

**ORDINANCE NO. 2004-3**

**AN ORDINANCE ADOPTING A PLAN TO PROTECT FRESHWATER AREAS COMPLIANT WITH STANDARDS OF TEXAS PARKS & WILDLIFE CODE; ESTABLISHING LOCAL RIVER ACCESS OF THE BRAZOS RIVER IN THE TOWN OF SAN FELIPE, AUSTIN COUNTY, TEXAS; PROTECTING FISH, WILDLIFE, WATER QUALITY, AND OTHER NATURAL RESOURCES; AND PROVIDING A PENALTY.**

**WHEREAS**, it is recognized that the beds, bottoms, and banks of navigable rivers and navigable streams are precious and irreplaceable state resources that deserve protection; and

**WHEREAS**, the Board of Alderman for the Town of San Felipe, Texas has determined that the need exists to implement a local river access plan pursuant to Senate Bill 155, effective September 1, 2003, and Texas Parks and Wildlife Code Section 90.004; and

**WHEREAS**, this local river access plan shall be referred to as the Town of San Felipe – Brazos River Local Access Plan; and

**WHEREAS**, the Town of San Felipe – Brazos River Local Access Plan is totally within the confines of the city limits of the Town of San Felipe, Texas; and

**WHEREAS**, the Town of San Felipe – Brazos River Local Access Plan minimizes the removal or disturbance of both aquatic and terrestrial vegetation in the river access area by utilizing previously cleared trails in the Town of San Felipe Lower Pasture, and limiting motorized vehicle use; and

**WHEREAS**, the Board of Alderman of the Town of San Felipe, Austin County, Texas, will allow motorized vehicular traffic to enter the Brazos River streambed from the existing trail located in the Town of San Felipe Lower Pasture (as set out in Exhibit "A") to access the flowing water on the other side of an exposed island in the middle of the Brazos River when the river is low, and travel to the adjacent exposed island for the purposes of launching a boat or fishing from the island, under the conditions set forth in this ordinance.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE TOWN OF SAN FELIPE, TEXAS:**

**SECTION 1. RULES AND REGULATIONS OF THE TOWN OF SAN FELIPE – BRAZOS RIVER LOCAL ACCESS PLAN**

1. Exhibit "A" is a map showing the only approved navigable streambed route through the Town of San Felipe's Lower Pasture, to access flowing water on the other side of an exposed island in the middle of the Brazos River when the river is low.
2. Motorized vehicles will enter and exit the navigable streambed of the Brazos River, when the river is low, from the existing trail of the Town of San Felipe's Lower Pasture for the purpose of launching a boat or fishing from the island.
3. Motorized vehicular traffic is prohibited from traveling the riverbeds and riverbanks of adjoining landowners up and down the Brazos River. The Town of San Felipe – Brazos River Local Access Plan will not allow for motorized vehicles to leave the Town of San Felipe's Lower Pasture.

4. Signs will be posted at the river access point within the boundaries of the Town of San Felipe's Lower Pasture notifying users of these restrictions. The Town of San Felipe, Texas will post the rules for entering and exiting the streambed of the Brazos River when the river is low, to access the island, at the San Felipe, Texas Town Hall.
5. The Town of San Felipe – Brazos River Local Access Plan area terminates outside the Town of San Felipe's city limits.
6. The number of motorized vehicles allowed river access when the river is low, should not exceed ten (10) per day.
7. No native vegetation shedding or losing foliage at the end of its growing season, with a diameter of four inches or greater at 4 feet above the ground, will be removed or destroyed.
8. Motorized vehicles are prohibited from parking in the water at any time within the river access area.
9. All terrain vehicles (ATVs) are prohibited within the river access area.
10. The speed limit in the river access area is 5 miles per hour.
11. All motorized vehicular traffic in the river access area is prohibited everyday between the hours of 10:00 p.m. and 4:00 a.m.
12. No glass containers will be allowed in the river access area, or within motorized vehicles in the river access area.
13. The Town of San Felipe – Brazos River Local Access Plan will be enforced by the Town of San Felipe Police Department and the Texas Parks and Wildlife Department.
14. The Town of San Felipe Police Department will continue to patrol the Town of San Felipe Lower Pasture to enforce provisions of the Town of San Felipe – Brazos River Local Access Plan, along with existing rules for use of the Town of San Felipe Lower Pasture.

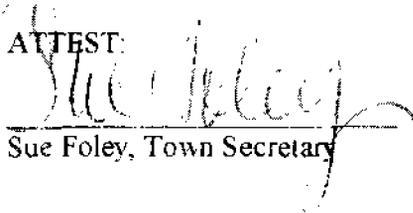
**SECTION 2. PENALTY.**

Any person, corporation or association violating any provision of this Ordinance shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). Each violation thereof shall be deemed a separate offense, and shall be punished accordingly. Provided, however, compliance may be further sought through injunctive relief in the District Court.

