

ORDINANCE NO. 11-035

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 8, "BEACHES AND WATERWAYS," OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED," ARTICLE II. "MULTI-USE AREAS," BY AMENDING SECTION 8-35.2 "RESERVED" TO SECTION 8-35.2 "SURF LESSON RULES"; BY PROVIDING FOR INSTRUCTION OF SURF LESSONS AND A PENALTY PROVISION; AMENDING SECTION 8-35.3, "SURF CAMP RULES", DEFINING "SURF CAMP" TO INCLUDE INSTRUCTION OF A GROUP OF THREE (3) OR MORE PERSONS, ADDING THE SPORT OF "STAND UP PADDLING", DELETING REQUIREMENT OF A CERTIFIED LIFEGUARD AND MODIFYING SWIM REQUIREMENTS FOR PARTICIPANTS; AMENDING THE HOURS OF SURF CAMP OPERATION; CORRECTING TYPOGRAPHICAL AND GRAMMATICAL ERRORS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Chapter 8, "Beaches and Waterways" of "The Code of the City of Galveston 1982, as amended," regulates an array of topics related to aquatic and recreational activities at beaches and waterways in Galveston, Texas, including lifeguard and water safety related issues; and,

WHEREAS, on April 12, 2007, the City Council adopted Ordinance 07-026 amending Chapter 8 "Beaches and Waterways" of "The Code of the City of Galveston 1982, as amended," by adopting Section 8-35.3 "Surf Camp Rules"; and,

WHEREAS, on August 23, 2007, the City Council adopted Ordinance 07-58 amending Chapter 8 "Beaches and Waterways" of "The Code of the City of Galveston 1982, as amended," by adding Section 8-35.3(a) defining "surf camp"; and,

WHEREAS, the City of Galveston recognizes that in order to provide a healthful, safe, fun and environmentally friendly experience for the community there is a need to provide quality surfing instruction, rendered by competent instructors, and under safe operating conditions in accordance with surf community norms; and,

WHEREAS, on March 22, 2011, the Galveston Park Board of Trustees met and voted to recommend that the City Council consider adding necessary provisions for the instruction of "Surf Lessons" and amending "Surf Camp Rules" to reflect current safe operating conditions; and,

WHEREAS, the City Council deems it in the public interest to amend Chapter 8 "Beaches and Waterways" of "The Code of the City of Galveston 1982, as amended," Article II. "Multi-Use Areas" by adding Section 8-35.2 "Surf Lesson Rules"; amending Section 8-35.3 "Surf Camp Rules" as provided below.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 8, "Beaches and Waterways," Article II. "Multi-use Areas," Section 8-35.2 "Reserved" of "The Code of the City of Galveston 1982, as amended," is hereby amended to read and provide as follows:

Sec. 8-35.2. ~~Reserved.~~ Surf Lesson Rules.

- (a) A surf lesson is defined as the instruction of any group of less than three (3) persons by an instructor in the sport of surfing or the sport of stand up paddling ("SUP").
- (b) Instructors must be in the water with students during in-water instruction periods.
- (c) Multiple lessons may be taught simultaneously by the same company any time or place that multi-use activities are permitted provided an instructor is in the water with each group of 1-2 students.
- (d) All students shall wear surf leashes when using a surfboard or stand up paddleboard in the water.
- (e) All participants in surf lessons are required to be able to swim.
- (f) Beginning level surf lessons shall never be allowed within the "No Swimming Area" signs, which are placed one hundred (100) feet from all piers and jetties.
- (g) Surf lessons are limited to the designated "Multi Use Areas" during daylight hours. The Galveston Island Beach Patrol has authority to move any surf lesson to an alternate location or to remove them from the water if conditions so necessitate.
- (h) No permit is required for Surf Lessons as defined in this ordinance.
- (i) A violation of this section is a Class C misdemeanor offense and shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

SECTION 3. Chapter 8, "Beaches and Waterways," Article II. "Multi-use Areas," Section 8-35.3 "Surf Camp Rules" of "The Code of the City of Galveston 1982, as amended," is hereby amended to read and provide as follows:

Sec. 8-35.3. ~~Surf eCamp r~~Rules.

- (a) A surf camp is defined as the instruction of any group of ~~more than four~~ (4) three (3) or more persons by an instructor in the sport of surfing or the sport of stand up paddling ("SUP").
- (b) It shall be unlawful for a person to own and operate a surf camp or to instruct at a surf camp without having a valid surf camp permit issued by the ~~park board director~~ Galveston Park Board of Trustees.

