

**AN ORDINANCE  
RELATING TO REGULATION OF WATERWAYS  
AND WATERCRAFT WITHIN THE CITY; PROHIBITING  
CERTAIN ACTIVITY; PROVIDING A PENALTY;  
PROVIDING A SEVERANCE AND PROVIDING  
FOR PUBLICATION**

Whereas, Ingleside on The Bay is a water oriented residential community providing a clean attractive environment for its residents; and

Whereas, certain activities within, on, and around the water, waterways and channels are harmful to the environment, cause pollution and are harmful to the peaceable quiet enjoyment of the community;

Whereas, to preserve and protect the health, safety and welfare of the community certain regulations or restrictions are necessary; and

Whereas, unfettered boat activity, commercial or non-commercial, can be detrimental and harmful to the environment causing pollution and is destructive of the health, safety and welfare of the community; and

Whereas, The City Council of Ingleside on The Bay held a public hearing on Monday, August 8, 1994, regarding regulations necessary and proper to preserve the health, safety and welfare of the citizens with regard to its waterways, commercial and residential areas; and

Whereas, The City of Ingleside on The Bay hereby finds that the rules and regulations in this Ordinance are reasonable and necessary to protect the health, safety and welfare of the citizens and to protect the environment.

NOW THEREFORE BE IT ORDAINED by The City Council of the City of Ingleside on The Bay:

SECTION 1. The City Council hereby finds that the rules, regulations and restrictions herein are reasonable and necessary for the protection of the health, safety and welfare of its citizens and to protect the environment.

SECTION 2. This Ordinance relates to all water and waterways within the city limits of Ingleside on the Bay including turning basins, channels, residential channels, dredged waterways and other waterways within the city.

SECTION 3. It shall be unlawful for any person to place, or cause, or permit to be placed, any non-existing post, stake, wharf, pier or piling or any obstruction of any character whatsoever in the waters of the city, without first having obtained permission from the City Council therefor.

SECTION 4. No person shall sweep, throw, or deposit in any waters of the city, as defined herein, any sewage, waste water, or grey water from any source, garbage, trash, rubbish or waste material in any manner. Such articles forbidden to be placed or permitted to get into said water areas include: waste foods, fish, brush, wood, boxes, crates, cartons, pieces of paper, waste paper, newspapers, or any discarded animal or vegetable material. It shall also be an offense to deposit or leave on the land area any of the articles mentioned above in such a way as to be carried into the waters of said water areas of the city by tides, drainage waters or other elements.

SECTION 5. No vessel shall pump oil or anything overboard that would pollute the waters within the city limits.

SECTION 6. Every person using any dock or landing any watercraft within the defined waters shall comply with all the regulations of the United States Coast Guard and of the State of Texas.

SECTION 7. The handling of inflammable materials or explosives, including liquid petroleum gases, flammable liquids and welding or cutting equipment, including gases and fuel used therewith, is

prohibited on the defined waterways. Welding and cutting by electrical or acetylene methods or either of them is hereby prohibited upon the defined waters; provided, upon a showing to the city of the unavailability of any place other than such water for such welding and cutting operations, a special permit therefor may be authorized by the city. Such special permit shall be subject to the following provisions:

- (1) Special provisions and precautions for safety and welfare as the fire chief and city may prescribe.
- (2) The direction that the permittee shall comply with all the requirements of the applicable fire prevention code and all other ordinances applicable.
- (3) The permit shall be limited to a definite operation, which shall be specifically described therein and shall be limited as to time and shall in no event be usable for any period exceeding seven (7) days.
- (4) The permit, when authorized for issuance by the city, shall be issued only upon written application stating the facts necessary to fully inform such city as to the nature of the work proposed to be done and the description of the permittee and the time for which such permit is desired.

At the time of such application, the applicant shall also file a bond deemed adequate in each case by the city, which bond shall become available upon the payment of any damage arising from the negligence of the permittee or his agents or employees for the failure to observe any of the conditions prescribed by the city or to abide by the terms of such fire prevention code or other city ordinance.

**SECTION 8.**

The City of Ingleside on the Bay shall in no way be held responsible for any accidents or harm that may occur during the use of any of the defined waters for boating, swimming, wading, fishing, bathing, or any recreation or business of whatsoever nature.