PASSED AND APPROVED the 11<sup>th</sup> day of May, 2004.

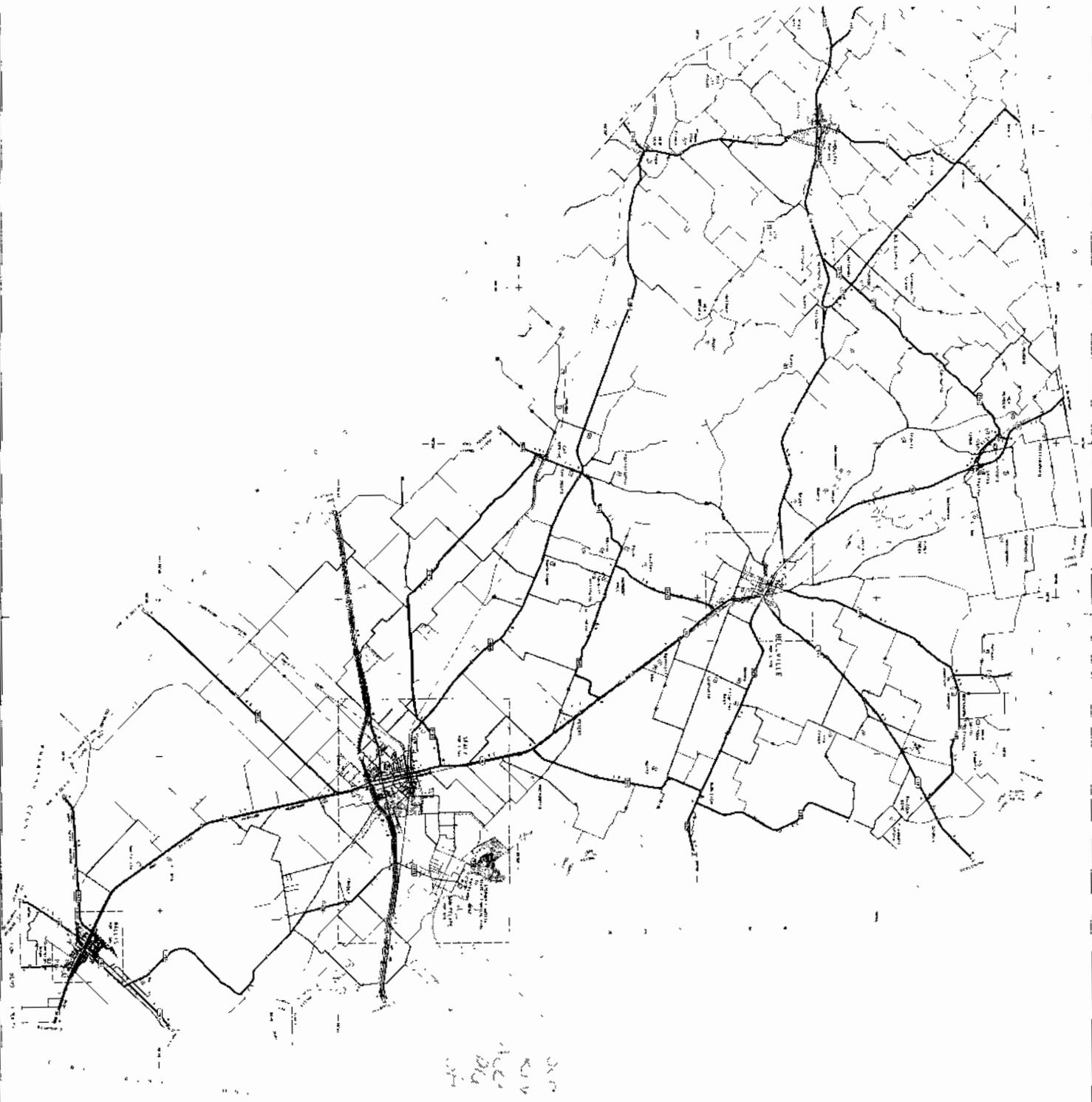
  
 Bobby Byars, Mayor

ATTEST:

  
 Sue Foley, Town Secretary

Approved as to Form:

  
 Susan Rocha, Town Attorney



LEGEND

—	Interstate Highway
—	State Highway
—	County Road
—	Local Road
—	Proposed Road
—	Waterway
—	Boundary
—	Settlement
—	Other

GENERAL HIGHWAY MAP  
AUSTIN COUNTY  
TEXAS

TEXAS DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION PLANNING AND PROGRAMMING DIVISION  
PLANNING SECTION  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
1990

