

ORDINANCE NO. 2019-4

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING ORDINANCE 76-11 PROHIBITING CAMPING ON BEACHES BETWEEN 12:00 MIDNIGHT AND 5:00 A.M., AS AMENDED, TO ALLOW FOR REGULATIONS RELATED TO MAINTAINING A CLEAN BEACH AND PROMOTING ENVIRONMENTALLY CONSCIOUS CONDUCT BY BEACH USERS; 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.

WHEREAS, the City Council of the City of Jamaica Beach, Texas deems it in the public's best interest to amend Ordinance 76-11 prohibiting camping on beaches between 12:00 midnight to 5:00 A.M. by adopting this Ordinance to provide more effective and efficient regulations related to maintaining a clean beach and promoting environmentally conscious conduct by beach users; and,

WHEREAS, the City of Jamaica Beach recognizes the importance of its residents and visitors to Jamaica Beach to start the day with a clean beach, and end the day with a clean beach. Items of personal property left unattended on beaches can impede the public's right to use and enjoy the public beach, can be a hazard to other beach users or to the natural environment, possibly disturb natural dune areas, can be carried away by winds and tides and pollute the Gulf of Mexico; and,

WHEREAS, compliance with a clean beach Ordinance will help to ensure a mutual respect by beach users of the beach, as well as a respect for the natural beach environment; and,

WHEREAS, this Ordinance covers topics that include definitions, regulations related to camping on the beach, maintaining a clean beach and promoting environmental conscious conduct, penalty clause, and an effective date;

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

SECTION 1. DEFINITIONS: As used in this Ordinance, the following terms shall have the meanings respectively ascribed to them in this section:

- A. *Camp* - shall mean the use of tents, lean-tos, or other shelters, automobile trailer cars, house trailer, house cars, campers or other such vehicles for the purpose of living or sleeping quarters. ~~Nothing contained herein shall prevent the use of umbrellas, sun shades, small tents and the use of the usual beach equipment for temporary use and not use for human habitation.~~
- B. *Items of Personal Property* - includes, but is not limited to, items such as canopies, shade structures, tents, umbrellas, chairs, towels, equipment, games, and coolers.

- C. *Unattended* - refers to an item or items of personal property that are not supervised or looked after by a person.

SECTION 2. REGULATIONS, VIOLATIONS AND PENALTIES:

- A. It shall be unlawful for any person to camp on the public beaches between 12:00 midnight and 5:00 A.M. within the corporate limits of the City of Jamaica Beach, Texas.
- B. It shall be unlawful for any person to leave an item of personal property unattended on the public beaches or within the public beach access areas between the hours of sunset and sunrise on the following day, except as otherwise permitted.
- C. Any item of personal property left on the public beach or within public beach access areas in violation of this section shall be deemed discarded by the owner, and may be removed, destroyed, or otherwise disposed of, accordingly by the City of Jamaica Beach, Jamaica Beach Police Department or their designee's.
- D. In the confiscation and disposal of any such item under this section, the city shall not be subject to any responsibility or liability to persons or damages to property caused by the confiscation or subsequent disposal of unattended items of personal property.
- E. **Exemptions.** The provisions of this section shall not apply to personal property such as equipment and materials for use in the following circumstances when authorized by the City of Jamaica Beach, Galveston County, or a State or Federal government agency:
 - 1. Coastal and beach projects, such as beach nourishment.
 - 2. Academic and/or scientific research.
 - 3. Life safety, emergency response or emergency management.

SECTION 10. 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 11. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 12. This Ordinance shall be and become effective from and after its adoption.

APPROVED AND ADOPTED this the 19th day of August, 2019.



Steve Spicer, Mayor

ATTEST:



Lupe Rushing, City Secretary