**SECTION 9.**

The use of firearms and fireworks within or on the defined waters is prohibited.

- SECTION 10.**
- (1) All man-made canals adjacent to and through residential developments shall be no-wake zones.
  - (2) The speed limit in all man-made canals adjacent to residential developments shall be five (5) miles per hour.
  - (3) No person shall exceed (5) miles per hour or create a wake in any man-made canals adjacent to residential developments.

**SECTION 11.** A pleasure boat is any water craft which is not used for any commercial activity including the sale of any fish, fish product, shrimp, oyster, crab, or other edible product. A commercial vessel is any water craft which is used for any commercial activity including the sale of product either wholesale or retail, from the craft or otherwise. Commercial vessels are prohibited from the defined waters, waterways, canals, channels, unless docked and/or moored at an occupied residential platted lot and owned by the owner of the immediately adjacent platted lot. Commercial vessels are prohibited from the defined waters immediately adjacent to any unoccupied property, lot, dock or other area of the city.

**SECTION 12.** The Bahia and Channelview Marinas, being commercial enterprises, shall not be subject to this ordinance as to rental spaces, piers, docks, and types of boats allowed within their domain. The Bahia and Channelview Marinas are subject to Sections 4, 5 and 6 of this ordinance.

**SECTION 13.** As of the effective date of this Ordinance, no additional commercial craft will be permitted to dock in waterways within the city limits of Ingleside on the Bay.

**EXCEPTIONS:** Commercial craft as of the effective date of this Ordinance and known to be presently docked in waterways within the city limits of Ingleside on the Bay and owned by the homeowner of the adjacent lot are not prohibited.

**LIMITATIONS:**

- (1) Docking such craft as of the effective date of this Ordinance will be permitted only so long as the homeowner is actively operating it.

- (2) Ownership of any craft cannot be transferred to relatives or non-relatives and remain in the defined waters, unless permitted by the city council in cases of hardship or special circumstances.
- (3) When any of such craft ceases to be actively operable, the craft shall be removed from the waterways within the city limits, and it shall not be replaced, without the consent of the City Council.

**SECTION 14.** The city may enforce this Ordinance by Injunction. Further, each day's violation of this Ordinance shall be a separate offense punishable by a fine in Municipal Court not to exceed \$200.00 for each such offense.

**SECTION 15.** In the event any part of this Ordinance is held invalid or unconstitutional for any reason whatsoever, the remainder shall be in full force and effect, it being the intent of the City Council to enact each part of this Ordinance separately and without regard to the remainder.

**SECTION 16. PUBLICATION**

The caption of this Ordinance shall be published one time in the official newspaper and this Ordinance shall be effective upon such publication.

**PASSED, APPROVED AND EFFECTIVE** as of this date, the 20 day of September, 1994.

CITY OF INGLESIDE ON THE BAY, TEXAS

By: \_\_\_\_\_  
Mayor

**ATTEST:**  
*Ann Rosenkrantz*  
City Secretary

1994-12

**Ingleside on the Bay**

An ordinance relating to regulation of waterways and watercraft within the City; prohibiting certain activity; providing a penalty; providing a severance and providing for publication.

Published in The Ingleside Index  
September 22, 1994

THE STATE OF TEXAS  
COUNTY OF SAN PATRICIO:

Before me, the undersigned authority, personally appeared

R. P. RICHARDS

of The Ingleside Index, who after being

by me duly sworn, on his oath deposes and said:

1. That (he) <sup>XY</sup>(she) is PUBLISHER of The Ingleside Index a weekly newspaper published in San Patricio County, Texas.

2. That the CITY OF INGLESIDE ON THE BAY:

ORDINANCE 1994-12

hereto annexed, was published in the regular issues of said Ingleside Index once

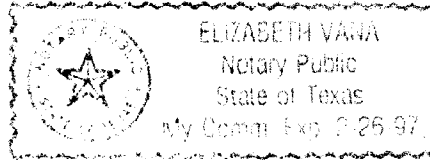
each week for One (1) successive weeks said publications

having been made on the September 22, 1994

3. That a printed copy of said notice

as the same appeared in said issues is attached hereto.

R. P. Richards



Sworn to and subscribed before me this Twenty second  
day of September, 1994

Elizabeth Vana

12.65

PUBLICATION FEE: \$

Notary Public, San Patricio County, Texas