

Ordinance to add new Section 12-109 to Chapter 12 of the City Code to prohibit crossing of buoy markers at Choke Canyon Reservoir; providing for a penalty not to exceed \$500 and publication.

Whereas, the City Council finds it is necessary to adopt regulations for public safety and protection of the Choke Canyon Reservoir to prohibit crossing of buoy markers placed by City of Corpus Christi;

Whereas, the Texas Parks and Wildlife Department may enforce ordinances made under Chapter 31 of the Texas Parks and Wildlife Code which allows any incorporated city or town with respect to all lakes owned by it to designate restricted areas and to make rules and regulations necessary for the operation and equipment of boats which it deems necessary for the public safety;

Whereas, Texas Local Government Code Section 341.903 provides that a home-rule municipality may police the following areas owned by and located outside of the municipality: (1) parks and grounds; (2) lakes and land contiguous to and used in connection with a lake; and (3) speedways and boulevards;

Whereas, Texas Government Code Section 30.00005 provides that a municipal court of record has the jurisdiction over criminal cases arising under ordinances authorized by Section 341.903;

NOW THEREAFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That Chapter 12 of the City Code, Boats, Bays and Waterways, is amended to add new Section 12-109 to read as follows to prohibit crossing of buoy markers at Choke Canyon Reservoir:

Sec. 12-109. Activities prohibited at Choke Canyon Reservoir.

It is prohibited for any person to cross the buoy markers placed by the City of Corpus Christi at Choke Canyon Reservoir. The area within the buoy markers placed by the City of Corpus Christi from water surface to reservoir bottom is a restricted area and no person may enter the restricted area. All restricted areas will be kept plainly marked by the City of Corpus Christi. No person may move, remove, displace, tamper with, damage or destroy the buoy markers. No person may moor or attach a boat to a buoy marker. No person may cause or allow watercraft or any device to enter the restricted area. This section does not apply to city, county, state or other governmental employees or their contractors in performance of their official duties.

SECTION 2. If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent

of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 3. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 4. Penalties are as provided in Section 1-6 of the City Code of Ordinance. Penalties are also as provided in Section 31.127 of the Texas Parks and Wildlife Code which provides that a person who violates or fails to comply with any provision of this chapter, or who violates or fails to comply with a proclamation of the commission entered under this chapter or a city ordinance or order of a commissioners court or a political subdivision of the state made or entered under this chapter, commits an offense that is a Class C Parks and Wildlife Code misdemeanor. A copy of this Ordinance shall be filed with the Parks and Wildlife Department.

SECTION 5. This ordinance takes effect after publication.

Introduced and voted on the _____ day of _____, 2025.

PASSED and APPROVED on the _____ day of _____, 2025.

ATTEST:

Paulette Guajardo, Mayor

Rebecca Huerta, City Secretary