

ORDINANCE NO. _____

An ordinance amending Chapter 32, “Parks and Water Reservoirs,” of the Dallas City Code by amending Article IV, “White Rock Lake and Bachman Lake Reservoirs”; providing that the director of park and recreation has jurisdiction over White Rock Lake and Bachman Lake; providing regulations for watercraft allowed on the lakes; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article IV, “White Rock Lake and Bachman Lake Reservoirs,” of Chapter 32, “Parks and Water Reservoirs,” of the Dallas City Code is amended to read as follows:

**“ARTICLE IV.
WHITE ROCK LAKE AND BACHMAN LAKE
RESERVOIRS.**

Division 1. Generally.

SEC. 32-32. JURISDICTION OF PARK AND RECREATION BOARD SUBJECT TO PRIMARY RIGHT OF DALLAS WATER UTILITIES [~~WATERWORKS DEPARTMENT~~].

The jurisdiction of the park and recreation board over the White Rock Lake property and the Bachman’s Dam property shall be subject to the primary right of Dallas Water Utilities [~~the city waterworks department~~] to utilize it for waterworks purposes and the park and recreation board shall in no way interfere with the exercise of the right in the event that it becomes expedient and necessary to again devote those properties for the use of waterworks purposes. Any building on the respective sites owned and operated by Dallas [~~the~~] W[ater Utilities [~~department~~]] shall continue to be at the disposal of Dallas Water Utilities [~~the waterworks department~~] at all times.

SEC. 32-33. AUTHORITY OF CITY POLICE ON ~~[RESERVOIR]~~ PROPERTY.

Any police officer of the city shall have authority to arrest any person on any property owned and used by the city for recreational or water supply ~~[reservoir]~~ purposes for violation of any of the provisions of this article.

SEC. 32-34. POWERS AND DUTIES OF PARK AND RECREATION DIRECTOR ~~[SUPERINTENDENT OF WHITE ROCK LAKE GENERALLY]~~.

The director of the park and recreation department or the director's designee, ~~[superintendent of White Rock Lake,]~~ subject to the control and direction of the park and recreation board, ~~[and the director of parks,]~~ shall have full charge and control of the waters of the lakes ~~[reservoirs]~~ and grounds of White Rock and Bachman Lakes, and shall be the right at all times to command and preserve the peace and patrol such waters and grounds or to cause the same to be done for the purpose of enforcing obedience and strict compliance upon the part of any person with the terms, provisions, and conditions of this article and all other provisions of this code, laws, ordinances, rules, and regulations of the city relating to the waters of White Rock and Bachman Lakes ~~[Reservoir]~~ and the grounds adjacent thereto ~~[, and to make arrest upon the violation of any provision of this code or other ordinance of the city].~~

SEC. 32-35. DISTURBING TREES AND SHRUBS; GATHERING PECANS.

It shall be unlawful for any person to disturb any of the shrubbery or trees and particularly the pecan trees growing upon the lands adjacent to White Rock and included within ~~[the]~~ White Rock ~~[Lake Reservoir]~~ and Bachman Lakes ~~[Reservoir]~~. It shall be unlawful for any person to thrash, throw sticks into, or otherwise disturb pecan trees and it shall be unlawful for any person to gather pecans from the trees growing upon such premises; except, that persons may pick up from the ground pecans that have fallen thereon.

SEC. 32-36. COMMERCIAL VEHICLES PROHIBITED; SPEED LIMIT OF VEHICLES.

No commercial vehicles or trucks shall be permitted to go upon or travel over the driveways and roads located on the grounds of White Rock and Bachman Lakes that are constructed and maintained as part of the facilities of the grounds in their use as a public park. No motor driven vehicle or automobile shall travel at a greater rate of speed than the speed limits posted on standard traffic signs in or upon such driveways maintained in the use of such park grounds.

SEC. 32-37. SEINING FOR MINNOWS.

It shall be unlawful for any person to seine for minnows or use a seine for any purpose within the waters of White Rock ~~[Lake]~~ or Bachman Lakes ~~[Dam]~~.

SEC. 32-38. RESERVED. [TAKING FISH FROM HATCHERY.]

