

**CITY OF JAMAICA BEACH
ORDINANCE 2018-7**

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING ORDINANCE 2018-5 PROVIDING CITY PARK LOCATIONS; ISSUANCE OF PARK PERMITS; PARK RESTRICTIONS AND PROHIBITED ACTS; PROVIDING VIOLATIONS AND PENALTIES; PROVIDING FOR THE REPEAL OF ALL OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AS AMENDED, TO PROVIDE FIREARM RESTRICTIONS THAT ARE NOT IN CONFLICT WITH STATE OR FEDERAL.

WHEREAS, the City Council of the City of Jamaica Beach, Texas, adopted an Ordinance establishing city park locations, issuance of park permits, park restrictions and prohibited acts; providing violations and penalties; providing for the repeal of all or parts of Ordinances in conflict herewith; providing for severability; and providing for an effective date; and,

WHEREAS, it is the desire of the City Council of the City of Jamaica Beach, Texas, to amend Ordinance 2018-5 Section 3(3)(J) pertaining to firearm restrictions; and,

WHEREAS, the City Council of the City of Jamaica Beach, Texas, finds it in the best interest of law enforcement and the citizens of the City of Jamaica Beach to adopt this Ordinance to provide firearm restrictions that are not in conflict with State or Federal laws.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMAICA BEACH, STATE OF TEXAS:

SECTION 1. Park Locations.

- (1) *Jamaica Beach "City Park"* located at the corner of Jolly Roger Road @ Bob Smith Drive, (City Plot Section #24).
- (2) *Flamingo Way "Fishing Park"* all City of Jamaica Beach Right of Way and City Owned Bulkhead along Flamingo Way located on the East and Westside of Flamingo Way roadway, from the 4200 to the 4300 block of Flamingo Way.
- (3) *Satellite "Picnic and Fishing" Parks "A" and "B"*:
 - (A) Located on the Eastside of Bob Smith, between Managua Way and Pelican Road (City Plot Section #22).
 - (B) Located in the curve of the 16500 block of Jolly Roger Road (City Plot Section #12).

SECTION 2. Issuance of Permits.

- (1) The City Administrator shall be empowered to develop, implement and enforce the rules and procedures related to the sale and administration of permits and fees.
- (2) A person or persons shall obtain a city park and fishing permit at the Jamaica Beach City Hall during normal business hours. All permits must be issued by the City Administrator and/or City Staff.
- (3) City Park Permit Regulations and Fees.
 - (A) Whenever any individual or group desires to use a park or its facilities for a particular purpose, other than informal sports, the individual or a representative of said group shall first obtain a Permit for Use (permit) from the City Administrator and/or City Staff at least two weeks prior to the event.
 - (B) The City Administrator and/or City Staff shall grant the permit application if it appears that the individual or group will not interfere with the general use of the park by individual members of the public and if the individual or group meets all other conditions contained in the application.
 - (C) Each person or group using the parks and recreational facilities within the parks shall clean up all debris and leave the premises in a neat and orderly condition. The cost of any repairs or cleaning required after a permitted event shall be deducted from the security deposit before the remaining balance, if any, will be refunded. Any charges exceeding the security deposit will be due and immediately payable.
 - (D) Park Pavilion Permit Fees.
 - (i) All permits for use of park pavilion require a security deposit and rental fee. Park pavilion permit fees shall be determined by the permit application, day of the week the pavilion will be used and/or number of guests.
 - (ii) The City Council shall have the authority to establish, alter and/or enforce the pavilion permit fees, as deemed necessary, by adoption of a City of Jamaica Beach Resolution.
 - (iii) Park pavilion permit fees shall be the same for Residents and Non-Residents of the City of Jamaica Beach.

