.05, Consideration of Application and Issuance of Permit, License or Approval, Section 5.06, Duration of Annual License, Section 5.07, Fees, Section 5.08, Revocation of License and Unlicensed Facilities, Section 5.10, Earthwork within Reservoir Area or Flowage Easement, Section 5.11, Construction Chapter Applicable to Piers and Boathouses, and Section 5.12, Design and Construction of Piers and Boathouses, relative to incorporation of the Lake Arlington Master Plan including an annual license and processing; through the amendment of Article VII, Miscellaneous Offenses, Section 7.06, Prohibited Hours, Section 7.09, Vehicles in Water, and Section 7.11, Littering, relative to Richard W. Simpson Park hours and the Texas Water Safety Act, and by the deletion of Section 7.12, Storage or Fuel and Oil; through the amendment of Article VIII, Enforcement, by the addition of Section 8.02, No Culpable Mental State is Required; providing

for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative, providing for severability, governmental immunity, injunctions, publication and becoming effective on September 1, 2011

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Lake Arlington**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I, General Provisions, Section 1.01, Definitions**, by the amendment of the definitions of "Boat", "Boathouse", "Earthwork" and "Owner"; and the addition of the definitions of "Force Majeure", "Headway Speed", "Registration", "Regulated Area", "Right of Way", "Shoreline Restoration", "Slow, No Wake", "Texas Water Safety Act", and "Vessel", so that hereafter said definitions shall read as follows:

"Boat" means a vessel not more than 65 feet in length, measured from end to deck, excluding sheer.

"Boathouse" shall have the same meaning as that word is defined in the Construction Chapter.

"Earthwork" shall have the same meaning as that word is defined in the Construction Chapter.

"Force Majeure" (Act of God) shall mean an immediate loss which is the result of an irresistible natural cause without the intervention of man, and could not have been prevented by the exercise of prudence, diligence and care.

"Headway Speed" means slow, idle speed, or speed only fast enough to maintain steerage on course.

"Owner", applied to a building, land, personal property, or structure shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant by the entirety, of the whole or of a part of such building or land or personal property or structure.

"Registration" shall have the same meaning as that word is defined in the Construction Chapter.

"Regulated area" means any area on public water officially designated and posted "Slow, No Wake" area.

"Right of Way" shall mean the Lake Arlington Reservoir Area and Flowage Easements, streets, City rights-of-way and City easements within the corporate limits of the City of Arlington and Fort Worth, as from time to time amended.

"Shoreline Restoration" means shoreline modifications maintaining, reestablishing or preserving the natural attributes of the lake including the maintenance of intact shoreline areas, repairing degraded shoreline habitat, reestablishing native plants, erosion control improvements and modifications that minimize the opportunity for human disturbance.

"Slow, No Wake" means headway speed without creating a swell or wake.

"Texas Water Safety Act" means the statutory provisions of Chapter 31 of the Texas Parks and Wildlife Code.

"Vessel" means any watercraft, other than a seaplane on water, used or capable of being used for transportation on water

Further, **Article II, Watercraft, Section 2.02, Launching of Watercraft**, is hereby amended so that hereafter said section shall read as follows:

Section 2.02 Launching of Watercraft

- A. No person shall launch a boat or other watercraft on Lake Arlington except at points designated and authorized by the Ordinance Administrator, or provided by the Texas Water Safety Act regarding state-owned boat launching ramps.
- B. No vehicle, watercraft or trailer shall be placed, parked or left unattended in such a position and manner as to limit access to any designated launch area.

Further, **Article II, Section 2.03, Minimum Age of Operators**, is hereby amended so that hereafter said section shall read as follows:

Section 2.03 Minimum Age of Operators

- A. No person may operate a motorboat of over 15 horsepower on the public waters of this state unless the person is 16 years of age or older or is accompanied by a person 18 years of age or older; or is at least 13 years of age and has successfully passed a boating safety course prescribed and approved by the Texas Parks and Wildlife Department.
- B. This section shall be enforced under the Texas Water Safety Act.

