

ORDINANCE NO. 13-10

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND BY AMENDING SECTION 13-23 TO PROVIDE FOR THE REQUIREMENT THAT ALL SHADE DEVICES PLACED IN THE AREA OF THE BEACH SUBJECT TO THE PUBLIC USE EASEMENT MAY NOT BE ERECTED PRIOR TO 9 A.M. AND MUST BE REMOVED BY 10 P.M.; PROVIDING FOR SEVERABILITY AND REPEAL OF CONFLICTING ORDINANCES; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION; PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDING FOR PUBLICATION IN CAPTION FORM.

WHEREAS, the City of South Padre Island is a beachfront resort City that has a “Public Beach” as defined by Chapter 61 of the Texas Natural Resources Code running the entire length of the Town; and

WHEREAS, Chapter 61 of the Texas Natural Resources Code imposes a duty and responsibility to clean and maintain the condition of all public beaches within the boundaries of the City; and

WHEREAS, the leaving of shade devices on the beach overnight impairs the Town’s ability to properly clean and maintain the beaches.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. Section 13-23 of Chapter 13 of the Code of Ordinances of the City of South Padre Island is hereby amended to read as follows, to-wit:

“Sec. 13-23 Prohibition of shade devices on the public beach between 10 P.M. and 9 A.M.

All shade devices or other physical device placed in the area of the beach subject to the public use easement may not be erected or placed in the beach area prior to 9 A.M. and must be removed by 10 P.M.. Any shade devices or other physical device placed in the area of the beach subject to the public use easement that remains in the beach area between 10 P.M. and 9 A.M. will be removed. There is exempt from this provision (Sec. 13-23) any shade device, other physical device or structure that holds a valid permit from the City.”

Section 2 Repeals all ordinances or portion thereof in conflict.

Section 3. Any violation of this Ordinance may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or for each day such offense shall continue and

the penalty provisions of Section 21-1 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 4. If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

Section 5. This Ordinance shall become effective when published in summary form or by publishing its caption.

PASSED, APPROVED AND ADOPTED on First Reading, this 19th day of June 2013.

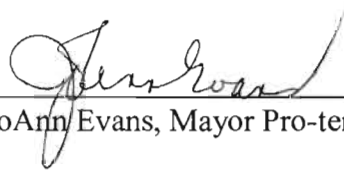
PASSED, APPROVED AND ADOPTED on Second Reading, this 3rd day of July 2013.

ATTEST:

**CITY OF SOUTH PADRE
ISLAND, TEXAS**



Susan Hill, City Secretary



JoAnn Evans, Mayor Pro-tem

