

Exhibit A

ARTICLE V. VESSEL RESIDENCY AND NUISANCE VESSEL ABATEMENT

DIVISION 1. – IN GENERAL

Sec. 70-67. Purpose. The purpose of this ordinance is to establish regulations governing the residential occupancy of vessels ~~within marinas~~, and to provide procedures for identifying, managing, and abating abandoned and derelict vessels, in order to protect the health, safety, sanitation, environmental quality, convenience, and general welfare of the residents and waterways of the City of League City.

Sec. 70-68. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anchoring, berthing, or mooring means the securing of a vessel by any means.

Applicant means any owner of a Vessel or Third-Party User who is applying, through a City Live-Aboard application, for a Permit under this Article.

Boat Pump-Out Station shall be defined by Texas Water Code § 26.044(2), which currently means any private or public shoreside, mobile, or floating installation either independent of or in addition to an organized waste collection, treatment, and disposal system used to receive boat sewage.

Boat Slip means a portion of a pier, main pier, finger pier, or float where a Vessel is moored for the purpose of berthing, embarking, or disembarking.

Day means any calendar day in which a person occupies the Vessel ~~for any part of that day~~, including any overnight period that spans into the following day.

Discharge shall be defined by Texas Water Code § 26.001(20), which currently includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Dock means any structure, including a pier, wharf, loading platform, accessory structures, or boat lift which is constructed on pilings, over open water, or which is supported by flotation on the water of the City.

Law Enforcement Officer means individuals who enforce laws, investigate crimes, verify compliance with laws; and includes but is not limited to, police personnel, code

enforcement, fire marshals, and building official.

Live-Aboard Vessel means any Vessel designated as a Live-Aboard Vessel by a Marina through a slip agreement or used as a residence, whether intermittently or continuously, when a person sleeps aboard, prepares meals, or conducts regular domestic activities aboard the vessel for more than ~~10~~ 15 calendar days, consecutive or cumulative, within any 30-day period. The presence of bedding, cookware, stored food, clothing, or regular personal items aboard the Vessel may be considered evidence of Live-Aboard use. Intent to reside aboard may be inferred from repeated overnight presence, regardless of formal address.

Marine sanitation device means any equipment for installation on board a Vessel which is designed to receive, retain, treat, or discharge sewage.

Marina means ~~a portion of a dock, pier, harbor, float or any property providing shoreside utilities or services~~ a public or privately owned specialized nautical facility, often located on a coast, shoreline, or waterway, that primarily serves as a docking station or harbor for yachts, sailboats, and other recreational boats or vessels. Piers, docks, and boat lifts, located adjacent to or attached to single-family dwellings and owned by the same individuals, are not considered a marina.

Permit means an order issued by the Building Department in accordance with the procedures prescribed in this Article establishing the conditions under which Live-Aboard Vessels may be utilized in any Waterway within the City to preserve and enhance the quality of the water.

~~*Permit Decal* means a City issued adhesive label, tag, or similar device that evidences a current Live-Aboard Permit and is required to be displayed on the Vessel in the location designated by the City.~~

Permittee means any person who is the holder of a Permit granted by the City under this Article.

Pollution shall be defined by Texas Water Code § 26.001(14), which currently means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose. Pollution does not include discharges from normally operating marine equipment, including but not limited to wet exhaust, marine air conditioning, and desalination systems, provided such equipment is functioning as designed and does not result in a visible sheen, accumulation, discoloration, odor, or other objective evidence of water quality impairment.

~~*Sewage shall be defined by Texas Water Code § 26.001(7), which currently means waterborne human waste and waste from domestic activities, such as washing, bathing, and food preparation.*~~

Sewage shall mean wastewater containing human waste, including feces, urine, and toilet paper. For purposes of this Article, sewage does not include greywater. Greywater, consisting of wastewater from activities such as washing, bathing, or food preparation, is regulated under applicable federal and state law, including 40 CFR § 1700.26.

Shoreside, mobile, or floating installation shall be defined by Texas Water Code § 26.044(3), which currently means Marinas and other installations servicing boats on surface water in the state.

Third-Party User means a person over the age of seventeen (17) who does not have an ownership interest in the Vessel or Boat Slip but intends to occupy another's Vessel as a Live-Aboard.

Vessel means any watercraft, including but not limited to boats, houseboats, barges, sailboats, motorboats, or any other contrivance used or capable of being used as a means of transportation or habitation on water, whether documented, registered, or otherwise subject to regulation under federal or state law, and whether docked, moored, anchored, or underway within any Waterway of the City.

Waste shall be defined by Texas Water Code § 26.001(6), which currently means sewage, industrial waste, recreational waste, or other waste, as defined in this section.