Further, **Article II, Section 2.04, Traffic Rules**, is hereby amended so that hereafter said section shall read as follows:

Section 2.04 Traffic Rules

The following traffic rules shall be observed by watercraft operating on Lake Arlington:

1. **Passing:** Unless otherwise agreed, when two power-driven vessels, boats, or other watercraft are approaching each other "head-on" or nearly "head-on" so as to involve risk of collision each shall bear to the right and pass on the left side of the other. This subsection shall be enforced under the United States Coast Guard Inland Rules as adopted by the Texas Water Safety Act.
2. **Crossing:** When two power-driven vessels, boats, or other watercraft are crossing so as to involve risk of collision, the vessel approaching from the right side has the right-of-way. The other vessel shall keep out of the way and shall, if the circumstances of the case allow, avoid crossing ahead of the vessel with the right-of-way. This subsection shall be enforced under the United States Coast Guard Inland Rules as adopted by the Texas Water Safety Act.
3. **Overtaking:** Any boat, vessel, or other watercraft may overtake another on either side, but must keep out of the way of and grant right-of-way to the overtaken boat, vessel, or other watercraft. This subsection shall be enforced under the United States Coast Guard Inland Rules as adopted by the Texas Water Safety Act.
4. **Excessive Speed.** No person may operate any boat 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, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead. This section shall be enforced under the Texas Water Safety Act.
5. No person operating a personal watercraft above headway speed may come closer than 150 feet from another vessel, except another personal watercraft.
6. No person operating a personal watercraft shall jump the wake of another watercraft towing a person for any type of water skiing activity. This subsection shall be enforced under the Texas Water Safety Act.
7. No person shall operate a personal watercraft between the hours of sunset to sunrise. This subsection shall be enforced under the Texas Water Safety Act.
8. No person may operate a boat above headway speed in any regulated area, including those marked or designated as "Slow, No Wake," as provided by the applicable provisions of the Texas Administrative Code adopted through the Texas Water Safety Act.

9. No person may operate a boat above headway speed within 50 feet of another boat, platform, person, object or shore. This subsection shall be enforced under the Texas Water Safety Act.
10. A boat when not at dock must have and exhibit at least one bright light from sunset to sunrise. This subsection shall be enforced under the Texas Water Safety Act.
11. A boat underway between sunset and sunrise must have and exhibit the lights prescribed by the Texas Water Safety Act. This subsection shall be enforced under the Texas Water Safety Act.
12. In addition to these regulations, all provisions of the Texas Water Safety Act will be enforced in accordance with State law.

Further, **Article II, Section 2.05, Personal Flotation Devices**, is hereby amended so that hereafter said section shall read as follows:

Section 2.05 Personal Flotation Devices

- A. A motorboat must have at least one life preserver, life belt, ring buoy, or other device of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board, so placed as to be readily accessible.
- B. A motorboat carrying passengers for hire must have a readily accessible life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board.
- C. The operator of a class A or class 1 motorboat, while underway, shall require every passenger under 13 years of age to wear a life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard. A life belt or ring buoy does not satisfy this requirement.
- D. No person shall operate a personal watercraft unless each person riding on or towed behind the vessel is wearing a U.S. Coast Guard approved Type I, II, III, or V personal flotation device.
- E. This section shall be enforced under the Texas Water Safety Act and other applicable state law.

Further, **Article II, Section 2.08, Hanging on to Buoys**, is hereby amended so that hereafter said section shall read as follows:

Section 2.08 Hanging On to Buoys

No person shall at any time hang on with a watercraft to any buoy, beacon or sign placed on Lake Arlington by the City, except as provided by the Texas Water Safety Act.

Further, **Article II, Section 2.10, Accidents**, is hereby amended so that hereafter said section shall read as follows:

Section 2.10 Accidents

- A. The operator of any watercraft involved in an accident resulting in injury or death to any person, or resulting in damage to property, shall report such accident immediately, as provided by the Texas Water Safety Act.
- B. This section shall be enforced under the Texas Water Safety Act.

Further, **Article II, Section 2.11, Fishing**, is hereby amended by the addition of **Subsection (D)**, so that hereafter said subsection shall read as follows:

- D. Fishing regulations shall be enforced under the Texas Parks and Wildlife Code and the regulations promulgated by the Texas Parks and Wildlife Commission.

Further, **Article II, Section 2.18, Removal of Watercraft from Lake**, is hereby amended by the amendment of **Subsections (B) and (C)**, so that hereafter said subsections shall read as follows:

- B. Any peace officer may require the removal of any watercraft from Lake Arlington if such watercraft is in an unsafe operating condition or is in violation of any of the applicable provisions of this Chapter or the Texas Parks and Wildlife Code or regulations promulgated by the Texas Parks and Wildlife Commission.
- C. This section shall be enforced under the Texas Water Safety Act.

