

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL AMENDING THE CODE OF ORDINANCES CHAPTER 27 “PUBLIC BEACH”, ARTICLE IV “REGULATIONS”; BY ADDING SEC. 27-510 “PERSONAL PROPERTY LEFT OVERNIGHT ON THE BEACH”; PROVIDING FOR SEVERANCE, READING, PENALTY, AND EFFECTIVE DATE.

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

SECTION 1. AMENDMENT

That Chapter 27 “Public Beach”, by adding Sec. 27-510. “Personal Property Left Overnight on the Beach”, to wit:

ARTICLE IV. – REGULATIONS

Sec. 27-500. Fishermen leaving catch on beach or public places.

It shall be unlawful for any person who shall catch or capture fish, crab or shrimp in the waters of the Gulf of Mexico or the inland waters within the limits of the city by any means or device whatever to leave any of such fish, crab or shrimp upon any beach or other public place in the city.

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-501. Playing sports or games on beach.

No person shall participate or play sports or games including, but not limited to, baseball, football, volleyball and Frisbee in or across the main traveled roadway.

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-502. Glass bottles and containers prohibited on beach.

No person shall take any glass bottles or any type of glass container onto the city beach. Any person in possession of such glass container or bottle outside the confines of an automobile shall be in violation of this section.

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-503. Prohibition against littering.

No person shall litter or cause litter on the city beach.

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-504. Fires.

- (a) Open campfires are prohibited on city beaches but contained charcoal or natural wood and bottle gas fires are allowed.
- (b) Ceremonial bonfires shall be permitted only by written permit issued by the police chief. The permit shall contain the name of the organization, name and address of person responsible for containment of the fire, the purpose or occasion for the fire and must be accompanied by a permit fee to be set by city council by resolution. Permits must be in possession of the person responsible for containment of the fire.
- (c) The burning of pallets, construction debris with nails or other wood containing nails is prohibited on city beaches.

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-505. Dunes.

Vehicles are prohibited from traveling on or parking on the sand dunes.

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-506. Violations and penalties.

Any person who shall violate any of the antilittering provisions of section 18-55 shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed two hundred dollars (\$200.00). Any person who violates any other provision of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed one thousand dollars (\$1,000.00).

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-507. Launching of motorized craft from the beach.

No motorized watercraft, including, but not limited to, motor boats and jet skis, may be launched or loaded from the public beach at any location from the south most boundary of Nueces County. Port Aransas Beach Park south to Access Road 1.

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-508. Prohibition of operation of motorized watercraft near the beach.

No motorized watercraft, including, but not limited to, motor boats and jet skis, may be operated within the following area: A line commencing at the point where the south most boundary of the Nueces County, Port Aransas Beach Park intersects the line of high tide on the beach and extending in an easterly direction, perpendicular and at a ninety (90) degree angle to

the beach, into the waters of the Gulf of Mexico, a distance of two hundred fifty (250) feet to a point (the first line); thence, in a southerly direction parallel to the beach along the waters of the Gulf of Mexico to a point perpendicular and at a ninety (90) degree angle to the first line (the second line); thence, in a westerly direction perpendicular and at a ninety (90) degree angle to the beach and to the second line, a distance of two hundred fifty (250) feet to the line of high tide on the beach nearest the centerline of Access Road 1 (the third line).

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-509. Alcohol consumption on the beach.

- (a) A person commits an offense if he consumes or possesses with intent to consume an alcoholic beverage on the public beach, during the month of March of any year, on a Sunday between 12:01 a.m. and 12:00 noon or on any other day between 12:01 a.m. and 7:00 a.m., except that this prohibition shall not apply to consumption or possession out of public view within a tent, RV or trailer lawfully parked or set up on the beach.
- (b) The Port Aransas City Council may temporarily amend the hours of consumption and/or possession of alcoholic beverages relating to this section by a single reading of a resolution approved by a majority of the council. The amendment shall not exceed twenty-one (21) consecutive days in any calendar year.
- (c) For the purpose of this section, "possession with intent to consume" is presumed if the person has physical possession, or has care, custody, or control of any container, can, bottle, or other similar vessel, that contains an alcoholic beverage, whether the container is sealed or not.

(Ord. No. 2018-03 , § 1, 6-21-18)

Sec. 27-510. Personal Property Left Overnight on the Beach.

- (a) It shall be unlawful for any person to leave an item of personal property, includes, but is not limited to items such as canopies, shade structures, tents, umbrellas, chairs, towels, equipment, vehicles, trailers, games, and coolers, any or all which are not associated with an overnight beach camping set up as determined by the administrator, anywhere on the open beach between the hours of sunset and sunrise on the following day, except as otherwise permitted through a city issued large or small events permit.
- (b) Any item of personal property left on the open beach 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 Port Aransas public works beach crews, or their designees.
- (c) 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 items left overnight on the open beach.
- (d) Exemptions. The provisions of this Section shall not apply to authorized state, university, county, and federal projects or emergency response actions.

SECTION 2. EFFECTIVE DATE.

As provided by Article III, Section 3.12 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption on the third and final reading.

SECTION 3. READING.

As provided by Article III, Section 3.12 of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

SECTION 4. SEVERANCE.

If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

PASSED, ORDAINED, APPROVED and **ADOPTED** this 27th day of JANUARY, 2022.



CITY OF PORT ARANSAS, TEXAS

A handwritten signature in cursive script that reads "Joan Holt".

Joan Holt, Mayor Pro-Tem

ATTEST:

A handwritten signature in cursive script that reads "Francisca Nixon".

Francisca Nixon, City Secretary

First Reading: November 18, 2021
Second Reading: December 16, 2021
Third Reading: January 27, 2022

