

## ORDINANCE NO. 2019-2

**AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING THE DUNE PROTECTION AND BEACH PLAN OF THE CITY OF JAMAICA BEACH, AS AMENDED, TO PROVIDE ADDITIONAL DEFINITIONS, AND STANDARDS FOR REGULATING ACCESS AND PARKING ON THE BEACH; TO PROVIDE VIOLATIONS AND PENALTIES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE REPEAL OF ALL OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Dune Protection and Beach Access Plan of the City of Jamaica Beach was originally adopted on August 16, 1993 to implement standards for management of the dunes and public beach within the city's jurisdiction pursuant to the Dune Protection Act, the Open Beaches Act and the General Land Office Rules;

**WHEREAS**, over the years, the City of Jamaica Beach has amended the Dune Protection and Beach Access Plan to integrate requirements consistent with federal laws, state laws and the General Land Office rules;

**WHEREAS**, the General Land Office requires the City of Jamaica Beach to regulate pedestrian and vehicular access, traffic and parking on the beach only in a manner that preserves or enhances existing public right to use and have access to and from the beach;

**WHEREAS**, the City of Jamaica Beach amended the Dune Protection and Beach Access Plan of the City of Jamaica Beach to provide additional definitions, specify the city's beach access points, disability access, on-beach parking spaces and/or parking schedule;

**WHEREAS**, the City of Jamaica Beach amended the Dune Protection and Beach Access Plan of the City of Jamaica Beach to further include the following:

### **PUBLIC BEACH USE AND ACCESS**

Jamaica Beach shall regulate all traffic orders, including but not limited to, pedestrian and vehicular beach access, traffic, signage, obstructions, speed limits and parking on the beach only in a manner that preserves or enhances existing public right to use and have access to and from the beach. The following standards will be observed when regulating access and parking on the beach:

- a. Jamaica Beach provides two (2) beach access points:
  1. The street on the south side of State Highway 3005, adjacent to the State Park on Jamaica Beach's eastern boundary, allows access to the beach.
  2. Another access point is Buccaneer Drive.
- b. Disabled access via golf carts is allowable on the beach at any given time.

- c. On-beach Parking Spaces: Jamaica Beach provides a minimum of 111 on-beach parking spaces between the first beach access point that is west of the street on the south side of State Highway 3005, adjacent to the State Park on Jamaica Beach's eastern boundary to the row of existing bollards.
- d. The standard on-beach parking schedule will begin the second Saturday in March every year and end the Tuesday following the first Monday in September. All sections of the beach are open to vehicular traffic Monday-Friday. On the weekends there will be no vehicular traffic on the beach other than designated parking areas from Friday at midnight to Sunday at 6:00 p.m. The following schedules will apply during the holidays:
  1. Spring Break: the standard on-beach parking schedule applies.
  2. Memorial Day: the weekend parking schedule will apply and will rollover to Monday ending at 6:00 p.m.
  3. July 4<sup>th</sup>: when July 4<sup>th</sup> falls on a Saturday or Sunday, the weekend parking schedule applies. When July 4<sup>th</sup> falls on a weekday, vehicular traffic will be restricted beginning at midnight the day before the holiday until 6:00 p.m. of the holiday.
  4. Labor Day: the weekend parking schedule will apply and will rollover to Monday ending at 6:00 p.m.

**WHEREAS**, the City of Jamaica Beach justify the amendments to the Dune Protection and Beach Access Plan of the City of Jamaica Beach for the following reasons:

1. provides additional standards in compliance with those minimum standards regulated by the General Land Office;
2. by removing the bollards between the city's two beach access points it will provide the adequate accommodations for on-beach parking spaces;
3. enhances the public right to use and access the beach; and
4. protects the health, safety and welfare of the public while accessing the beach.

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

**SECTION 1.** The violation of any provision of this ordinance, shall be unlawful and a Misdemeanor offense punishable by a fine not less than fifty dollars (\$50.00), not to exceed five hundred dollars (\$500.00).

**SECTION 2.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, 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 3.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 4.** This Ordinance shall be and become effective from and after its adoption and publication in accordance with State Law with the approval of said Ordinance by Texas General Land Office.

**PASSED AND APPROVED** this 15<sup>th</sup> day of April, 2019.

  
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Steve Spicer, Mayor

ATTEST:

  
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Lupe Rushing, City Secretary