Further, **Article II, Section 2.20, Inspection of Watercraft**, is hereby amended so that hereafter said section shall read as follows:

- A. In order to enforce the provisions of this Chapter or the Texas Parks and Wildlife Code, any peace officer may stop and board any watercraft subject to this Chapter and may inspect the same to determine compliance with applicable provisions. In order to enforce the provisions of this Chapter, an Ordinance Administrator may board and inspect a watercraft when the same is at dock or anchored at a shoreline only.

- B. Failure by the owner or operator of a watercraft on Lake Arlington to comply with an inspection under this Chapter may constitute grounds for ejection from said Lake and the revocation of the Recreation Permit issued for such watercraft.
- C. Criminal violations under this section shall be enforced under Section 31.124 of the Texas Water Safety.

Further, **Article II**, is hereby amended by the addition of **Section 2.22, Docking and Mooring Boats**, so that hereafter said section shall read as follows:

Section 2.22 Docking and Mooring Boats

- A. When not in use, all boats and other watercraft shall be moored only to docks, permanent docking structures, or other authorized docking locations, as designated by the City. Boats and other watercraft shall not be moored to any other structure not primarily designed for the mooring of boats and other watercraft, including, but not limited to retaining walls, sign posts, and other similar structures.
- B. It is a defense to prosecution that the person failed to moor the boat or other watercraft as required by this section due to force majeure.

Further, **Article II**, is hereby amended by the addition of **Section 2.23, Additional Enforcement**, so that hereafter said section shall read as follows:

Section 2.23 Additional Enforcement

In addition to this Article, State law provisions are applicable to Lake Arlington and shall be enforced according to the substance and procedures established by State law. Applicable State law includes, but is not limited to, as amended, the Texas Parks and Wildlife Code, the regulations promulgated by the Texas Parks and Wildlife Commission, and the United States Coast Guard Inland Rules as adopted by the Texas Parks and Wildlife Code.

Further, **Article IV, Fishing, Section 4.02, Fishing from Bridges Prohibited**, is hereby amended so that hereafter said section shall read as follows:

Section 4.02 Fishing from Bridges Prohibited

No person shall fish from any bridge maintained by the City of Arlington that crosses any part of the waters of Lake Arlington. Fishing from any bridge or causeway on a road maintained by the Texas Department of Transportation shall be enforced under the Texas Parks and Wildlife Code.

Further, **Article V, Buildings and Structures, Section 5.01, Annual License Required**, is hereby amended so that the **title** and the section shall read as follows:

Section 5.01 Permit and Annual License Agreement Required

No person shall construct, keep, erect, maintain, enlarge, alter or move any building, boathouse, dock, pier or other structure or any combination of structures on the Flowage Easement, nor shall any person cause any of said acts to be done without first making application and obtaining a permit and complying with all other applicable City ordinances.

No person shall construct, keep, erect, maintain, enlarge, alter or move any building, boathouse, dock, pier or other structure or any combination of structures; or excavate, grade, or fill property or cause the same to be done on any property located within the Lake Arlington Reservoir Area, except for structure support poles, piers, anchors or rip rap for slope stabilization, without first making application and obtaining a permit and an annual license agreement and complying with all other applicable City ordinances. A license agreement issued under this chapter is valid for the calendar year or the unexpired portion of the calendar year unless the license agreement is revoked or terminated in accordance with City ordinances or in accordance with the terms of the license agreement. Prior to the expiration of a license agreement, a person can renew the license agreement for the following calendar year by submission of the required fee and a completed form provided by the Ordinance Administrator.

Further, **Article V, Section 5.02, Permit Required**, is hereby amended so that the **title** and the section shall read as follows:

Section 5.02 Construction on Lake Arlington

Construction on Lake Arlington shall be governed by the Construction Chapter and other relevant City ordinances.

Further, **Article V, Section 5.03, Site Plan Approval Required**, is hereby amended so that the section shall read as follows:

Section 5.03 Site Plan Approval Required

No person shall perform any earthwork in the Reservoir Area or Flowage Easement unless such work is approved by City and performed in accordance with the Construction, Flood Damage Prevention and other relevant ordinances of the City Code.

Further, **Article V, Section 5.04, License, Permit and Site Plan Application**, is hereby amended so that the **title** and the section shall read as follows:

Section 5.04 License Agreement Application

Each application for a license agreement, together with the required compensation, shall be filed with the Ordinance Administrator on a form prescribed by the Ordinance Administrator.

