

## **ORDINANCE NO 877-A**

### **“AMENDING BOAT LAUNCH PASS ORDINANCE REGARDING BOAT LIVERIES”**

**AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, REGULATING BOAT LIVERIES BY AMENDING CHAPTER 26: PARKS AND RECREATION, ARTICLE V (BOAT LAUNCH PASS), SECTION 26-61 (DEFINITIONS); SECTION 26-62 (DAILY BOAT RAMP AND PARKING PERMIT); SECTION 26-63 (RESIDENT AND CITY EMPLOYEE ANNUAL LAUNCH PASS); SECTION 26-64 (NONRESIDENT ANNUAL LAUNCH PASS); SECTION 26-65 (HAND-LAUNCHED CANOES, PADDLE BOATS, PADDLE BOARDS, AND KAYAKS ARE EXEMPT); AND SECTION 26-67 (VIOLATION OF THE CITY BOAT LAUNCH PASS ARTICLE); AND ADDING NEW SECTION 26-645 (BOAT LIVERY REGISTRATION AND LAUNCH PASSES); AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, Lake Lyndon B. Johnson (“Lake LBJ”) comprises approximately 6,534 acres of water area and is located partially within the political boundaries of the City of Granite Shoals, Texas (the “City”); and

**WHEREAS**, the City needs a way to fund and maintain boat launching ramps within its parks that are open to the general public including non-residents; and

**WHEREAS**, regulation of commercial use of the City’s boat ramps is necessary to fund and maintain the boat ramps and to ensure the public health, safety, and welfare; and

**WHEREAS**, it is convenient and desirable, and will encourage payment for services provided by the City, to allow users of the City’s boat launching ramps to pay for daily or annual permits, subject to reasonable regulation thereof; and

**WHEREAS**, after due consideration, the City Council finds that the following amendments are in the best interest of the health, safety, and welfare of the citizens of Granite Shoals and of the public generally, and are in the best interest of the use, maintenance, and enhancement of the City’s parks and boat ramps.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:**

#### **SECTION I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

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## **SECTION II. AMENDMENT**

Chapter 26 (Parks and Recreation) of the Code of Ordinances of the City of Granite Shoals, Texas, is hereby amended to add the following language:

### **“ARTICLE V. BOAT LAUNCH PASS**

**Sec. 26.61 Definitions.** The following words and phrases have the designated meanings:

- (a) *Boat or boat vessel* shall include all water craft, including but not limited to vessels, power boats, canoes, kayaks, pontoon boats, sailboats, power jet skis, personal watercraft and rowboats.
- (b) *Boat livery* means a commercial establishment engaged in renting or hiring out boat vessels for profit.
- (c) *Boat Ramp* means any public boat ramp located in a public park within the City of Granite Shoals.
- (d) *Boat Ramp and Parking Permit* means the envelope used to deposit the fee and the removable windshield tag. This permit must be completely and properly filled out to be considered valid.
- (e) *Resident* is an individual or business owner who resides, owns property, or operates a business other than a boat livery in the City of Granite Shoals.

**Sec. 26.62 Daily Boat Ramp and Parking Permit.**

- (a) The city imposes a daily fee as listed in appendix B of this code, upon any nonresident not operating a boat livery who seeks to launch a boat at any city-owned boat ramp in the city. Payment for the boat ramp and daily parking permit is due before the boat is launched and expires at the end of the day upon which the boat is launched and/or the fee is paid. The retrieval of the boat upon the same day for which the permit was issued is included in the permit. The retrieval of a boat on a day other than the day the permit was issued requires the payment of an additional fee as listed in appendix B of this code. Boat livery operators must comply with the permitting and fee requirements found in Section 26.645 of this Ordinance.
- (b) Payment for the daily permit shall be made by placing United States of America currency,

(c) The daily permit bearing the same sequential number as the deposit envelope shall be placed on the inside windshield of the vehicle used in the launching and retrieval of the boat at a city boat ramp. The daily permit must be placed in the windshield area and viewable from outside of the vehicle.

(d) Any vehicle with an empty boat trailer attached must display the daily permit while parked in or near a public park in the city. Failure to display the daily permit or annual launch pass is in violation of this article.