~~It shall be unlawful for any person to fish, seine, catch, or take from the fish hatchery belonging to the city and located immediately below the White Rock Lake dam, any fish or minnows, excepting, however, that the city, acting through the officers and employees in charge of such fish hatchery, may take fish therefrom for the purpose of supplying any waters belonging to or under the control of the city. No fish shall be taken from such fish hatchery for the benefit or use of any private person, individual, or corporation.]~~

SEC. 32-39. SWIMMING.

It shall be unlawful for any person to swim or bathe in the waters of White Rock and Bachman Lakes.

Division 2. Operation of Boats.

SEC. 32-40. EQUIPMENT PROHIBITED ON THE WATER.

(a) A person commits an offense if he takes a surfboard, jet ski, ~~[a sailboard,]~~ water skis, or other similar device on the waters of White Rock ~~[Lake]~~ or Bachman Lakes. City Departments have the authority to use jet skis or other similar devices on the waters to address an emergency.

(b) Except as provided in this section, a~~[A]~~ person commits an offense if he operates a boat by means of a motor having a commercial- power rating in excess of 10.5 H.P. on the waters of White Rock ~~[Lake]~~ or Bachman Lakes.

(c) It is a defense to prosecution under Subsection (a) or (b) that the person was participating in a special recreational event authorized in writing by the park and recreation board.

(d) It is a defense to prosecution under Subsection (b) that the person was a city employee operating a motorboat in the scope of his or her employment.

(e) Rescue boats utilized by the Dallas Fire-Rescue Department and the Dallas Police Department may use a motor as determined appropriate by them on waters of White Rock or Bachman Lakes.

(f) Rescue boats utilized by authorized users under a formal city agreement may use a motor having a commercial power rating of 60 H.P. on waters of White Rock or Bachman Lakes.

SEC. 32-41. SANITARY REQUIREMENTS GENERALLY.

All persons using and operating a boat in the waters of the lakes ~~[reservoirs]~~ shall do so in such a manner as to not create an unsanitary condition in or about such waters, and not to pollute such water to make them unwholesome or unfit for use. It shall be unlawful for any person to swim or wash any article of any character in the waters of ~~[the city reservoirs known as]~~ White Rock ~~[Lake]~~ and Bachman Lakes, or throw or place or deposit any trash, urine, excrement, or filth

of any kind in waters of such lakes ~~[reservoirs]~~, or to deposit or throw any substance of any kind in such waters which will pollute or is likely to pollute the waters of such lakes ~~[reservoirs]~~, and all such persons shall obey all sanitary regulations and provisions contained in this code regulating the use of such waters and ground.

SEC. 32-42. PROHIBITION OF BOATS TO SUPPRESS EPIDEMIC.

The city council shall at all times have full power and authority to prohibit the use and operation of any and all boats in the waters of the lakes ~~[reservoirs]~~ should it become necessary, in the opinion of the city council, to do so for the purpose of suppressing and arresting any epidemic or any contagious or infectious disease or whenever, in the opinion of the city council, the use and operation of boats in such waters should be discontinued for any reason whatever. Subject to such control and supervision, the lakes ~~[reservoirs]~~ shall be controlled and maintained for recreational purposes by the park and recreation board.

SEC. 32-43. USE OF BOAT UNDER INFLUENCE OF INTOXICANTS[; ~~FORFEITURE OF LICENSE FOR VIOLATION OF SECTION~~].

It shall be unlawful for any person to go upon the waters of White Rock and ~~[Lake or]~~ Bachman Lakes or to ~~[ride in or on or]~~ operate a boat upon such waters while under the influence of liquor or intoxicating beverages of any character. ~~[Upon the conviction of any person for operating a boat upon such waters while intoxicated, such person shall forfeit his license to operate such boat and such person shall not again receive such license except upon an order of the park board.]~~

SEC. 32-44. SPECIAL RECREATIONAL EVENTS.

On certain occasions and for the purpose of recreational and sports events at White Rock ~~[Lake]~~ or Bachman Lakes, the park and recreation board may authorize the use of water equipment and motorboats that are otherwise prohibited by Section 32-40. This special use shall be under the supervision of the director of the park and recreation department.

SEC. 32-45. MANNER OF OPERATION GENERALLY.