Further, **Article V, Section 5.05, Consideration of Application and Issuance of Permit, License or Approval**, is hereby amended so that the **title** and the section shall read as follows:

Section 5.05 Consideration of Application

The Ordinance Administrator shall examine and consider each application for an annual license agreement, and shall ascertain whether the building, structure or earthwork complies with the requirements of the City Code of Ordinances. If the building, structure or earthwork complies with such requirements and is determined to be a safe and proper use of the Reservoir Area consistent with the public interest, having due regard for the recreational and water storage and conservation purposes of the Lake, the Ordinance Administrator shall issue an annual license agreement. Otherwise, he or she shall deny the application. The license agreement shall be in addition to such permits or approvals as may be required by other provisions of this Chapter and other Chapters of the City Code. The annual license agreement shall be issued for the calendar year or the unexpired portion thereof. The fee required, however, shall not be prorated to cover a portion of a calendar year, but in all instances shall be collected as if the license agreement covered the full calendar year.

Further, **Article V, Section 5.06, Duration of Annual License**, is hereby amended so that the **title** and the section shall read as follows:

Section 5.06 Shoreline Restoration and Preservation

The restoration or preservation of natural shoreline areas in Lake Arlington is strongly encouraged provided that the restoration or preservation does not remove storage volume from the Reservoir Area or the Flowage Easement, increase sediment run off into the lake during or after construction or periods of plant stabilization, or increase soil erosion of the shoreline. Methods are listed below along with approved plants.

- A. Erosion control can be achieved by shoreline tie backs or other erosion control systems and plants for slopes with a ratio of greater than fifty per cent or when the ratio of run to the rise is greater than two to one.
- B. Existing trees and invasive plants may be thinned to provide access to the lake provided that soils are stabilized with approved plants and no more than fifty percent of the existing trees are removed within fifty feet of the shoreline.
- C. Approved plant list.

1. Trees: Bald Cypress, Pecan, Cedar Elm, American Elm, Southern Red Oak, Eastern Sycamore, Live Oak, Shumard Oak, Eastern Redbud, Dessert Willow, Red Maple, Southern Magnolia, Mexican Plum, Youpon, Flowering Dogwood, and Green Ash.
 2. Plants: Wax Myrtle, Island Sea Oats, Maidenhair Fern, Dwarf Palmetto, Buffalo Grass, Indian Paintbrush, Plains Coreopsis, Lindheimer's Muhly, Purple Cone Flower, Indian Blanket, Turk's Cap, Frogfruit, Annual Phlox, Black-eyed Susan and Spiderwort.
- D. Property owners that remove existing retaining walls and accomplish shoreline restoration and preservation projects will be granted an additional 25% of dock space excluding walkways as provided in the Construction Chapter. Size and setback limitations are provided in the Construction Chapter.

Further, **Article V, Section 5.07, Fees**, is hereby amended so that the section shall read as follows:

Section 5.07 Fees

Annual License agreement compensation and permit fees for boathouses, piers or other structures or any combination of structures or earthwork shall be as established by resolution of the City Council. An applicant shall pay the fee or compensation in effect at the time of the application. The fees or compensation shall be reviewed on an annual basis and, if necessary, shall be revised by resolution of the City Council.

Further, **Article V, Section 5.08, Revocation of License and Unlicensed Facilities**, is hereby amended so that the **title** and section shall read as follows:

Section 5.08 Revocation of License Agreement and Unlicensed Facilities

After written notice of the Ordinance Administrator, license agreements under this Ordinance may be revoked in the event the facilities are not properly maintained by the owner or licensee and unlicensed facilities may be removed at the property owner's expense in accordance with this Chapter. The written notice by the Ordinance Administrator shall be addressed to the last licensee, if such facility has been previously licensed, and to the owner of the property to which such facility is appurtenant as the ownership appears in the Tarrant Appraisal District records. Such notice shall be mailed by certified United States mail, postage prepaid and properly addressed to the licensee, if any, and owner. The Ordinance Administrator shall issue written notice as follows:

1. In the event a licensed facility is found to be improperly maintained or otherwise in disrepair, the Ordinance Administrator shall issue written notice ordering said licensee and owner to make required improvements to the facility licensee within 30 days from the date of the written notice. If the required improvements are not made by the licensee or owner within the specified time and the written notice was not appealed in accordance with this Chapter, the license agreement for the

facility shall be revoked and the facility shall be removed at the property owner's expense, in accordance with this Chapter.