Waterway means any navigable or artificial channel, canal, lagoon, lake, river, tributary, or other water feature, whether natural or man-made, located within the territorial limits of the City, that is used or capable of being used for the operation, mooring, or navigation of Vessels.

Waterway Stakeholder means any person or entity with legal or operational control over a Marina facility, Boat Slip, or Vessel located within a Waterway in the City, including owners, operators, and Live-Aboard residents.

Sec. 70-69. Notice Procedures.

(a) Default Notice Methods. Unless otherwise specified, notices under this Article shall be served by one of the following methods:

- 1) Certified mail to the last known address on file with the Texas Parks and Wildlife Department, the U.S. Coast Guard, or marina records, or, when applicable, the mailing address provided in a Live-Aboard Permit application, shall be deemed received on the third (3rd) business day after the City deposits it with the United States Postal Service;
- 2) Hand delivery to the Vessel, ~~to any person aboard the Vessel, or~~ to the

Permittee, Vessel Owner, ~~Marina Operator~~, or Slip Owner, accompanied by verbal or written acknowledgment, shall be presumed received on the date it is delivered; or

3) Email transmitted to an address provided by the Applicant, Permittee, Vessel Owner, ~~Marina Operator~~, or Slip Owner shall be presumed received on the same business day it is sent. If the email is sent after normal business hours, it shall be presumed to be received on the next business day.

~~3)4)~~ In addition to at least one of the methods above, the City shall affix a copy of the notice to the Vessel in a conspicuous location when practicable. Posting of notice on the Vessel alone does not satisfy the notice requirements of this Article.

(b) Emergency Conditions. In cases where the Vessel poses an imminent threat to navigation, public safety, or the environment, the City may act without prior notice. Notice must be issued as soon as practicable after such action.

~~(b)~~(c) Notice Recordkeeping. The City shall maintain a record of the method, time, and location of all notices provided under this section, including any photographs, delivery receipts, or field affidavits.

Sec. 70-70. ~~Discharge of sewage from Vessels into City Waterways~~ Sewage Discharge and Disposal Requirements.

~~(a) Pollution and Discharge Prohibition. No Waterway Stakeholder shall allow the Pollution, Discharge of Sewage, Waste, or holding tank effluent into City Waterways.~~ No person may discharge or permit the discharge of sewage, wastewater, holding tank effluent, or other waste associated with vessel sanitation systems into the waterways of the City, except in accordance with applicable state or federal law.

~~(b) The City may rely on objective indicators of Pollution or unlawful Discharge, including: (1) visual observation of effluent, sheen, staining, or debris entering the Waterway; (2) sampling or field testing of water or suspected effluent; (3) verification of a release or system failure by a certified Marine Sanitation Device technician, Law Enforcement Officer, or City inspector; or~~

~~(b) (4) documented physical evidence of Sewage, Waste, or greywater accumulation in or adjacent to a Vessel. Observations based solely on odor may be used only when corroborated by at least one objective indicator listed above.~~ All marine sanitation devices and sewage systems shall be maintained and operated in accordance with applicable state and federal law, and in a manner that prevents the unlawful discharge of sewage, wastewater, or other waste associated with vessel sanitation systems.

(c) All vessels equipped with a marine sanitation device or other system capable of generating or storing sewage or wastewater shall maintain proof of lawful disposal through one or more of the following:

1. Receipts or invoices from a licensed marine pump-out or wastewater

- service provider;
2. Documentation of use of an authorized marina or land-based pump-out facility; or
 3. Other verifiable documentation demonstrating that sewage or wastewater is being disposed of at a lawful facility.
- (d) Such documentation shall be retained on the vessel or otherwise made available to the City upon request and shall be sufficient to demonstrate that sewage or wastewater is not being discharged in violation of this Article.
1. Documentation shall reflect disposal occurring at reasonable intervals consistent with the vessel's occupancy and use.
 2. Failure to produce such documentation upon request creates a rebuttable presumption of noncompliance.
- (e) Vessels equipped with composting toilets or systems not designed for overboard discharge shall be deemed in compliance, provided the operator disposes of waste at a lawful land-based facility and can provide documentation of such disposal upon request.
- (f) Marina Pump Out Facilities.
1. For purposes of this section, "marina operator" means any person or entity that owns, manages, controls, or is responsible for the operation or maintenance of a marina or its common areas, including any homeowners association or similar entity with authority over shared facilities. Responsibility under this section applies to any person or entity that owns, manages, controls, or is responsible for the operation, maintenance, or common elements of a marina.
 2. Each marina operator of a marina in operation as of the effective date of this ordinance shall ensure that a pump out station is located within the marina. The marina operator shall maintain the pump out station in working condition and available for use.
 3. Each marina operator of a marina constructed, established, or expanded after the effective date of this ordinance shall ensure that a pump out station is installed as part of the marina's construction or expansion. The pump out station must be installed and operational before the marina begins operation or expanded use.
 4. Each marina operator shall ensure that all required pump out stations are maintained in good working order and available for use during normal operating hours.
 5. If a required pump out station becomes inoperable, the marina operator shall restore it to working condition within fourteen (14) days.
 - ~~1. Marina operators shall ensure that pump out facilities are available in a manner sufficient to support compliance with vessel documentation requirements under this Article.~~
 - 6.
- (g) Prohibition on Construction and Operation. No person may construct, establish, expand, operate, or use any property as a marina within the City