Every person using or operating a boat of any character or description upon the waters of the lakes ~~[reservoirs]~~ shall use and operate the same in careful and prudent manner, so as not to collide or come in contact with any other boat being used or operated in such waters, and so as to avoid accident and injury to any person or damage to property. Failure to use and operate any boat in such waters in a careful and prudent manner and so as to avoid accident and injury to persons or damage to property is an offense.

SEC. 32-46. RESERVED ~~[PASSENGER CAPACITY]~~.

~~[The passenger capacity of each boat used and operated in the waters of the reservoirs shall be fixed by the superintendent of White Rock and indicated by the number impressed upon the license plate by such superintendent, and no person using or operating a boat in such waters shall~~

~~carry more passengers in any boat than the maximum number fixed for such boat by the superintendent of White Rock.]~~

SEC. 32-47. LIFE PRESERVERS; LIGHTS; MUFFLERS; SPEED.

(a) Life preservers must be worn in compliance with Texas Parks & Wildlife regulations regarding life preserving devices. ~~[Every boat of every kind, character and description used and operated in the waters of the reservoirs shall, at all times, carry approved life preservers for each passenger thereof. It shall be the duty of every owner and operator of every boat of every kind and character for hire on such lake to provide a life preserver for every person and passenger using and operating such boat.]~~

(b) All motorboats or boats propelled by motors in the waters of White Rock Lake must be equipped with lights according to United States government regulations. All rowboats, sailboats, or other watercraft must have a light on some part thereof. The lights on such boats must be operated after sunset so that the same are visible for a distance of one-half mile.

(c) ~~[Boating is prohibited from sundown to sunup on Bachman Lake.]~~ All motorboats must be equipped with mufflers on the exhausts. The park and recreation board shall have authorization to establish safety zones and speed limits by the placing of buoys wherever deemed advisable for the safety of all water participants and it shall hereafter be unlawful for a speed boat or motorboat to go or travel within the designated areas plainly marked by buoys or shorelines and at a speed greater than five miles per hour. Motorboats or speed boats in coming to the docks or landing places must slow down to five miles per hour.

(d) Boating is prohibited from sundown to sunup on Bachman Lake, unless under a formal city agreement

SEC. 32-48. SEAWORTHINESS GENERALLY; IMPOUNDING LOOSE BOATS.

(a) It shall be unlawful for any person to place, keep, and use any watercraft of any description on the waters of the lakes ~~[reservoirs]~~ if such craft is not seaworthy. If any such craft is, in the opinion of the officer enforcing the terms of this article, unseaworthy, he may bar the use of such unseaworthy craft until the same is reconditioned.

(b) All boats, of every kind and description, that are not anchored or are loose shall be impounded in accordance with the provisions of this article. ~~[The owner or owners of such boat in retrieving same from the possession of the impounding officer shall pay a fee of \$3 therefor.]~~ If such boat is not redeemed or retrieved within 30 days ~~[two weeks]~~ after such impounding, it shall be disposed of in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended ~~[sold under the provisions of this article]~~.

SEC. 32-49. SIRENS.

(a) Except as provided in this section, i~~[I]~~t shall be unlawful for any person or persons to equip a motorboat with a siren and to use such siren on the waters of White Rock and Bachman Lakes.

(b) Rescue boats may be equipped with sirens.

SEC. 32-50. CATCHING FISH FOR SALE.

No person shall use or operate a boat of any kind or description in the waters of the lakes ~~[reservoirs]~~ for the purpose of catching and taking fish, ~~[or] game, or other wildlife~~ for market or sale. This shall not apply to persons authorized by contract by the park and recreation board to remove rough fish under the supervision of the director of park and recreation ~~[superintendent of White Rock Lake]~~ when such persons are licensed by the state fish and game commission to remove rough fish.

SEC. 32-51. DESIGNATION OF AREA FOR ANCHORING SAILBOATS.

(a) Except as provided in this section, a~~[A]~~ll sailboats on White Rock Lake, in the city, shall be anchored only at the following location, or part thereof, on the shore of White Rock Lake:

Beginning at the Garland Highway and following the meanderings of the lake for a distance of 3.5 miles to the south point. The south point as designated herein is .7 mile from the north point; and the north point, as designated and referred to herein, is 1.2 miles from the highway. The area herein referred to between the south and north points is commonly referred to and known as Big Thicket Bay.

(b) The director of the park and recreation department or the director's designee, shall determine the number of boats that can be safely anchored in the location at one time.