- (c) It shall be unlawful for a person to operate a surf camp or to instruct at a surf camp unless the following requirements are met:
- (1) For in-water instructions and activities there may be no more than five (5) students per one instructor. An instructor must be in the water with each group of students during in-water instruction periods.
 - (2) Each instructor must be a minimum of eighteen (18) years of age.
 - ~~(3) Each surf camp shall have a minimum of one United States Lifesaving Association (USLA) certified lifeguard for each fifty (50) students in the water at any given time. The surf lifeguard(s) must hold current certification with the USLA and be at least sixteen (16) years old. The guard(s) shall have no other assigned responsibilities (guarding other beach patrons, teaching surfing lessons, etc.) besides monitoring the class/camp when it is in the water.~~
 - (4)(3) All students shall wear surf leashes when using a surfboard or stand up paddleboard in the water.
 - (5)(4) All participants in the surf camp are required to ~~either:~~
 - a. ~~Be able to swim a minimum distance of two hundred (200) continuous meters; or~~
 - b. ~~To use a U.S. Coast Guard approved personal flotation device at all times while in the water.~~ be able to swim.

A record of the swim lesson or certification evidencing that the camper can swim, ~~continuously for two hundred (200) meters from a parent or guardian or a signed statement certifying the camper can swim,~~ shall be retained by the surf camp director and made available ~~to the~~ for inspection by the Galveston Island Beach Patrol, the Galveston pPark bBoard of tTrustees for the city, and the eCity of Galveston. If the camper is under eighteen (18) years of age, the form shall be signed by his/her parent or guardian.

- (6)(5) Beginning level surf camps shall never be allowed within the "no swimming area" signs, which are placed one hundred (100) feet from all piers and jetties.
- (7)(6) All surf camp students shall wear a clearly identifiable marker, such as a lycra shirt or rash guard with a designated color, while in the water.
- (8)(7) All surf camp permit holders shall submit a plan to the Galveston pPark bBoard of tTrustees that shall include contingencies for foul weather, electrical storms, rescues, major and minor injuries, and extremely rough water conditions, and other conditions as required by the Galveston pPark bBoard of tTrustees and the Galveston Island Beach Patrol. The plan shall also include plans for the use of restroom and bath facilities, provisions for providing shade to the camp participants,

provisions for the appropriate hydration of participants, and modes and methods of communications between instructors and participants (bullhorns, radios, etc.).

~~(9)~~(8) Surf camps are limited to the following areas: 25th and ~~b~~Beach (Flagship Pier) westerly to the 51st Street jetty during the summer season (May 15 – Labor Day), and all beaches west of 103rd Street. The Galveston Island Beach Patrol has authority to move any surf camp to an alternate location or to stop the camp completely if conditions so necessitate.

~~(10)~~(9) In the areas east of 103rd Street, Surf camps shall only be permitted to operate between the hours of ~~8:00 am and~~ sunrise until 12:00 noon, Monday through Friday, from May 15th through Labor Day. Surf camps held other than during the ~~afore said~~ aforesaid period may operate any day of the week during daylight hours.

~~(11)~~(10) All surf camps with more than ten (10) students shall have one person on shore that holds a minimum of a Red Cross "Community First Aid" certification or its equivalent. A first aid kit shall be readily available containing supplies for jellyfish/man-o-war stings, cuts, scrapes, and a barrier device for artificial respiration/CPR. ~~This person is not required to be the USLA certified lifeguard assigned to the session.~~

~~(12)~~(11) The Galveston Island Beach Patrol has the right to close any camp and stop any lesson at any time.

~~(13)~~(12) Only one vehicle per surf camp may drive on the beach to drop off or pick up camp equipment. The vehicle shall be clearly marked as being part of the surf camp. ~~It and~~ may not remain on the beach sand during the surf camp.

~~(14)~~(13) The surf camp permit/contract with the Galveston ~~p~~Park ~~b~~Board of ~~t~~Trustees, swim test records or forms certifying swimming ability, waivers indemnifying the Galveston Park Board of Trustees/City of Galveston, parent or guardian certification, insurance verification records for the surf camp, a copy of the plans/protocols for the camp, and relevant CPR and First Aid Certifications required in preceding parts of this section ~~a~~ shall be readily available for inspection upon request by members or employees of the Galveston Island Beach Patrol, the Galveston ~~p~~Park ~~b~~Board of ~~t~~Trustees, the ~~e~~City of Galveston, and by any certified peace officer working within his or her jurisdiction.

- (d) ~~The A~~ violation of any part of ~~s~~Sections 8-35, 8-35.1, or 8-35.3 ~~are is~~ a ~~e~~Class C misdemeanor offense, and shall be punishable by a fine not to exceed five hundred dollars (\$500.00). ~~a~~Additionally, the Galveston ~~p~~Park ~~b~~Board of ~~t~~Trustees is authorized to revoke any permit for a surf contest or a surf camp for any violation of the requirements contained in ~~s~~Sections 8-35, 8.35.1, or 8-35.3.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses or 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 5. All ordinances or the parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. In accordance with the provisions of Section 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 7. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

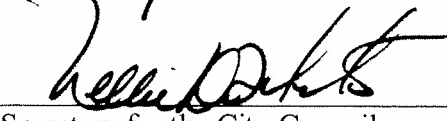
APPROVED AS TO FORM:


DONNA M. FAIRWEATHER
ASSISTANT CITY ATTORNEY

I, Douglas Godinich, Secretary for the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 12th day of May, 2011, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 13 day of MAY, 2011.




Secretary for the City Council
of the City of Galveston