- unless the marina complies with the pump out requirements of this section.
- (h) Conditions of Approval. Compliance with this section shall be required as a condition of issuance of any permit, approval, certificate of occupancy, site plan, development permit, or other authorization required by the City for the construction, expansion, or operation of a marina.
- (i) Inspection. The City may inspect pump out facilities and related records at reasonable times to ensure compliance with this section.
- ~~(e)~~(j) Compliance. Failure of a marina operator to install or maintain a pump out station as required by this section shall constitute a violation of this Code.

Sec. 70-71. General Waterway Use and Waterway Stakeholder Responsibilities

- a) Applicability and General Compliance. All Waterway Stakeholders must comply with all applicable federal, state, and local laws, including the provisions of this Article.
- b) Waterway Stakeholders shall ~~have a duty to~~ cooperate with the City in ~~identifying any Vessel docked, moored, or that remains in any Boat Slip or Marina under their control for which the Vessel is in violation of any part of this Article. The duty to cooperate includes but is not limited to providing the City reasonable access to the Marina, providing documentation such as a slip agreement, and/or informing Live-Aboard Vessels of the requirements of this Article~~the administration and enforcement of this Article. Such cooperation includes, but is not limited to:
1. Providing the City reasonable access to the Marina;
 2. Providing documentation reasonably related to vessel occupancy or use; including but not limited to slip agreements; and
 - 1.3. Informing Live Aboard Vessels of the requirements of this Article.
- c) Occupancy Limits. Marina operators and Boat Slip owners shall ensure that Live-Aboard occupancy shall not exceed fifteen percent (15%) of the total Boat Slips within any Marina.
- d) Vessel Identification: The vessel owner, operator, or person in control of a vessel docked, moored, or anchored within the waterways of the City shall ensure that the vessel displays, or upon request makes available for inspection, at least two of the following:
1. A valid hull identification number;
 2. A valid vessel registration number; or
 3. A United States Coast Guard registered name.

Sec. 70-72 – Unauthorized Live-Aboard Rentals Prohibited. No person shall lease, sublease, or otherwise offer a Vessel for residential occupancy within City Waterways without (1) written authorization from the Vessel Owner and, as applicable, the Boat Slip Owner or Marina Operator, (2) a valid Live-Aboard Permit issued under this Article, and (3) compliance with all sanitation and insurance requirements.

Reserved. Secs 70-73 to 70-81

DIVISION II. – LIVE-ABOARD VESSELS

Sec. 70-82. Permit applicability. No Vessel may moor, tie up, or anchor within a Marina as a Live-Aboard Vessel unless authorized under this Article and issued a valid Live-Aboard Permit, ~~and displaying the corresponding Permit Decal in accordance with this Article.~~

Sec. 70-83. Contents of Permit Application. A Live-Aboard Permit application must be submitted to the City of League City Building Department on City provided forms and shall include, at a minimum, the following:

- a) Contact Information: Full name, address, phone number, email, and emergency contact information. Contact information must include where each party can be reached during regular work hours or when not aboard the Vessel.
- b) Vessel Information: Vessel name, proof of title, registration number or documentation (issued by TPWD or USCG), make, model, and length.
- c) Safety Inspection: Proof the Vessel passed a U.S. Coast Guard inspection (CG-4100) or a Vessel Safety Check by the U.S. Coast Guard Auxiliary within 60 days prior to application. All vessel safety inspections required under this Article shall be conducted by a person holding current certification as a Marine Safety Enforcement Officer (MSEO) pursuant to Texas Parks and Wildlife Code § 31.121, or by any Law Enforcement Officer, U.S. Coast Guard personnel, or U.S. Coast Guard Auxiliary member acting within their authorized inspection programs. An inspection conducted under the U.S. Coast Guard Vessel Safety Check program, the U.S. Coast Guard Auxiliary program, or by a certified MSEO shall satisfy the safety inspection requirement for purposes of this Article.
- d) Sanitation System: ~~Make, model, and holding tank capacity of the installed Marine sanitation device~~ The applicant shall provide the make and model of the installed marine sanitation device (head) and the capacity of the holding tank. Information is not required for individual system components such as valves, pumps, or fittings unless specifically requested by the City. The City may request additional information regarding the sanitation system as reasonably necessary to verify compliance with this Article.
- e) ~~Insurance:~~ Proof of ~~liability and~~ tow assistance in compliance with this Article.
- f) Ownership Authorization: Applicant must provide notarized proof of ownership or written authorization from the boat owner, and, if applicable, the slip owner or marina operator.
- ~~g) City Access: Written consent allowing City inspection of the Vessel for health, safety, and code compliance.~~
- ~~h)g)~~ Background Check: Written consent from the Applicant and all Third-Party

Users for a criminal background check under Section 70-52.