(e) Boat ramp and parking permit fees shall be paid at all times during the calendar year.

#### **Sec. 26.63 Resident and city employee annual launch pass**

(a) A free residential annual launch pass is available to city residents and current employees of the city other than operators of a boat livery. The resident annual launch pass is effective for the remaining days in the calendar year of issuance. Resident annual launch passes are not available to non-residents, other than current employees, of the city.

(b) A free annual sticker will be provided by the city and shall be permanently affixed to the front windshield of the tow vehicle near the state registration sticker. The tow vehicle must be registered to the resident or current city employee.

(c) A resident annual launch pass may not be assigned by the owner to another individual nor transferred to another vehicle. A maximum of two free resident annual launch pass stickers will be issued per household.

#### **Sec. 26.64 Non-Resident annual launch pass.**

(a) A two hundred dollar (\$200.00) nonresident annual launch pass is available to nonresidents of the city who are not operating a boat livery. The nonresident annual launch pass is not prorated and is effective for the remaining days in the calendar year of issuance upon the payment to the city.

(b) A new two hundred dollar (\$200.00) nonresident annual pass is required for each subsequent nonresident, non-boat livery annual launch pass renewal. All renewal periods begin on January 1st of each year.

(c) Each nonresident annual launch pass shall be permanently affixed to the front windshield of the tow vehicle near the state registration sticker. A nonresident annual launch pass may not be assigned by the owner to another subsequent individual nor transferred to another vehicle. In the event of the loss of an issued nonresidential annual launch pass, a replacement pass shall not be issued without the payment of an additional two hundred dollar (\$200.00).

**Sec. 26.645 Boat livery registration and permit.**

(a) Boat liveries operating within the City of Granite Shoals ~~that utilize city-owned boat ramps~~ shall comply with the terms of this Ordinance.

(b) Registration. Any boat livery operating within the City ~~that utilizes city-owned boat ramps for the launch or return of boat vessels~~ must register for a permit from the City Manager. Notice will be provided for any failed permit application with an explanation. A permit and sticker will be issued for each registered boat-livery operation, to be displayed on the windshield of each vehicle that is involved in livery operations, or for operators not using vehicles, to be provided upon request. In order to obtain a registration, the operator of such boat livery must provide the following information:

1. Proof of business registration with the State of Texas.
2. Identify the business type: Boat, jet ski, paddle board, kayak, or other vessel.
3. Texas Parks and Wildlife Department (“TPWD”) TX number for each watercraft, along with copies of current registration.
4. Photo of each watercraft displaying its TPWD TX number.
5. Proof of insurance:
  - i. Minimum requirements of \$500,000 per occurrence/\$1,000,000 in aggregate with City of Granite Shoals listed as additionally insured.
6. Identify park/boat ramp preference and if the boat livery will use ramps for just pick up or launch as well. For boat liveries that do not utilize City boat ramps, identify the location for launch and return of boat vessels.
7. Signed copy of Standards of Conduct

(c) Standards of Conduct. A boat livery operator must provide, as part of its registration application, a signed copy of the following standards of conduct.

1. Acknowledge that the boat livery and its employees have read and understand these Standards of Conduct, and will not be disrespectful to City staff and/or park guests, will not permit possession of a weapon (unless as permitted by state law), the discharge of weapons, or ignition of fireworks, and will remain at all times in compliance with this Ordinance.
2. Acknowledge the boat livery and its employees have read and understood all applicable state and local laws and regulations, *i.e.*: public intoxication, minor in possession of alcohol, disorderly conduct, littering, urinating in public, expired vessel registration.
3. Only watercraft and boat trailers in compliance with all applicable local and state laws are allowed in City parks.
4. The boat livery is responsible for the behaviors of its customers including laws, park rules, and guidelines.
5. Any incident/violation involving the boat livery, customers, or employees can result in suspension or termination of the boat livery registration.
6. All motor vehicles must be properly parked in designated parking spots when parked inside the park. Unattended trailers Trailers that are not attached to their tow vehicle may not be parked within any City park at any time.
7. All trailered or motorized watercraft must be launched at designated boat ramps or boat launch areas only.
8. All launching and retrieval of watercraft must be done in a safe manner.