(c) If a sailing club has entered an agreement with the city, sailboats may be moored at the location specified in the agreement. ~~[It shall hereafter be unlawful for a sailboat to be anchored on White Rock Lake, or any part of the lake, other than the designated area referred to as Big Thicket Bay as more fully designated in this section.]~~

SEC. 32-52. RESERVED. [INSPECTION AND APPROVAL PREREQUISITE TO ISSUANCE OF LICENSES.]

~~It shall be the duty of the superintendent of White Rock or his authorized assistant to inspect all boats and watercraft of every kind and description before the same are permitted to be placed upon or in the waters of the reservoirs, and to approve or disapprove the construction, mechanism and state of repair of each boat before the same is placed in such waters, and if for any reason such officer should be of the opinion that any boat is unsafe and unworthy or dangerous to life, he shall so state in writing to the owner or person in charge of same; but if he should be of the opinion that such boat is safe and worthy to be placed in such waters, he shall also so state in writing to the owner or person in charge thereof, and every person applying for a license to use and operate a boat in such waters shall first present a written statement by the superintendent of White Rock approving the boat such person proposes to use and operate in such waters; provided, however, that in any case where such officer disapproves any boat he shall fully state in writing his~~

~~disapproval, giving his reasons in full therefor, and the owner or person in charge of such boat shall have the right to submit such matter to the park board, whose decision shall in all cases be final.]~~

SEC. 32-53. IMPOUNDMENT FOR LACK OF LICENSE; REDEMPTION.

It shall be the right of the director of park and recreation or the director's designee ~~[superintendent of White Rock]~~ to impound all boats on White Rock and Bachman that are on such lakes without a required state-issued license ~~[the metal plates provided for in this article displayed in the manner provided for in this article]~~. The director of park and recreation ~~[superintendent of White Rock]~~ and those acting under his or her directions shall hold every boat impounded in accordance with this article for 30 days ~~[two weeks]~~ after the same is impounded. ~~[The owner of such boat at any time during such two weeks may redeem the same by the payment of a fee of \$3 to the superintendent of White Rock; provided, that]~~ I[t]he owner shall secure and affix to such boat before removing same from the possession of the director of park and recreation or the director's designee ~~[superintendent of White Rock]~~ the required state-issued ~~[metal plate for the current]~~ license ~~[fee as provided for this article]~~.

SEC. 32-54. DISPOSITION OF IMPOUNDED BOATS FOR NORMAL SALES TO REDEEM.

(a) If the owner shall not redeem a boat impounded in accordance with this article within 30 days ~~[two weeks]~~ from the date of it being impounded, the director of parks and recreation or the director's designee ~~[superintendent of White Rock]~~ shall cause the impounded boat to be disposed of in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended. ~~[sold at public auction at White Rock Reservoir at the White Rock Service Center. Such sale shall follow a notice thereof made in the manner now required for notices of sales of personal property to be sold under execution, and the sale shall be conducted in the same manner and after the required notice as sales of personal property are conducted when sold under execution and in the manner required by state statutes. The superintendent of White Rock, in the event that no one bids upon the boat a sufficient amount to cover the cost of sale, together with all other accrued charges against such boat, shall, for and on behalf of the city, bid in such boat for such amount as will cover the cost of sale and the other sums due the city upon same. A bill of sale, in all cases, shall be executed by the city to the purchaser. In the event that the city purchases the boat the same shall be sold in the same manner as other personal property belonging to the city for a sufficient amount to pay all sums expended by the city on such boat. Any sale of such a boat by the city, after purchase by the city, shall be subject to the approval of the park board and to the execution of a bill of sale by the proper authorities.]~~

(b) If the owner of an impounded boat shall desire to redeem the same after the expiration of 30 days ~~[two weeks]~~ as set out above, but before the final sale is made, he may do so by ~~[payment of the impounding fee of \$3, the]~~ securing ~~[of]~~ a state-issued license for the then current year, and the payment of all costs of sale incurred up to that time and by affixing to the boat the state-issued licenses ~~[metal plate]~~ required by the terms of this article. The city shall not be liable for any damages in connection with the sale of any boat ~~[over and beyond such surplus]~~

as may be left on hand from the sale of same after the application of the proceeds of the sale in the manner provided in this section].”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 32 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____