- ~~h)~~ h) Permit Conditions: Written acknowledgment and acceptance of all Permit Conditions.
- ~~i)~~ i) Permit Fee: Proof of payment of the Permit fee set by City Council resolution, not to exceed the City's administrative costs.
- ~~j)~~ j) Compliance Verification: Notarized statement that all Permit Requirements and Conditions have been met.
- ~~k)~~ k) Completeness: Applications are incomplete unless all required information is provided.

70-84. ~~Insurance and~~ Tow Assistance Requirements for Live-Aboard Vessels

- a) Towing Assistance Requirement. All Live-Aboard Vessels must maintain proof of 24-hour emergency towing capability, ~~either~~ through a recognized service program, ~~or~~ private contract, or through insurance. This towing capability serves the purpose of enabling lawful abatement of nuisances, safety hazards, and environmental threats, not the regulation of navigation.
- b) Waiver of Towing Requirement. The towing requirement may be waived if the Applicant submits documentation from either (1) a licensed marine mechanic, or (2) U.S. Coast Guard personnel acting within their authorized programs, confirming only that the Vessel can be physically moved or relocated from its slip in an emergency by ordinary means.
- c) Proof of Compliance. Proof of towing assistance or approved waiver documentation must be submitted with the Permit application and annually upon renewal.

Sec. 70-85. Issuance and Denial of Permit

- a) Permit Issuance. The League City Building Official shall approve any Live-Aboard Permit application that is complete and meets all requirements of this Article, unless:
 - 1) The application contains false, misleading, or materially incorrect information;
 - 2) The Applicant is not in compliance with the requirements of this Article; or
 - 3) The Applicant is found to be ineligible under the criminal history provisions set forth in Section 70-52 of the League City Code of Ordinances.
- b) Notice of Denial. If a Permit application is denied, the Building Official shall notify the Applicant in compliance with Section 70-69.
- c) Right to Appeal. An Applicant whose application is denied may request a hearing by submitting a written appeal pursuant to this Article. The appeal shall be conducted in accordance with procedures and rules established by the City.
- ~~d) Reapplication Restriction. An Applicant whose Permit is denied or revoked may not reapply for a Live-Aboard Permit for a period of twelve (12) months from the date of denial or revocation.~~
- ~~e) Permit Decal Issuance and Display.~~
- ~~f) Upon approval of a Live-Aboard Permit, the Building Official shall issue a Permit~~

~~Decal assigned to the specific Vessel and Permittee.~~

~~g) The Permittee shall display the Permit Decal in a conspicuous location on the Vessel, visible from the dock or pier, as specified by the Building Department.~~

~~h) A replacement decal may be issued upon request if the original decal is lost, damaged, or illegible. The City may charge a replacement fee set by Council resolution.~~

Sec. 70-86. Permit Conditions and Compliance.

a) Upon issuance of a Live-Aboard Permit, the City may impose conditions reasonably necessary to ensure compliance with this Article.

b) Vessel Standards and Safety

1) The Vessel shall be maintained in accordance with the requirements of this Article.

2) The Vessel ~~must be properly moored and~~ may not obstruct the free use of any Waterway within the City.

3) Fueling at dock is prohibited unless performed using approved containers and methods in compliance with NFPA standards ~~and supervised by personnel trained in spill prevention.~~

4) The Vessel must be equipped with a Marine Sanitation Device that complies with the regulations of the Texas Commission on Environmental Quality (TCEQ), U.S. Environmental Protection Agency (EPA), and U.S. Coast Guard (USCG).

5) The Vessel must possess a current and valid certificate of ownership, hull identification number, and registration as required by Texas Parks and Wildlife Code § 31.032, or be documented by the U.S. Coast Guard.

c) Sanitation and Cleanliness

1) Refuse, Sewage, Waste, debris, or other Pollutants shall not be ~~deposited~~ stored in or near any Boat Slip, Dock, or Waterway.

2) All Waste must be placed in designated containers.

3) Shoreside sanitary facilities for garbage and sewage disposal must be available and accessible, and appropriate access rights must be maintained

4) Boat Slip areas must be kept clean and sanitary ~~to the satisfaction of the Law Enforcement Officer~~, including the following:

i. Walkways and slips must remain clear at all times;

ii. Loose gear storage is prohibited;

iii. Hoses or electrical shore power lines must not cross piers or slips.