- (iv) Exception; the City Administrator shall have the authority to waive the park pavilion permit fees for city sponsored events.
 - (E) Parking is permitted within the park parking lot, located east of the pavilion, and along the Jolly Roger Rd. and Bob Smith Rd. easements adjacent to the city park. Vehicles illegally parked will be towed at the owner's expense.
 - (F) Cancellations made with at least 2 weeks notice are eligible for refunds. Refund requests on cancellations with less than 2 weeks notice will be considered on an individual basis.
 - (G) Security is required at any event with 100 or more guests, with a live band, or when alcohol will be sold as stipulated in the application.
- (4) Fishing Permit Regulation and Fees.
- (A) Non-Residents, Non-Renters, Non-Property Owners of the City of Jamaica Beach shall obtain a fishing permit from the City Administrator and/or City Staff at the Jamaica Beach City Hall before fishing or crabbing in any city park.
 - (B) Each person obtaining a city fishing permit must possess a valid photograph government identification and shall provide a current Texas Fishing License before obtaining a city fishing permit. A valid photograph government identification, a current Texas Fishing License and a current City of Jamaica Beach Fishing Permit shall be in the possession of any person fishing in any city park, these documents shall be produced when requested by any Jamaica Beach Police Officer.
 - (C) Twenty-four hour "Day" fishing permit fee is ten dollars (\$10.00).
 - (D) Annual "1-Year" fishing permit fee is fifty dollars (\$50.00).
- (5) Expiration and Renewal of Fishing Permits.
- (A) Daily fishing permits shall expire 24 hours from the date and time of issuance as noted on the permit and may be issued at any time during the day. No daily fishing permit shall be issued without the date and time of issuance being noted thereon.
 - (B) Annual fishing permits shall expire one year from the date of issuance as noted on the permit and may be issued at any time during the year. No annual fishing permit shall be issued without the date of issuance being noted thereon.

- (6) Numerical Limitations.
- (A) No more than one city fishing permit shall be issued to any one person.
- (7) Exception for City Fishing Permits.
- (A) *Exception for Senior Citizens*; any persons that were born before September 1, 1930, shall not be required to purchase or hold a city fishing permit to fish in any city park. Provided such person shall carry on his person, while fishing in any city park, positive, written evidence that he or she was born before September 1, 1930.
- (B) *Exception for Juveniles*; any person under the age of 17 years shall not be required to purchase or hold a city fishing permit to fish in any city park.
- (C) *Exception for Disabled Veterans*; the privilege of fishing in any city park without a city fishing permit is hereby granted to any and all veterans who are duly enrolled on the Veterans Administration records as disabled to the extent of 60 percent or more. Any veteran desiring to exercise such privilege shall carry on his person his claim number card and evidence of the percentage of his disability. He shall present such card and evidence to any Jamaica Beach Police Officer upon request. For purposes of this section, the word "veteran" shall mean any honorably discharged person who has served in the Armed Forces of the United States.
- (D) *Exception for Blind Persons*; any person who is legally blind, as defined by State law, and any one sighted person actually accompanying a legally blind person while the latter is fishing, shall not be required to purchase and hold a permit to fish in any city park.
- (E) *Exception for other Physically Disabled Persons*; any person with a physical disability of at least 60 percent, as certified by a medical doctor licensed to practice medicine in this State, shall have the privilege of fishing upon or in any city park without having to obtain a fishing permit. Any person wishing to exercise this privilege shall carry said proof of the percentage of disability upon his person and present it to any Jamaica Beach Police Officer upon request. A physically impaired person who is unable to properly use fishing apparatus because of said physical impairment may be accompanied by one person to assist this physically impaired person to fish upon or in any city park. The fishing assistant need not have a city fishing permit.
- (F) *Exception for Mentally Disabled*; any mentally disabled person who is engaging in recreational fishing as part of a medically approved therapy, and who is fishing under the immediate supervision of personnel approved

or employed by a hospital, residence, or school for mentally disabled persons shall not be required to purchase and hold a permit to fish in any city park. The mentally disabled person must carry an authorization identifying the entity supplying the service. This authorization may be in the form of an I.D. card that contains the name of the sponsoring entity.

- (G) *Exception for the Mentally Retarded*; any mentally retarded person who is recreational fishing under the direct supervision of a licensed angler who is a family member or who is a licensed angler that has permission from the family to take the mentally retarded person fishing, shall not be required to purchase and hold a permit to fish in any city park. While fishing, the mentally retarded person needs a note from a doctor stating the person has been diagnosed as mentally retarded.

SECTION 3. Restrictions and Prohibited Acts.

(1) Park Hours.

- (A) Jamaica Beach City Park at Bob Smith Drive @ Jolly Roger Road located in the City of Jamaica Beach shall be closed to the public from 10:00pm to 6:00am. Any person entering the park between the prohibited hours will be in violation of this section, except for an organized activities approved by the City Administrator and/or City Staff. Police Officers performing their on duty patrol activities are exempt.
- (B) The Flamingo Way Fishing Park and all Satellite Picnic and Fishing Parks located in the city will be closed to the public from "Dusk to Dawn" every day of the year. Any person entering and occupying the Flamingo Way Fishing Park or any of the Satellite Picnic and Fishing Parks between the hours of "Dusk to Dawn" will be in violation of this section, except for an organized activities approved by the City Administrator and/or City Staff. Police Officers performing their on duty patrol activities are exempt.

