


APPROVED

  
City Attorney

Bermuda Beach Plan  
ORDINANCE NO. 91- 66

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, AMENDING SUBSECTION (a) "REGULATED BEACH AREAS," OF SECTION 8-3, "BEACH ACCESS AND PARKING", OF THE CODE OF ORDINANCES, CITY OF GALVESTON, 1982, AS AMENDED, TO INCLUDE A PARKING PLAN FOR ACCESS POINT NO. 9 AT BERMUDA BEACH; PROVIDING A PENALTY NOT TO EXCEED \$500.00 FOR EACH VIOLATION AND MAKING EACH DAY A VIOLATION IS PERMITTED TO CONTINUE A SEPARATE VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; DECLARING FINDINGS OF FACT; PROVIDING FOR READING AND PUBLICATION BY DESCRIPTIVE CAPTION ONLY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Galveston has passed Ordinance Nos. 90-10, 90-44, 90-46, 90-63 and 90-79 implementing the West End Beach Access and Parking Policy Plan which was designed to alleviate heavy traffic at the beaches as well as to provide for beach parking, pedestrian walkways, bather-free zones and improved public access to the beaches; and

WHEREAS, the Planning Commission, after due notice and public hearings, has approved the additional following Beach Access Plan:

Access Point No. 9 at Bermuda Beach, Planning  
Case No. 90P-59

WHEREAS, the City Council, after due notice and a public hearing, deems it in the public interest to further clarify and implement the West End Beach Access Parking Policy Plan and to adopt and implement this additional Beach Access Plan;

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 that they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council hereby finds that there is a necessity to approve and herein does approve and hereby adopts the Beach Access Plan for Access Point No. 9, which is Planning Department Case Number 90P-59. This Ordinance is intended to continue to implement the City's duties under Sections 61.065 and 61.129 of the Natural Resources Code, V.A.T.C.S., to clean and maintain the condition of all public beaches within its corporate boundaries, excluding County owned beaches as well as to regulate motor vehicle traffic therein.

SECTION 3. That Subsection (a), "Regulated Beach Areas" of Section 8-3, "Beach Access and Parking", of Article I, "In General", of Chapter 8 "Beaches and Waterways" of the Code of the City of Galveston, 1982, is amended to read as follows:

"Section 8-3. Beach Access and Parking.

(a) Regulated beach areas. Except as otherwise permitted herein, it shall be unlawful for any person to drive, operate or park any motor vehicle in, on or upon any part of the following described public beaches bordering on the Gulf of Mexico and situated within the corporate limits of the city;

- (1) Upon East Beach, being that beach area extending from the most easterly city limits to the easterly property line of the East Beach Corporation, at all times.
- (2) Upon the beaches of the East Beach Corporation property, same being those beaches extending from East Beach to Stewart Beach, at all times.
- (3) Upon Stewart Beach, at all times.
- (4) Upon the beach extending from Stewart Beach to 35th Street, at all times.
- (5) Upon the beach extending from 35th Street to 57th Street, at all times.
- (6) Upon the beach extending from 61st Street to the end of the seawall structure, at all times.

- (7) From the westerly end of the seawall structure to San Luis Pass with the following exceptions:
- (i) Safe vehicle driving and parking of motor vehicles upon the beaches from the easterly boundary of 18-Mile Road to the westerly boundary of Gateway Boulevard is herein allowed. Gateway Boulevard is hereby recognized as a one-way ingress from FM-3005 to the public beach bordering the Gulf of Mexico. 18-Mile Road is hereby recognized as one-way egress from the public beach bordering the Gulf of Mexico. Traffic flow on the public beaches between Gateway Boulevard and 18-Mile Road shall flow west to east at all times.
  - (ii) Safe vehicle driving and parking of motor vehicles on the beaches from the westerly boundary line of Bay Harbor Subdivision to the easterly ground line of San Luis Bridge is herein allowed.
- (8) Effective July 15, 1990, that area in Sunny Beach, Access Location #4, which is posted by bollards placed by City officials is open for vehicle access and parking.
- (9) Effective July 15, 1990, that area in Sea Isle, Access Locations #27 and #28, which are posted by bollards placed by City officials are open for vehicle access and parking.
- (10) Effective July 15, 1990, that area at 10-Mile Road, Access Location #7, which is posted by bollards placed by City officials is open for vehicle access and parking.
- (11) Effective July 15, 1990, that area in Gulf Palms, Access Location #19, which is posted by bollards placed by City officials is open for vehicle access and parking.
- (12) Effective June 28, 1990, that area at 15-Mile Road, Access Location #17, which is posted by bollards placed by City officials is open for vehicle access and parking.
- (13) Effective June 28, 1990, that area at Isla Del Sol, Access Location #30, which is designated by signage is an off beach parking area.

- (14) Effective June 28, 1990, that area at East Bay Harbour, Access Location #32, which is designated by signage is an off beach parking area.
- (15) Effective June 28, 1990, that area at Bay Harbour, Access Location #33, which is posted by bollards placed by City officials is open for vehicle access and parking.
- (16) Effective September 13, 1990, that area at 11-Mile Road, Access Location #11, which is posted by bollards placed by City officials is open for vehicle access and parking.
- (17) Effective November 8, 1990, that area at Palm Beach, Access Location #13, which is designated by signage is open for vehicle access and parking along the streets as designated.
- (18) Effective November 8, 1990, that area at 13-Mile Road, Access Location #15, which is posted by bollards placed by City officials is open for vehicle access and parking.
- (19) Effective November 8, 1990, that area at Karankawa, Access Location #21, which is designated by signage is open for vehicle access and parking along the streets as designated.
- (20) Effective November 8, 1990, that area at Indian Beach, Access Location #23, which is designated by signage is open for vehicle access and parking along the streets as designated.
- (21) Effective November 8, 1990, that area at Kahala, Access Location #24, which is designated by signage. Beach access and parking is permitted at 18-Mile Road Park, Access Locations #25 and #26.
- (22) Effective November 8, 1990, that area at Terramar, Access Location #31, which is designated by signage is open for vehicle access and parking along the streets as designated.
- (23) Effective November 8, 1990, that area at Point San Luis, Access Location #34, which is

designated by signage is an off beach parking area.

- (24) Effective November 8, 1990, that area at San Luis Pass, Access Location #37, which is designated by signage is an off beach parking area.
- (25) Effective August 22, 1991, that area at Bermuda Beach, Access Location #9, which is posted by bollards placed by City officials is open for vehicle access and parking and parking along the streets in designated areas."

SECTION 4. That the parking plan for Access Point No. 9 at Bermuda Beach Subdivision as noted in Planning Case No. 90P-59, a copy of which is on file in the City Secretary's Office is herein approved. Nevertheless, prior to the City Manager opening said area for parking, he shall authorize his staff to do the following:

- (1) That the existing on-beach parking facility be maintained as is.
- (2) The parking along Pabst Road be approved to accommodate a maximum of 107 off-beach parking spaces.
- (3) That the Public Works Department prepare the surface of Pabst Road to accommodate the parking.
- (4) That the sign message state "Bermuda Beach".
- (5) That the signage be installed and approved by the Traffic Department in accordance with the State Highway Department.

SECTION 5. That 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, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 6. That all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 7. The violation of any provision of this Section shall be unlawful and a misdemeanor offense punishable by a fine not exceeding Five Hundred (\$500.00) Dollars. Each day a violation of this Section continues shall constitute a separate offense.

SECTION 8. That in accordance with the provisions of Sections 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 9. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, Tex. Rev. Civ. Stat. Ann. Article 6252-17, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices in the contents and posting thereof.

SECTION 10. 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.