5) ~~Laundrying or drying of clothing or linens on docks, piers, finger piers, or rigging is prohibited~~ Laundrying or Drying of Clothing. The use of vessel rigging, railings, or other exterior areas for the display or drying of clothing, linens, or similar materials in a manner consistent with residential laundry use is prohibited. This provision does not apply to the incidental drying of items associated with water-related recreational or marine activities, including towels, swimwear, or marine equipment.

~~d) Conduct and Use Restrictions~~

~~1) No business, trade, or professional services may be conducted aboard the Vessel.~~

~~2) Advertising signs and the solicitation of goods or services are prohibited.~~

~~e)~~d) Documentation and Recordkeeping

1) The Permittee shall maintain a ~~daily~~ log documenting (1) the Vessel's occupancy status, (2) Pump out activities, including date, time, and location of pump out or marine sanitation services provided~~pump-out or sanitation activity~~, and (3) any maintenance or operational issues affecting safety or wastewater management. The log shall be kept on board the Vessel and made available to the City upon request for compliance verification, environmental protection, or public health purposes.

2) The Permit and a valid government-issued photo ID must be presented upon request by Law Enforcement Officer or City officials.

~~f) The Permittee shall display the Permit Decal issued by the City in a conspicuous location on the Vessel, visible from the dock or pier adjacent to the assigned Boat Slip, in the manner prescribed by the Building Official. The Permit Decal must remain legible and unobstructed at all times while the Vessel is authorized for Live-Aboard use. Failure to display the Permit Decal as required constitutes a violation of this Article and is grounds for revocation of the Live-Aboard Permit.~~

~~g) Inspections and Legal Compliance~~

~~h) Inspections and Vessel standards required under this Article are limited to conditions affecting sanitation, fire safety, environmental protection, and safe Live-Aboard occupancy within Marinas. They do not evaluate or regulate a Vessel's navigational seaworthiness, propulsion, or any other operational matters governed by federal maritime law or state boating law, including the Texas Parks and Wildlife Code.~~

~~i) The Permittee shall allow safety and compliance inspections by a Law Enforcement Officer.:~~

~~j)~~e) The Permittee must comply with all applicable present and future local, state, and federal regulations.

~~k)~~f) Notice Requirements. The Permittee, Vessel Owner, and Boat Slip Owner (if different) must promptly notify the City in writing of:

1) Any change in contact information; and

2) Any changes to the information provided in the Permit application, including change of Boat Slip or Third-Party Users.

Sec. 70-87. Revocation of Permit.

(a) Upon the City's determination that Permittee has failed to comply with any of the conditions of this Article, the City may revoke the Permit.

(b) If a Permit is revoked, the Building Official shall promptly inform the Permittee in writing of the reasons for the revocation. Notice shall comply with Section 70-69. The Permittee, upon written request, shall be afforded an opportunity for a hearing regarding the revocation in compliance with this Article. The appeal process shall be conducted in accordance with rules

promulgated for that purpose.

Sec. 70-88. Appeal of Denial or Revocation.

- (a) The decision of the Building Official is final unless appealed under this section.
- (b) An Applicant or Permittee may appeal the denial or revocation by filing a written request for a hearing before the City Manager within seven (7) business days of receipt of the notice. The request must be filed with the City Secretary.
- (c) A hearing before the City Manager or designee shall be scheduled within fifteen (15) business days of receipt of the request. The City Attorney or designee shall attend in a non-voting advisory capacity. Evidence shall be received, and a written decision shall be issued within fifteen (15) business days after the hearing, with notice provided in accordance with § 70-69.
- (d) Upon receipt of the City Manager's decision, the Applicant or Permittee may appeal further by submitting a written request for a hearing before the City Council within seven (7) business days. The request must be filed with the City Secretary.
- (e) The City Secretary shall place the appeal on a regular City Council agenda within forty-five (45) business days of receipt of the request.
- (f) After concluding its review, the City Council shall issue a written decision affirming or overruling the City Manager's decision. Notice of the Council's decision shall be provided in accordance with § 70-69. The Council's decision is final and exhausts administrative remedies.
- (g) While an appeal involving a Derelict Vessel or Abandoned Vessel is pending, the removal and disposal action shall be paused during the appeal. This pause does not apply if the City determines that the Vessel creates an imminent danger to public health, public safety, or the environment.
- (h) Filing an appeal of a Live Aboard Permit denial or revocation does not allow the Vessel to be used as a Live Aboard during the appeal. The Vessel may remain moored while the appeal is pending, but it cannot be used as a Live Aboard unless a permit is issued or reinstated.

Sec. 70-89. Term and Renewal of Permit.

