

ORDINANCE NO. 17-010

AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF MARLIN BY THE MAYOR AND CITY COUNCIL RELATING TO TRAFFIC; TO RESTRICT OPERATION OF MOTORIZED VEHICLES OF ANY KIND FROM OPERATION ON CITY LAKE AND DAM PROPERTIES; TO PROVIDE THAT VIOLATION IS A CRIMINAL OFFENSE (MISDEMEANOR) PUNISHABLE BY A FINE OF UP TO \$500; TO PROVIDE FOR RECOVERY OF CIVIL DAMAGES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

Whereas, the Old Dam and New Dam lakes properties are being improved to keep the property in proper condition to meet the Texas Department of Environmental Quality standards; and,

Whereas, the Old Dam and New Dam lakes are the City of Marlin's source for drinking water; and

Whereas, the City of Marlin desires to insure the lakes and surrounding properties remain suitable for water retention and use, and remain in regulatory compliance

Now, Therefore, Be It Ordained by the Mayor and City Council of the City of Marlin, Texas to amend Chapter 27 as follows:

SECTION ONE

Chapter 27 of the Municipal Code of the City of Marlin is amended by adding a new Article, to be numbered Article X, which shall include the following language:

Chapter 27

TRAFFIC

ARTICLE IX. WRECKERS, WRECKED AND ABANDONED VEHICLES

Sec. 27-218----27-300 Reserved.

ARTICLE X. RESTRICTION OF USE OF MOTORIZED VEHICLES ON LAKE PROPERTIES

Sec. 27-301 Findings and Intent.

This ordinance is adopted to address the interest of health and public safety, and the protection of city property.

Sec. 27-302. Definitions.

A "Motorized Vehicle" is any vehicle that is powered by a motor of any kind, including combustion and electric motors.

"Restricted Lake Areas" means the Old Dam and Lake Property Geo ID: 25071010 Map Attached and New City Lake Property Geo ID 25071003 Map Attached.

Sec. 27-303. Prohibition.

Except for official city vehicles, emergency vehicles, or vehicles of contractors of the city performing work, no Motorized Vehicle shall be operated by any person upon the Restricted Lake Areas at any time.

Sec 27-304 Violation an Offense.

Violation of Section 27-303 above is a misdemeanor criminal offense punishable by a fine of up to \$500.00.

Sec 27-305 Other Enforcement.

In addition to criminal enforcement, the city may seek civil damages against the violator in a court of competent jurisdiction for any harm to the city's property.

Sec. 27.306 Juvenile Operator.

If the operator of the motor driven vehicle is under 17 years of age, the registered owner of the motor driven vehicle will also be issued a citation.

SECTION TWO

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective immediately upon its adoption by the City Council and publication of the caption in the city's official newspaper.

SO ORDAINED, this 13th day of June, 2017





John Keefer, Mayor



Sandra Herring, City Secretary