

ORDINANCE NO. 2015-03

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL AMENDING CHAPTER 27 “PUBLIC BEACH”, ARTICLE I. “PORT ARANSAS BEACH PARK”, DIVISION 1. “IN GENERAL” SECTION 27-1 “DEFINITIONS” BY ADDING NEW DEFINITIONS; ADDING A NEW ARTICLE II. “BEACH CAMPING” TO ESTABLISH BEACH CAMPING RULES, REGULATIONS AND RECREATIONAL VEHICLE CAMPING PERMIT FEES, SETTING LIMITATIONS ON CAMPING, PROHIBITIONS, AND EXEMPTIONS; AND PROVIDING FOR SEVERANCE, READING, AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, STATE OF TEXAS

SECTION 1. AMENDMENT

That Chapter 27 “Public Beach”, Article I. “Port Aransas Beach Park”, Division 1. “In General”, Section 27-1. “Definitions” is hereby amended to wit:

Section 27-1. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

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Camping shall mean the use of tents or other shelters, automobile trailer cars, house trailers, house cars, campers or other such vehicles for the purpose of living or sleeping quarters and/or the act of sleeping in any public place and shall include, but is not limited to, the act of establishing or the use of any temporary shelter or conveyance, in or upon any public place, for the purpose of sleeping in or near the shelter or conveyance.

Camper shall mean:

- 1) one that camps, such as a person lodging temporarily in a tent or cabin; or
- 2) a motor vehicle with space and equipment, either in a rear compartment or in an attached trailer, for sleeping and simple housekeeping, used for camping and recreational travel; or
- 3) the rear compartment or attached trailer of such a vehicle; or
- 4) a truck-like vehicle, van, or trailer fitted or suitable for recreational camping; and/or
- 5) each individual engaged in the act of camping to include individual(s) sleeping in any motor vehicle.

Camp Site shall mean the location and any area within fifty feet of the location used by any individual or group to camp.

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City beach mean the gulf beach of Mustang Island within the corporate city limits between the line of vegetation and the line of mean low tide of the Gulf of Mexico as defined in V.T.C.A., Natural Resources Code § 61.012.

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Practicable alternative means a reasonable alternative which can be put into practice and is economically and scientifically feasible.

Recreational Vehicle (RV) means a motor vehicle or trailer also identified as Class A motorhome – bus conversion, diesel pusher, Class B Motorhome – camper van, Class B+ motorhome, Class C motorhome, truck camper, pop-up camper, pop-up camper, travel trailer, teardrop trailer, hybrid trailer, fifth-wheel trailer, park model, toterhome and/or toy hauler equipped with living space and amenities found in a home and

generally designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way used for the purpose of living or sleeping quarters.

Restoration means repairing, rehabilitating, or restoring affected dunes and dune vegetation.

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RV is the abbreviation for Recreational Vehicle. See Recreational Vehicle in this Section.

RV Camper see Camper in this Section.

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Texas General Land Office means the state agency constitutionally charged with the responsibility of managing our state resources for the benefit of public education. Also known as the 'GLO'.

Tent(s) are any awning, canopy, netting, or other temporary shelter; or any sleeping bag, bed roll or other source of cover, used to protect the user from the weather that consists of sheets of fabric or other material draped over, attached to a frame of poles or attached to a supporting rope. While smaller tents may be free-standing or attached to the ground, large tents are usually anchored using guy ropes tied to stakes or tent pegs.

Tent Camper see Camper.

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SECTION 2. ADDITION.

That Chapter 27 "Public Beach", Article II. "Reserved", shall be renamed as "Beach Camping" is hereby added to wit:

ARTICLE II. BEACH CAMPING

Section 27-50. Recreational Vehicle(s) (RV) camping permit required; permit fees established

- (a) Recreational Vehicle(s) camping on the beach are prohibited without a valid annual permit obtained from the City or approved vendor. The permit must be properly displayed per instructions accompanying the permit and shall be prominently displayed during the duration of the permitted stay so as to be easily visible from at least ten feet.
- (b) Annual camping permits may be sold by the city or any vendor approved by the city manager and the fee is set by the city council by resolution.
- (c) The permit is required in addition to a Beach Parking permit.
- (d) Camping permits are non-refundable, non-transferable, revocable, licenses and may be withdrawn by order of the city manager or his designee, with or without notice or cause
- (e) The city manager or designee may waive camping permit fees for non-profit organizations.
- (f) The city council or their designee may waive camping permit fees and location restrictions for a group or organization in conjunction with a permitted event.

Section 27-51. Limitations on camping

No person shall camp on the city beach for a period of time in excess of three (3) nights, during any three week period. This regulation will apply on an annual basis.

Section 27-52. Camping prohibitions

- (a) Camping is prohibited in all public areas within the corporate city limits except for allowable beach camping.
- (b) Notwithstanding all other provisions contained herein, camping is prohibited within 25 feet of either edge of the obvious driving lane and in any location that would impede traffic or create an unsafe condition. Camping is also prohibited within 200 feet of any beach access road and within 50 feet of the water's edge.
- (c) No person shall erect any structure with the exception of a tent, awning, or canopy for the purpose of establishing a camp site.
- (d) Tent camping is prohibited:
 - 1. landward of the bollards; and
 - 2. south of the last city approved lavatory facility.

Section 27-53. Health, safety, and sanitation of city beach

- (a) Waste, grey or black water, from a self-contained recreational vehicle or any other portable camp toilet systems, portable showers, and kitchen or cooking waste may only be discharged at an approved facility designed for such collection.
- (b) All campsites shall be properly maintained. No trash, litter, refuse, or similar material may be visible in any campsite and all camping items shall be stored in a neat and orderly manner or outside of public view when not in use.
- (c) Any tent, awning, canopy, netting, or other temporary shelter; or any non-permitted sleeping bag, bed roll or other item left unattended on the beach or other public area for more than 24 consecutive hours shall be deemed abandoned property and may be removed and disposed of by the city, without further notice.
- (d) Any tent, awning, canopy, netting, or other temporary shelter; or any sleeping bag, bed roll or other item that is visibly broken, torn, or otherwise obviously damaged, (including damage caused by rising tides, wind, or other natural occurrences) and left unattended on the beach or other public area shall be deemed abandoned property and may be removed and disposed of by the city without further notice

Section 27-54. Exceptions

This section does not apply to:

- 1. Private property appropriately zoned or otherwise authorized by the city to allow for temporary, permanent, or semi-permanent, use of a(n) RV(s) for living quarters;
- 2. To any boat or water vessel currently registered and moored at any boat dock or lawfully anchored in any waters within the corporate city limits; and
- 3. Recreational Vehicle parks, resorts or campgrounds located on private property and zoned for or otherwise authorized by the city for use as a temporary camping facility.

Sections 27-55 through 27-399 Reserved for future use.

SECTION 3. SEVERABILITY

It is the intention of the City Council of the City of Port Aransas that if any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

SECTION 4. READING

As provided by Article III, Section 13 and Article III, Section 12(b) 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 5. EFFECTIVE DATE

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption after third and final reading and on publication in the Ordinance caption in the official newspaper of the City.

PASSED, ORDAINED, APPROVED and ADOPTED this the 16th day of APRIL 2015.

CITY OF PORT ARANSAS, TEXAS



A handwritten signature in blue ink, appearing to read 'Keith McMullin', is written over a horizontal line.

Keith McMullin, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Irma G. Parker', is written over a horizontal line.

Irma G. Parker

1st Reading: February 19, 2015

2nd Reading: March 19, 2015

3rd Reading: April 16, 2015