- (a) Permits issued pursuant to this article shall be valid for a term of one (1) calendar year. Applications for the renewal of any Permit shall be submitted at least thirty (30) days before the expiration of the Permit, on forms supplied by the City of League City Building Department, shall include the fee established by resolution of the City Council and shall specify any changes to the information provided on the original application for a Permit.
- ~~(b) The application for renewal may be denied if the Permittee does not comply with any provision of this Article during the term of the previously issued Permit.~~
- ~~(e)~~(b) The issuance of a Permit is not transferable and does not create any

tenancy between the City and the Permittee or other persons considered to be Live-Aboard, nor does it create any property right to which the Vessel is moored.

Sec. 70-90. Transfer of Permit. A Permit is personal to the Permittee and automatically terminates upon any change in Vessel ownership, ~~Slip assignment,~~ or cessation of occupancy. A Permit may not be used by or on behalf of any person other than the Applicant to whom it was issued.

Reserved Secs. 70-91 to 70-100

DIVISION III. – ABANDONED VESSELS

Sec. 70-101. Definition of Abandoned Vessel.

"Abandoned Vessel" means any watercraft subject to registration under the Texas Parks and Wildlife Code that meets the criteria of abandonment as set forth in Texas Transportation Code § 683.002, as applied to Vessels under § 683.011. A Vessel is considered abandoned if it:

- (a) Is inoperable, more than five years old, and has been left unattended:
 - 1) On public waters, such as a lake or bay, drifting or anchored without authorization, for more than 48 consecutive hours; or
 - 2) Stranded on a public shoreline, beach, or other public access area for more than 48 hours;
- (b) Has remained illegally moored, docked, or anchored on public property or public waters for more than 48 consecutive hours unattended;
- (c) Has been left on private property without the consent of the property owner or person in control of the property for more than 48 consecutive hours unattended.
- (d) Has been taken into custody by Law Enforcement Officer and remains unclaimed for more than 20 days; or
- (e) Meets any other condition of abandonment as defined under Texas Transportation Code § 683.002 and subject to enforcement under § 683.011

Sec. 70-102. Authority to Take Custody.

- ~~(a) The City, through its Law Enforcement Officers, is authorized to take into custody any Abandoned Vessel located within the City in accordance with Texas Transportation Code § 683.011. Custody may be taken without prior notice or warning if the Vessel meets the criteria of an Abandoned Vessel under this Division and Texas Transportation Code § 683.011. The Vessel may be removed from any public or private location, subject to legal authority for entry~~
The City, through its Law Enforcement Officers, is authorized to take into custody any Abandoned Vessel located within the City in accordance with Texas Transportation Code § 683.011. Custody may be taken without prior

notice or warning if the Vessel meets the criteria of an Abandoned Vessel under this Division and Texas Transportation Code § 683.011.

1) Custody may be effected by removal of the Vessel from any public or private location, subject to legal authority for entry.

2) Custody may also be effected without immediate removal by securing the Vessel in place, including by tagging, marking, immobilizing, or otherwise restricting the movement or use of the Vessel, when removal is not practicable or may result in damage.

3) A Vessel secured in place under Subsection (a)(2) shall be deemed in the custody of the City for all purposes under this Article and applicable law.

~~(b) Where practicable, the City may coordinate with the Texas General Land Office (GLO) to authorize removal and disposal of vessels under GLO jurisdiction. In such cases, the City may enter into agreement to act as a contractor or agent for GLO in order to receive indemnification protections afforded by the State. This coordination does not preclude direct action by the City where immediate abatement is required or GLO funding is unavailable~~
Where practicable, the City may coordinate with the Texas General Land Office (GLO) to authorize removal and disposal of vessels under GLO jurisdiction

1) In such cases, the City may enter into an agreement to act as a contractor or agent for GLO in order to receive indemnification protections afforded by the State.

2) This coordination does not preclude direct action by the City where immediate abatement is required or GLO funding is unavailable.

Sec. 70-103. Impoundment and Documentation. Upon taking custody of an Abandoned Vessel, Law Enforcement Officer shall:

~~(a)~~

~~(b) Determine whether the Vessel will be: Arrange for the transport and impoundment of the Vessel to a designated storage facility; and~~

(a)

1) Removed and impounded at a designated storage facility; or

2) Secured in place in accordance with Section 70-102(a)(2).

