

ORDINANCE NO. 19-017

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED", CHAPTER 8, "BEACHES AND WATERWAYS"; TO ALLOW FOR REGULATIONS RELATED TO MAINTAINING A CLEAN BEACH AND PROMOTING ENVIRONMENTALLY CONSCIOUS CONDUCT BY BEACH USERS; PROVIDING FOR A PENALTY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Galveston recognizes the importance of its residents and visitors to Galveston 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, "Leave No Trace" 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, the Beach Maintenance Advisory Committee (BMAC) is an advisory committee of the Park Board of Trustees and its' mission is to support the Galveston Park Board of Trustees on issues related to the restoration and preservation of Galveston Island beaches, including; long-term planning, maintenance, sustainability, attractiveness, funding, usage, and environmental concerns; and,

WHEREAS, BMAC has reviewed and recommends adoption of the "Leave No Trace" beach cleaning ordinance as substantially provided in Section 2 below; and,

WHEREAS, Staff recommends in its staff report, **Exhibit 1**, approval of amending "the Code of the City of Galveston 1982, as amended", Chapter 8, "Beaches and Waterways"; to allow for regulations related to maintaining a clean beach and promoting environmentally conscious conduct by beach users, and which may commonly be known as the "Leave No Trace" beach cleaning ordinance; and,

WHEREAS, after public notice and hearing as required by law, the City Council finds that it is in the public's interest to amend Chapter 8, "Beaches and Waterways"; to allow for regulations related to maintaining a clean beach and promoting environmentally conscious conduct by beach users, and which may commonly be known as the "Leave No Trace" beach cleaning ordinance.

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” of “The Code of The City of Galveston 1982, as amended,” to read and provide for as follows:

Secs. 8-27—~~8-31. - Reserved.~~ **Leave No Trace**

(a) Definitions. As used in this Chapter, the following terms shall have the meanings respectively ascribed to them in this section:

- (1) **Item of Personal Property** – includes, but is not limited to items such as canopies, shade structures, tents, umbrellas, chairs, towels, equipment, games, and coolers.
- (2) **Unattended** – refers to an item or items of personal property that are not supervised or looked after by a person.

(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 Galveston, the Park Board of Trustees, or their designee’s.

(d) In the confiscation and disposal of any such item under this Section, the City’s 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 Galveston, Galveston County, or a State or Federal government agency:

1. Coastal and beach projects, such as beach nourishment.
- Academic and/or scientific research.
3. Life safety, emergency response or emergency management.

Secs. ~~8-28—8-31. - Reserved.~~

SECTION 3 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 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. 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 6. 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, Janelle Williams, Secretary of 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 February 28, 2019, 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 _____ day of _____, 2019.

Secretary for the City Council
of the City of Galveston