

ORDINANCE 12-14

AN ORDINANCE OF THE CITY COUNCIL OF SOUTH PADRE ISLAND, TEXAS ADDING SECTIONS 13-23.1 THROUGH 13.23-3, TO PROVIDE FOR A PERMIT TO INSTALL A SHADE DEVICE PRIOR TO 9 A.M. ON THE PUBLIC BEACH; REQUIRING COMPLIANCE WITH CERTAIN CONDITIONS AND FIXING A FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION IN CAPTION FORM.

WHEREAS, events are planned by local residents and visitors which may include the erection of shade devices that violate existing regulations and the events are not designated a “Special Event”; and,

WHEREAS, these events allow for residents and visitors to enhance their beachfront experience and shade devices provide an element of comfort and safety for event participants; and,

WHEREAS, it is the City Council’s intent to provide regulatory flexibility and to insure the safety of the general public on the beach; and,

WHEREAS, the City Council’s policy is to protect the spirit of the Texas Open Beaches Act and the City of South Padre Island Beach and Dune Plan.

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

SECTION 1. Chapter 13 of the Code of Ordinances of the City of South Padre Island pertaining to Shade Device permits is hereby amended, to add the following:

“Sec. 13-23.1 Shade Device setup before 9 A.M.

No person or entity may place Shade Devices of any kind prior to 9 AM on any portion of the public beach within the City of South Padre Island located seaward of the Historical Building Line without obtaining a permit from the City as provided for by this Section 13-23.1, and comply with all provisions of this section, to-wit:

A. The individual, organizer or organization seeking to install a shade device prior to 9 AM must demonstrate a need for such in writing.

B. All organizers or organizations seeking a Shade Device Permit must file a site plan which addresses issues of security, health, litter control, parking, and unrestricted public beach access.

C. The defined space of the Shade Device may not in any manner destroy dunes and/or vegetation or impair public beach accesses and use of the public beach.

D. Any activity authorized by the permit for the Shade Device shall not be a violation of any other ordinance, rule or provision of the City of South Padre Island Code of Ordinances.

E. The permit is only valid for the specific Shade Device for length of time provided in the permit and not for any other Shade Device. Each Shade Device requires a separate permit. The Shade Device permit will be issued by the City Manager or his/her designee.

F. The times when the shade device(s) are to be set-up and taken down (which must be taken down by 10 PM).

G. All permitted equipment must have attached the following:

- the name of the permit holder
- address and phone number of permit holder
- the permit number

H. No Shade Device or other equipment may be set up in public beach access areas or any portion of the platted right-of-way, including cul-de-sacs, whether improved or not.

Sec. 13-23.2 Not to conflict with Sec. 13-24

Any and all permit holders issued pursuant to Sec.13-24 of this Chapter are not allowed to be issued a permit for Sec. 13-23.1.

Sec. 13-23.3 High winds and severe weather

Generally, all unattended shade devices under this section shall be secured against high wind and intrusion. However, because the community can be subject to high winds and severe weather on a random basis, the City reserves the right to suspend all shade device permits at any time, and require the immediate removal of all such shade devices.”

SECTION 2. Sec.2-75 of the Code of Ordinances is amended to add a fee of \$50.00 for any Shade Device permit issued under Sec. 23.1.

SECTION 3. This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

SECTION 4. Any violation of the above amended sections of Chapter 13 of the Code of Ordinances of the City of South Padre Island or failure to pay the same 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 5. If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of the Ordinance shall be held 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 intended purpose.

SECTION 5. This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED THIS THE 19th DAY OF SEPTEMBER, 2012.

PASSED, APPROVED AND ADOPTED THIS THE 3RD DAY OF October 2012.

CITY OF SOUTH PADRE ISLAND, TEXAS

Robert N. Pinkerton, Jr.
Robert N. Pinkerton, Jr., Mayor

ATTEST:

Susan Hill
Susan Hill, City Secretary