~~(e) If the Vessel is removed, arrange for transport and impoundment at a designated storage facility. Document the following information:~~

(b)

~~(d) If the Vessel is secured in place, take reasonable measures to secure, mark, or immobilize the Vessel and document its secured status. Date and location of seizure;~~

(c)

~~(e) Document the following information: Make, model, color, and hull identification number (if available);~~

(d)

1) Date and location of custody;

2) Make, model, color, and hull identification number, if available;

3) Photographic evidence of the Vessel's condition and location; and

~~1) Reason for classification as abandoned. Photographic evidence of condition and location; and~~

4)

~~(e) A Vessel taken into custody, whether removed or secured in place, shall be deemed impounded for purposes of notice, reclamation, and disposition under this Article and applicable law. Reason for classification as abandoned. The Vessel shall be held in a secure location pending notice and potential reclamation.~~

Sec. 70-104. Notice Requirements. The City shall send notice in compliance with Section 683.012 of the Texas Transportation Code.

Sec. 70-105. Disposal of Unclaimed Vessels. If the Vessel is not reclaimed within 20 days of notice, the City may:

- (a) Sell the Vessel at public auction;
- (b) Transfer the Vessel to the Texas Parks and Wildlife Department for use as an artificial reef; or
- (c) Otherwise dispose of the vessel as permitted by state law. Any disposition shall be in compliance with Texas Transportation Code § 683.014.

Sec. 70-106. Distribution of Sale Proceeds. Proceeds from the sale of an Abandoned Vessel shall be held by the City for 90 days following the sale. During that period, the former owner or lienholder may claim the net proceeds by presenting proof of ownership or proof of lien claim. After 90 days, any unclaimed proceeds may be retained by the City as permitted under Texas Transportation Code § 683.015.

Sec. 70-107. Optional Pre-Seizure Notice (Discretionary). As a discretionary measure, the City may affix a notice to a vessel believed to be abandoned indicating potential impoundment under this Division. This is not a prerequisite to enforcement action under state law.

Reserved. Secs. 70-108 to 70-110

DIVISION IV. – DERELICT VESSELS

Sec. 70-111. Definition of Derelict Vessel.

"Derelict Vessel" means any self-propelled watercraft that meets the definition of a junked vehicle under Texas Transportation Code § 683.071 and:

- (a) Is wrecked, dismantled, partially dismantled, discarded, or inoperable and has remained in such condition for more than 72 consecutive hours on public property or more than 30 consecutive days on private property without the consent of the property owner; and

- (b) Constitutes a public nuisance under Texas Transportation Code § 683.072 by creating conditions detrimental to public health, safety, or welfare, including but not limited to reducing property values, inviting vandalism, obstructing access, creating a fire hazard, or contributing to urban blight.

Sec. 70-112. Declaration of Public Nuisance. All Derelict Vessels located within the City of League City that meet the criteria in Section 70-111 are hereby declared to be public nuisances and subject to abatement in accordance with this Division and Texas Transportation Code §§ 683.071–.078.

Sec. 70-113. Notice of Nuisance and Opportunity for Hearing.

- (a) Prior to any abatement action, the City shall provide written notice in accordance with Section 683.075 of the Texas Transportation Code, to the following:
 - 1) The last known registered owner of the Vessel;
 - 2) Each recorded lienholder; and
 - 3) The owner or occupant of the property on which the Vessel is located or, if located on public right-of-way, the adjacent property owner; and
 - 3)4) When practicable, a copy of the notice shall be affixed to the Vessel in a conspicuous location. Posting of notice on the Vessel does not replace the notice requirements set forth in Subsection (a)(1)–(3).
- (b) The City shall obtain lienholder and ownership information from the US Coast Guard and Texas Parks and Wildlife Department registration and titling database, using the vessel's Hull Identification Number or registration or documentation number, as authorized under state or federal law.
- (c) The notice shall be delivered in compliance with Section 70-69 and Texas Transportation Code § 683.075, and must state:
 - 1) That the Vessel is alleged to be a Derelict Vessel and constitutes a public nuisance;
 - 2) That the nuisance must be abated and removed within 10 days of the date of notice; and
 - 3) That the recipient has the right to request a hearing before the City's Municipal Court within that 10-day period.
- (d) If a hearing is requested, it shall be held before the Municipal Court of the City of League City. The hearing shall be conducted in accordance with applicable due process requirements and requirements as set forth in Section 683.076 of the Texas Transportation Code.
- (e) At the hearing, the City shall present evidence supporting its determination that the Vessel is a Derelict Vessel and public nuisance under this Division. The owner or other interested parties may present contrary evidence.
- (f) If the Court finds that the Vessel is a public nuisance, it shall issue a written order authorizing the City to abate the nuisance, including but not limited to removal, impoundment, and disposal.

- (g) A copy of the Court's order shall be provided to the owner and any lienholders of record.

Sec. 70-114. Abatement Without Hearing – Affidavit and Judicial Order Required.

