

COMMISSIONERS' COURT ORDER ADOPTING REGULATIONS
FOR
USE OF COUNTY BOAT RAMPS

SEPT 1 1 1994
COUNTY ROAD DEPT.

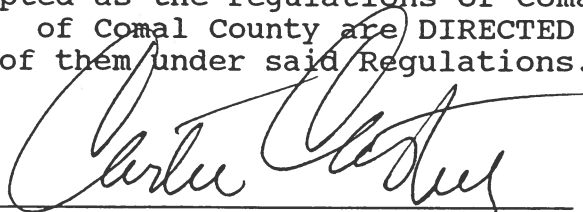
WHEREAS, the Texas Legislature has enacted Texas Revised Civil Statutes Article 6702-1, Section 2.301; and

WHEREAS, that statute authorizes county commissioners' courts of this state to adopt ordinances that regulate and restrict traffic on county roads and on other county-owned land under its jurisdiction; and

WHEREAS, the Commissioners' Court of Comal County, Texas finds that restricting the use of County boat ramps, County roads leading to County boat ramps will allow the County to protect the health, safety, and welfare of the general public; and

WHEREAS, the Commissioners' Court of Comal County, Texas has considered the matter and deems it appropriate to adopt regulations for restricting the use of County boat ramps, County roads which lead to County boat ramps pursuant to Texas Revised Civil Statutes Article 6702-1, Section 2.301.

NOW THEREFORE, IT IS HEREBY ORDERED BY THE COMMISSIONERS' COURT OF COMAL COUNTY, TEXAS that the regulations attached and appended hereto, entitled "Commissioners' Court Order Adopting regulations for Use of County Boat Ramps" are made a part of this Order, and are adopted as the regulations of Comal County, Texas, and all officials of Comal County are DIRECTED to perform such duties as required of them under said Regulations.



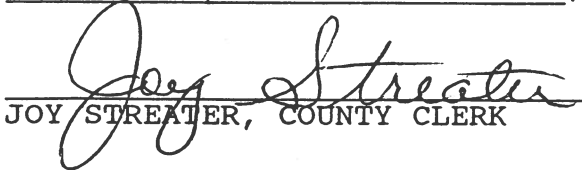
CARTER CASTEEL, COUNTY JUDGE

ABSENT

J.L. EVANS, COMMISSIONER
PRECINCT #1


NEIL CRAIGMILE, COMMISSIONER
PRECINCT #2
CRISTINA ZAMORA, COMMISSIONER
PRECINCT #3
MOE SCHWAB, COMMISSIONER
PRECINCT #4

APPROVED AND ADOPTED in open session this the 29th day of
September, 1994.


JOY STREATER, COUNTY CLERK

ARTICLE I: DEFINITIONS

SECTION

1.01 In this Order:

- (a) "County" means Comal County, Texas.
- (b) "County Road" means a public road, street or highway that is entirely or partially located in an unincorporated area of the County and that is under County supervision and control.
- (c) "County Boat Ramp" or "County Boat Ramp Area" means a boat launching ramp that is maintained as a part of the County Unit Road System, including, but not limited to the launching ramp itself, any floating boat docks adjacent to or near the launching ramp, any parking area provided for the launching ramp.
- (d) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a road, street, or highway, except devices used exclusively upon stationary rails or tracks.
- (e) "Motor Vehicle" means every vehicle which is self-propelled.

ARTICLE II: AUTHORITY, ADMINISTRATION AND PURPOSES

SECTION

- 2.01 Statement of Purpose: It is the belief of the Commissioners' Court that, for the safety of the public, the use of County boat ramps should be restricted to only those activities directly connected with the launching of or retrieving of boats from the water.
- 2.02 Any peace officer of the State of Texas having jurisdiction within the territorial limits of the County that is outside the limits of an incorporated city or town is designated and authorized by the Commissioners' Court to enforce the regulations set forth in this Order.
- 2.03 The County Engineer, with respect to roads and any other property owned by the County, may place appropriate signs that may be necessary to give persons notice of the requirements of this Order.

ARTICLE III: CRIMINAL OFFENSES

Chapter A: Criminal Culpability

Section

3.01 The offenses adopted and defined in this Order are strict liability offenses; in order to convict a person for committing an offense, it is not necessary to either allege or prove that the person had a culpable mental state, either as defined by Texas penal Code, Section 6.03 or otherwise defined by the penal laws of this state, unless the definition of an offense specifically requires the allegation and proof of a particular culpable mental state.

Chapter B: Offenses

3.02 Definition of "Person": For the purposes of this Chapter, "person" means an individual.

3.03 The following offenses are adopted and defined pursuant to Texas Revised Civil Statutes Article 6702-1, Section 2.301:

3.03A Obstructing Ramp or County road Leading to Ramp

(a) A person commits an offense if, without legal privilege or authority, the person:

(1) Obstructs a County boat ramp area or a County road leading to a County boat ramp area, regardless of the means of creating the obstruction and whether the obstruction arises from his acts alone or from his acts and the acts of others; or

(2) Disobeys a reasonable request or order to move issued by a person the actor knows to be or is informed is a peace officer, a fireman, an emergency medical technician, or a person with authority to control use of a County boat ramp area;

(A) to prevent obstruction of a County boat ramp area or County road leading to a County boat ramp area; or

(B) to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, boating or vehicular accident, person requiring medical attention, or any hazard.

(b) For purposes of this section, "obstruct" means to render impassable or to render passage unreasonably convenient or hazardous and includes, but is not limited to the launching ramp itself, any floating boat docks adjacent to or near the launching ramp, and any parking area provided for the launching ramp.

3.03B Parking on County Boat Ramps

A person commits an offense if the person parks a vehicle/motor vehicle in a County boat ramp area except in connection with the launching or retrieving of a boat from the water and where said vehicle/motor vehicle is parked in a designated parking space.

3.03C Picnicking on County Boat Ramp

A person commits an offense if the person picnics in a County boat ramp area.

3.03D Camping on County Boat Ramp

A person commits an offense if the person camps in a County boat ramp area.

3.03E Loitering on County Boat Ramp

A person commits an offense if the person loiters in a County boat ramp area.

3.03F Fishing on County Boat Launching Ramp

A person commits an offense if the person fishes on a County boat launching ramp.

3.04 Penalties Under Chapter B

Offenses under this Chapter are punishable as follows, in accordance with Texas Revised Civil Statutes Article 6702-1, Section 2.301(f):

- (a) A person adjudged guilty of committing an offense under this Chapter of the Order shall be punished by a fine not exceeding \$50.00 for the first offense, by a fine not exceeding \$200.00 for the second offense, and by a fine not exceeding \$500.00 or imprisonment in the county jail not to exceed sixty (60) days, or both, for each subsequent offense.

ARTICLE IV: CONSTRUCTION AND SEVERABILITY

SECTION

- 4.01 The provisions of this Order shall be construed liberally to accomplish its purpose. In construing this Order, all precatory words contained therein shall be deemed mandatory.
- 4.02 This Order applies only to those parts of Comal County, Texas, that are not contained within the corporate limits of a city or town.
- 4.03 If any provision of this Order or the application thereof to any purpose or circumstances is held invalid, the validity of the remainder of this Order and the application thereof to other persons and circumstances shall not be affected.

ARTICLE V: EFFECTIVE DATE

SECTION

- 5.01 This Order is effective September 29, 1994.