

ORDER #463



STATE OF TEXAS §
COUNTY OF COMAL §

IN THE COMMISSIONERS COURT

REGULATIONS FOR THE USE OF COUNTY BOAT RAMPS

WHEREAS, Section 251.151, Texas Transportation Code authorizes the commissioners court of a county to regulate traffic on a county road or on real property owned by the county; and

WHEREAS, the Comal County Commissioners Court adopted regulations for use of County Boat Ramps on September 29, 1994; and

WHEREAS, the Comal County Commissioners Court finds that updating the regulations for the use of County Boat Ramps is necessary.

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

NOW, THEREFORE, the Comal County Commissioners Court enters the following order in multiple parts as follows:

Section 1 – Purpose, Authority, and Administration

- 1.01 The purpose of this Order is to prescribe rules, regulations and enforcement procedures for public safety and awareness, applicable to Comal County boat ramps. All other applicable state and federal laws including the GBRA Water Safety Rules and Regulations Affecting Canyon Lake are also enforced.
- 1.02 These regulations are adopted and promulgated under authority vested in the Comal County Commissioners Court and the laws of the State of Texas, including, but not limited to, Chapter 251, Subchapter E, Transportation Code and Section 615.001, Local Government Code.
- 1.03 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 is designated and authorized by the Commissioners Court to enforce the rules and regulations set forth in this order.
- 1.04 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.

Section 2 – Definitions

- 2.01 County: Comal County, Texas.
- 2.02 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.
- 2.03 County Boat Ramp: “County Boat Ramp” or “County Boat Ramp Area” mean a boat launching ramp that is maintained as part of the County Unit Road System, including, any floating boat docks adjacent to or near the launching ramp, and any parking area provided for the launching ramp.
- 2.04 Designated Parking Space: means a space delineated with pavement markings or signs for the parking of a Vehicle/Motor Vehicle.
- 2.05 Vehicle: means a device that can be used to transport or draw persons or property on a highway.
- 2.06 Motor Vehicle: means a self-propelled vehicle.
- 2.07 Watercraft: means any contrivance used or designed for navigation on the water, including but not limited to “boat”, “vessel”, “motorboat” or “personal watercraft”, as those terms are used in the Texas Water Safety Act.

Section 3 – General Rules

- 3.01 No Advertisements: No person shall disseminate or place commercial notices, signs, or advertisements within the boundaries of the County Boat Ramp Area. Vessels and vehicles with signs, decals and stickers are exempt.
- 3.02 No Solicitation of Business: No person shall engage in or solicit any business within the boundaries of the County Boat Ramp Area. The act of launching and retrieving watercraft from the water without parking a vehicle/motor vehicle in a Designated Parking Space shall not be in violation of this Section.
- 3.03 No Loitering, Picnicking, and Camping: No person shall loiter, picnic, or camp within the boundaries of the County Boat Ramp Area.
- 3.04 No Fishing: No person shall fish on a County Boat Ramp or in the County Boat Ramp Area.
- 3.05 No Motor Vehicle Access to USACE property: No Motor Vehicle shall cross the boundaries of the County Boat Ramp Area in a motor vehicle to access property owned by the United States Army Corp of Engineers.
- 3.06 No Pedestrian Access via Boat Launching Ramp: No person shall access property owned by the United States Army Corp of Engineers via a boat launching ramp.

Section 4 – Removal from County Boat Ramp Area

- 4.01 Any person failing to comply with these Rules and Regulations may be removed from the County Boat Ramp Area and a criminal trespass warning may be issued, in addition to criminal penalties.

- 4.02 A court of competent jurisdiction may enjoin a person (or business) from reentry to any County Boat ramp Area.
- 4.03 Any vehicle/motor vehicle parked in violation of this Order may be towed at the owner's expense.

Section 5 – Criminal Offenses

5.01A The following offense is adopted and will be enforced pursuant to the Water Safety Rules and Regulations Affecting Canyon Lake promulgated by the Guadalupe-Blanco River Authority:

1. No Swimming from Boat Ramp or Floating Dock: No person may swim or enter the water from a boat ramp or floating dock within a designated No Wake Area except as may be necessary to the loading, unloading, inspection and repair of watercraft. These facilities shall be marked by signs stating "No Swimming From Boat Ramp or Floating Dock", but the absence of said signs shall not constitute a defense.

5.01B Penalties under Section 5.01A:

1. A person who violates or fails to comply with this provision commits an offense that is a Class C Parks and Wildlife Code misdemeanor.
2. An individual adjudged guilty of a Class C Parks and Wildlife Code misdemeanor shall be punished by a fine of not less than \$25.00 no more than \$500.00.

5.02A The following offenses are adopted and defined pursuant to Sections 251.151 and 251.156, Texas Transportation Code and Section 615.001, Texas Local Government Code:

1. Parking on County Boat Ramps: A person commits an offense if the person parks a vehicle/motor vehicle in a Designated Parking Space except in connection with the launching or retrieving of watercraft from the water. For purposes of this section only one motor vehicle may be used in connection with the launching or retrieving of watercraft from the water.
2. Parking in Designated Parking Spaces: A person commits an offense if a person parks a motor vehicle without a boat trailer in a parking space designated for boat trailer parking. A person commits an offense if a person parks a motor vehicle with a boat trailer in a parking space designated for single motor vehicle parking.
3. Parking in a Restricted Traffic Zone: A person commits an offense if a person stops, stands, or parks a motor vehicle in a restricted traffic zone within the boundaries of a County Boat Ramp Area. It is presumed that the registered owner of an unattended motor vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred.

5.02B Penalties under Section 5.02A:

1. An offense under this section is Class C misdemeanor punishable by a fine not to exceed \$200.00.
2. If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

5.03A The following offense is adopted and defined pursuant to Section 42.03, Texas Penal Code:

1. A person commits an offense if, without legal privilege or authority, the person intentionally, knowingly, or recklessly:
 - a. 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
 - b. 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, or a person with authority to control the use of a County Boat Ramp Area:
 - i. To prevent obstruction of a County Boat Ramp Area or County road leading to a County Boat Ramp Area; or
 - ii. To maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.
2. For purposes of this section, “obstruct” means to render impassable or to render passage unreasonably inconvenient or hazardous.

5.03B Penalties under Section 5.03A:

1. An offense under this section is a Class B misdemeanor.

Section 6 – Construction, Severability and Effective Date

- 6.01 By the adoption of this Order, the Comal County Commissioners Court intends to and does hereby repeal the Order Adopting Regulations for use of County Boat Ramps adopted September 29, 1994, and all amendment and additions thereto.
- 6.02 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.
- 6.03 The provisions of this Order shall be construed liberally to accomplish its purpose. In construing this Order, all precatory words contained herein shall be deemed mandatory.
- 6.04 This Order becomes effective on the date of adoption of this Order.

ADOPTED THIS __TH DAY OF _____, 2021.

Sherman Krause, Comal County Judge

Donna Eccleston, County Commissioner Pct. 1

Scott Haag, County Commissioner Pct. 2

Kevin Webb, County Commissioner Pct. 3

Jen Crownover, County Commissioner Pct. 4

ATTEST: _____
Bobbie Koepp, County Clerk