9. Trash/Recycling: Boat livery must use designated trash receptacles.
10. Respect courtesy docks: 15-minute loading/unloading.
11. Respect other visitors, boat operators, and general public.
12. Notify rental patrons of additional park fees and rules.
13. No overnight parking, mooring, or storing of equipment within parks or on City roads or right-of-way. Customers of boat liveries must park on privately owned property with permission of the property owner.
14. The City reserves the right to close a park for municipal purposes including events, floods, public safety, or other natural disasters.
15. Boat livery address, pin drop, or announcements that business address is at or within city limits boundaries is not permitted.

(d) Boat livery annual permits.

1. Permits are required for all boat livery operations regardless of whether per fee sessions are charged to a consumer. Boat livery annual permits are offered for watercraft rental. A registered boat livery operator must display its permit sticker on the windshield of any vehicle that is engaged in livery operations.
2. Boat livery operations are limited to five (5) vessels per operator

2. Boat livery operations that use City boat ramps are only permitted to use boat ramps in the following City parks:

- i. Bluebriar Park
- ii. Clear Cove Park

(e) Boat livery annual permit fee for boat livery operations that use City boat ramps:

1. The annual permit fee per boat livery operator is based upon the number of boat vessels operated within the City by that operator.
  - i. \$3,000.00 annual permit fee for boat livery operators operating 1-5 boat vessels within the City.
  - ii. \$6,000.00 annual permit fee for boat livery operators operating 6-10 boat vessels within the City.
  - iii. \$9,000.00 annual permit fee for boat livery operators operating 11-15 boat vessels within the City.
  - iv. \$12,000.00 annual permit fee for boat livery operators operating 15 or more boat vessels within the City
2. \$200.00 annual permit fee per boat
3. \$100.00 annual permit fee per personal watercraft (jet ski)
4. \$25.00 annual permit fee per paddle board, canoe, or kayak

(f) Boat livery annual permit fee for boat livery operations that do not use City boat ramps:

1. \$3,000 annual permit fee per boat livery operator.
2. The permit must be kept at the site of boat livery operation and must be provided upon request.

**Sec. 26.65      Collection and use of boat launch passes.**

Mindful that the city works to protect and rehabilitate Lake LBJ for the members of the community and the general public, the city shall retain all money collected from daily launch passes and annual launch passes as funds belonging to the city to be appropriated to the park budget and used to provide

and maintain the supplies of deposit envelopes, the annual launch pass stickers, the equipment of the lock box receptacle, maintenance and repairs to the boat launch ramps, city parks, and other similar uses.

**Sec. 26.66 Hand-launched canoes, paddle boats, paddle boards and kayaks are exempt.**

The provisions of this article shall not apply to any canoe, paddle boat, paddle board, and/or kayak that is launched by hand provided that the canoe, paddle boat, paddle board, and/or kayak is not brought to the park boat ramp on a trailer and is not operated by a boat livery.

**Sec. 26.67 Violation of the city boat launch pass article.**

Launching or retrieving a boat at the boat ramp without the purchase of a daily launch pass or the display of a current annual launch pass, or if applicable a boat livery permit, shall be a violation of this article.

**Sec. 26.68 Enforcement.**

This article may be enforced by any law enforcement officer authorized to enforce the ordinances of the city and the laws of the state.

**Sec. 26.69 Penalties.**

Any person, partnership, limited partnership, limited liability company, corporation, or other legal entity that fails to comply with any provision of this article shall, upon determination of said failure to comply or violation, pay a civil penalty of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), plus the applicable surcharges, assessments, and costs of enforcement for each violation. Each day a violation exists or continues, constitutes a separate offense under this article. In addition, the city prosecutor may seek court injunctive relief to enjoin further violations of this article.”

### **SECTION III. SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

### **SECTION IV. SEVERABILITY**

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

## SECTION V. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

## SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

## SECTION VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this 8<sup>th</sup> day of July, 2025.



Steve Hougen,  
Mayor Pro Tem

ATTEST:



\_\_\_\_\_  
Dawn Wright,  
City Secretary

APPROVED AS TO FORM:



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Joshua Katz,  
City Attorney

