

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 18 “LAKE WORTH,” ARTICLE I “IN GENERAL,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY AMENDING SECTION 18-4 TO REVISE REGULATIONS RELATING TO THE USE OF LAKE WORTH BOAT RAMPS, AND AMENDING CHAPTER 10 “COURTS,” ARTICLE II “PARKING VIOLATIONS BUREAU,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, TO AMEND SECTIONS 10-16, 10-19 AND 10-22 TO PROVIDE FOR THE CIVIL ENFORCEMENT OF LAKE WORTH BOAT RAMP VIOLATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; IMPOSING A CIVIL PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City of Fort Worth (“City”) seeks to provide for the health, safety, and welfare of its citizens; and

WHEREAS the City is the owner of two boat ramps and associated infrastructure (collectively, the “Boat Ramps”) located at Arrow S Park and Casino Beach Park; and

WHEREAS to serve the general public and the boaters at Lake Worth, the City operates and maintains the Boat Ramps; and

WHEREAS pursuant to Texas Parks and Wildlife Code Section 31.092, the City is authorized to collect a fee for the use of the Boat Ramps; and

WHEREAS Boat Ramp usage fees have been established by the Fort Worth City Council and the fees were last revised on March 22, 2011 (Mayor and Council Communication G-17200; Ordinance 19597-03-2011); and

WHEREAS Property Management Department staff conducted a rate fee study and have determined that the Boat Ramp usage fees should be revised; and

WHEREAS the City Council finds that the Boat ramp usage fees should be amended; and

WHEREAS the City Council finds that use of a Boat Ramp without a boat ramp use permit should be a civil offense subject to civil penalties and fines pursuant to the procedures for administrative adjudication as set forth in Chapter 10 of the Code of the City of Fort Worth;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

Chapter 18 “Lake Worth,” Article I “In General,” Section 18-4 “Boat Ramp Use Fee” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby repealed in its entirety and restated to read as follows:

§ 18-4 BOAT RAMP USE FEE; PERMIT REQUIRED.

- (a) It shall be unlawful for any person to use the boat ramp at Arrow S Park or Casino Beach Park without a current, valid boat ramp use permit as reflected in the City’s official permitting system. If a boat or personal watercraft trailer is parked at Arrow S Park or Casino Beach Park, the presence of the trailer creates a rebuttable presumption that the registered owner of the trailer used the boat ramp at that park.
- (b) A person must pay the fees established by the City Council to acquire a boat ramp use permit from the City or its designee. Permits will be made available for an annual, weekly, or daily period.
 - (1) An annual boat ramp use permit shall be valid for three-hundred and sixty-five days (365) from the date of purchase.
 - (2) A weekly boat ramp use permit shall be valid for seven (7) days from the date of purchase.
 - (3) A daily boat ramp use permit shall be valid for twenty-four (24) hours from the date and time of purchase.
- (c) An offense under this section shall be a civil offense subject to a parking citation and civil penalties and fines pursuant to the procedures for administrative adjudication as set forth in Chapter 10 of this code.

SECTION 2.

Chapter 10 “Courts,” Article II “Parking Violations Bureau,” Section 10-16 “Parking Violations Bureau Created” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby revised to read as follows:

§ 10-16 PARKING VIOLATIONS BUREAU CREATED.

There is hereby created a parking violations bureau in and for the City of Fort Worth which shall have original jurisdiction over cases involving violations of city ordinances relating to the parking, stopping or standing of vehicles as contained in regulated by Chapter 22 (§§ 22-155 through 22-240) and Chapter 18 (§ 18-4) of the code of the City of Fort Worth (1986) (2015), as amended.

SECTION 3.

Chapter 10 “Courts,” Article II “Parking Violations Bureau,” Section 10-19 “Presumption of Ownership; Exceptions to Vehicle Owner Liability” subsection (a) of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby revised to read as follows:

(a) It is presumed that the registered owner of the motor vehicle that is the subject of the administrative hearing is the person who parked or stopped the vehicle at the time and place of the offense charged.

SECTION 4.

Chapter 10 “Courts,” Article II “Parking Violations Bureau,” Section 10-22 “Enforcement” subsection (a)(2) of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby revised to read as follows:

(2) Placing a device (“boot”) that prohibits the movement of a motor vehicle on the vehicle that is the subject of the order filed;

SECTION 5.

This ordinance shall be cumulative of all other ordinances of the City of Fort Worth, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6.

All rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

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

SECTION 8.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this Ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013 of the Texas Local Government Code. This Ordinance shall take effect upon adoption and publication as required by law. The effective date of this Ordinance shall be the day after the date of the second publication.

APPROVED AS TO FORM AND LEGALITY:

Matthew A. Murray
Assistant City Attorney

ATTEST:

Jannette S. Goodall
City Secretary

ADOPTED: _____