- (a) In all cases where a hearing is not requested under Section 70-113 and the nuisance is not abated within the required time, the City shall prepare and submit a sworn affidavit to the Municipal Court. The affidavit must be completed by a full-time, salaried employee of the City who has inspected the Vessel and determined it qualifies as a Derelict Vessel under this Division.
- (b) The affidavit shall include, at a minimum:
 - 1) The date and location of the inspection;
 - 2) A detailed physical description of the vessel, including make, model, color, and Hull Identification Number (if available);
 - 3) The factual basis for classifying the Vessel as derelict and a public nuisance, including documentation of wrecked, dismantled, or inoperable condition, and the duration of such condition;
 - 4) Photographic evidence of the Vessel and its condition;
 - 5) A statement that proper notice was given to all required parties in accordance with Texas Transportation Code Section 683.075, including the method and date of service; and
 - 6) A recommendation that the Municipal Court issue an abatement order authorizing the City to remove and dispose of the Vessel.
- (c) Upon review of the affidavit and any supporting documentation, the Municipal Court shall determine whether the Vessel constitutes a public nuisance as defined under this Division. If so, the Judge shall issue a written abatement order authorizing the City to enter the property, remove the vessel, and dispose of it in accordance with Section 70-118.
- (d) No removal, towing, destruction, or disposal of any Derelict Vessel shall occur without a signed abatement order issued by the Municipal Court under this section.

Sec. 70-115. Authority to Abate Nuisance.

- (a) Upon issuance of a valid abatement order, the City is authorized to enter upon public or private property as necessary to carry out the abatement.
- (b) The City may remove, store, and dispose of the Derelict Vessel in a manner that prevents its reconstruction or return to service.
- (c) The City shall maintain documentation of the removal and disposition for public inspection.

Sec. 70-116. Emergency Removal.

- (a) The City retains authority to immediately remove any Vessel that poses an imminent and identifiable threat to public health, navigation, safety, or the environment.

- (b) In such cases, the City shall provide notice and opportunity for hearing to the owner and lienholders as soon as practicable following the removal, consistent with due process protections.

Sec. 70-117. ~~Boarding and Inspection Authority.~~

- ~~(a) Law enforcement may board any vessel with the consent of the owner, pursuant to a warrant, or under exigent circumstances consistent with federal and state constitutional standards.~~

~~Administrative inspections shall be conducted during daylight hours and require either owner consent or warrant.~~ Coordination with General Land Office Where practicable, the City may coordinate with the Texas General Land Office (GLO) to authorize removal and disposal of vessels under GLO jurisdiction.

- (a) In such cases, the City may enter into an agreement to act as a contractor or agent for GLO in order to receive indemnification protections afforded by the State.
- (b) This coordination does not preclude direct action by the City where immediate abatement is required or GLO funding is unavailable.

Sec. 70-118. Disposal of Derelict Vessels. All Derelict Vessels abated under this Division shall be removed and disposed of in a manner that renders them permanently inoperable, in accordance with Texas Transportation Code § 683.078. The City shall not sell or transfer any Derelict Vessel for reuse or reconstruction. All decisions regarding the method of disposal shall be made by full-time, salaried City employees designated by the City Manager.

Sec. 70-119. Cost Recovery and Lien for Abatement of Derelict Vessels.

- (a) The City is entitled to recover all reasonable costs incurred in the abatement, removal, storage, and disposal of any Derelict Vessel, including administrative expenses, inspection fees, towing, environmental remediation, and legal costs.
- (b) The owner of record of the Derelict Vessel, as identified through the Texas Parks and Wildlife Department, U.S. Coast Guard Documentation Center or other reliable title records, shall be jointly and severally liable for such costs.
- (c) If the owner or responsible party fails to remit payment within 30 days of invoice, the City may pursue collection through any lawful means, including civil suit.
- (d) A lien for abatement costs may only be filed against the Vessel itself or any marina slip leasehold interest directly associated with the Vessel, to the extent authorized under Texas Transportation Code Chapter 683, Texas Local Government Code Chapter 54, or other applicable law.

Sec. 70-120. Violation or Failure to Comply with Ordinance.

- (a) Any person who violates any provision of this Article or fails to comply with any provision of this Article, or aids or abets any such violation, shall be deemed guilty of a Class C misdemeanor, and subject to up to the maximum punishment set forth for such offense. The penalty hereby authorized shall be in addition to any other penalties provided by the laws of Texas.
- (b) Any act or omission is prohibited or declared to be unlawful or an offense or a misdemeanor, or the doing or performance of any act or duty is required, or the failure to do any act is prohibited or declared to be unlawful, and no specific penalty is provided, the violation thereof shall be punishable by a fine of not less than \$1.00 nor more than the maximum amount allowable by the laws of Texas. Each day that any violation continues shall constitute and be punishable as a separate offense.

Sec. 70-121. Administrative Matters. The City Secretary shall cause a certified copy of this Ordinance to be filed with the Texas Parks and Wildlife Department as required by Parks and Wildlife Code § 31.092 (d).