2. In the event a facility is found to be unlicensed and improperly maintained or otherwise in disrepair, the Ordinance Administrator shall issue written notice ordering said owner to obtain a license agreement and to make required improvements to the facility within 30 days from the date of the written notice. If the license agreement for the facility is obtained but the required improvements are not made within the specified time and the written notice was not appealed in accordance with this Chapter, the license agreement for the facility shall be revoked and the facility shall be removed at the property owner's expense, in accordance with this Chapter. If the license agreement is not obtained within the specified time, regardless to whether the required improvements are or are not made, and the written notice was not appealed in accordance with this Chapter, the City may remove, or cause to be removed, all or any part of same at the owner's expense. The City may proceed with all legal remedies available to collect such expense and no further license agreement shall be issued for such facilities appurtenant to the property which was served by such removed facility until said City has been reimbursed for such removal expense.
3. In the event a facility is found to be unlicensed, the Ordinance Administrator shall issue written notice ordering said owner to obtain a license agreement within 30 days from the date of the written notice. If the license agreement for the facility is not obtained and the written notice was not appealed in accordance with this Chapter, the City may remove, or cause to be removed, all or any part of same at the owner's expense. The City may proceed with all legal remedies available to collect such expense and no further license agreement shall be issued for such facilities appurtenant to the property which was served by such removed facility until said City has been reimbursed for such removal expense.

Further, **Article V, Section 5.10, Earthwork within Reservoir Area or Flowage Easement**, is hereby amended so that the **title** and section shall read as follows:

Section 5.10 Environmental Protection

No person shall store containers of hazardous materials, herbicides, insecticides, fertilizers or other pollutants on Lake Arlington, the Flowage Easement, or the Reservoir Area. The storage of fuel and oil shall be allowed as provided by the Zoning Chapter of the City Code of Ordinances.

Further, **Article V, Section 5.11, Construction Chapter Applicable to Piers and Boathouses**, is hereby amended so that the **title** and section shall read as follows:

Section 5.11 Construction Chapter Applicable to Docks, Retaining Walls, Piers and Boathouses

Docks, retaining walls, piers, and boathouses are structures, as that term is used in the Construction Chapter of the Code of the City of Arlington, and persons desiring to construct them shall comply in all respects with the Construction Chapter.

Further, **Article V, Section 5.12, Design and Construction of Piers and Boathouses**, is hereby amended so that the title and section shall read as follows:

Section 5.12 Design and Construction of Marinas

The design and construction of marinas on Lake Arlington, the Flowage Easement, or the Reservoir Area shall comply with the Construction and Zoning Chapters of the City Code.

Further, **Article VII, Miscellaneous Offenses, Section 7.06, Prohibited Hours**, is hereby amended so that the section shall read as follows:

Section 7.06 Prohibited Hours

Prohibited hours and activities at Richard W. Simpson Park are governed by the Parks Chapter of the Code of the City of Arlington.

Further, **Article VII, Section 7.09, Vehicles in Water**, is hereby amended so that the section shall read as follows:

Section 7.09 Vehicles in Water

No person shall drive a motor vehicle into the waters of Lake Arlington or on the lake bed at times when the water level has receded below elevation five hundred fifty feet (550').

It is an affirmative defense to prosecution under this section that the person was engaged in the act of launching or retrieving a watercraft at an approved location.

Further, **Article VII, Section 7.11, Littering**, is hereby amended so that the title and section shall read as follows:

Section 7.11 Illegal Dumping at Lake Arlington

No person shall dispose or allow or permit the disposal of litter, debris, other solid waste, or any other material into Lake Arlington, its surrounding shorelines, the Flowage

Easement, or the Reservoir Area, without the express written permission of the Ordinance Administrator.

Further, **Article VII** is hereby amended by the **deletion** of **Section 7.12, Storage of Fuel or Oil**.

Further, **Article VIII, Enforcement**, is hereby amended by the addition of **Section 8.02, No Culpable Mental State is Required**, so that the section shall read as follows:

Section 8.02 No Culpable Mental State is Required

If the definition of an offense does not prescribe a culpable mental state, then a culpable mental state is not required.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances 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, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.


7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

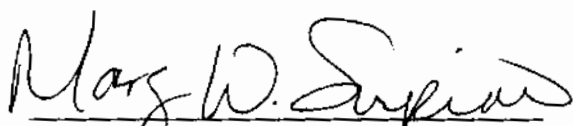
8.

This ordinance shall become effective on September 1, 2011.

PRESENTED AND GIVEN FIRST READING on the 2nd day of August, 2011, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 16th day of August, 2011, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 