(2) Restrictions for fishing in any City Park.

- (A) Residents, Renters and Property Owners of the City of Jamaica Beach that fish or crab in a city park shall be in possession of a valid Texas Fishing License. The person or persons shall possess an official government photograph identification showing a City of Jamaica Beach address. If the identification does not show a City of Jamaica Beach address, that person shall then supply the most up to date utility bill, rental/lease agreement and or current government documentation showing a residents or property ownership within the City of Jamaica Beach. These documents shall be produced for inspection upon request by any Jamaica Beach Police Officer.

- (B) Non-Residents, Non-Renters, Non-Property Owners of the City of Jamaica Beach shall possess a valid photograph government identification, a current Texas Fishing License and a current City of Jamaica Beach fishing permit while fishing in any city park. These documents shall be produced for inspection upon request by any Jamaica Beach Police Officer.
- (C) Any person fishing in any city park shall not use no more than two fishing rods or poles. Not more than three hooks shall be used upon any one line; provided this restriction shall not apply to artificial lures with more than three hooks.
- (D) Duties to dispose of catch, it shall be unlawful for any person catching or capturing fish, crab or shrimp to make such disposition of the catch or capture in such a manner that the same will not be found upon any city park.

(3) Prohibited Acts.

(A) Overnight Camping.

- (i) It shall be unlawful for any person or persons to camp overnight on any public park and/or recreation facility.
- (ii) Community or other organized activities authorized by the City Administrator are exempt.

(B) Glass Containers.

- (i) No glass containers of any type may be possessed in any city park.

(C) Open Fires.

- (i) No open fires shall be permitted.
- (ii) Fires in Bar-B-Que pits are permitted for cooking purposes.

(D) Peddling and Soliciting.

- (i) No person shall peddle or solicit any merchandise or service in any city park or use any city park property in the provision of any merchandise or service to the public.
- (ii) Exception; such a person is authorized to peddle or solicit after permission is granted from the City Administrator in writing.

(E) Hunting.

- (i) It shall be unlawful for any person to engage in any type of hunting activities or target practice of any type in any city park.

(F) Littering.

- (i) No person shall throw or allow to be thrown on any city park property grounds, any scraps, refuse or debris of any sort except in provided garbage receptacles. If garbage receptacles are full or not available each person shall remove and take their scraps, refuse or debris of any sort with them as they leave any city park.

(G) Removal of Shrubs, Trees or Vegetation.

- (i) It shall be unlawful for any person to remove or destroy any form of shrubs, trees or vegetation from any city park.

(H) Damaging of City Park Property.

- (i) It shall be unlawful for any person to destroy, dismantle or deface any property, provided by the city for the use of any person, within any city park.

(I) Alcoholic Beverages.

- (i) Subject to the exception hereinafter set forth, consumption of an alcoholic beverage or possession of an unsealed alcoholic beverage container in any public park or recreational facility is prohibited.
- (ii) Upon application with the City Administrator by civic or other recognized community organizations or group, the foregoing prohibition may be waived upon a showing of good cause.

(J) Firearms in City Parks.

- (i) It shall be unlawful for any person, other than a Certified Peace Officer or person who is duly licensed by the state to carry a concealed handgun, to carry a firearm in any city park. ~~regardless of whether or not the person is duly licensed by the state to carry a concealed handgun.~~

(K) Skateboarding and Skating in City Parks.

- (i) It shall be unlawful for any person to intentionally or knowingly use a skateboard, roller skates or in-line skates, in or upon any city park, building or facility.

SECTION 4. Violations and Penalties.

- (1) A violation of any provision or section of this ordinance, shall be unlawful and shall be a Class C misdemeanor and upon conviction shall be punishable by a fine not less than fifty dollars (\$50.00), not to exceed five hundred dollars (\$500.00).

SECTION 5. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, are hereby repealed.

SECTION 6. Severability, it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentence, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 7. This ordinance shall be and become effective from and after its adoption.

APPROVED AND ADOPTED this the 19th day of November, 2018.

CITY OF JAMAICA BEACH, TEXAS



SHERWOOD GREEN, MAYOR PRO-TEM

ATTEST:



LUPE RUSHING, CITY SECRETARY