



## City Order requiring Activity while on North Beach or McGee Beach



This declaration and order implementing emergency powers is issued pursuant to Texas Government Code Chapter 418 (including, but not limited to Texas Government Code § 418.108 and authority to control ingress, egress, movement, and premises' occupancy), and the Mayoral *Declaration of a Local State of Disaster Due to a Public Health Emergency* and Section 16-4 of the City of Corpus Christi Code of Ordinances [City Code] (authorizing the presiding officer of the City, in the interest of public health, safety, and welfare, subject to confirmation or revocation by the City Council, to issue proclamations, orders, or regulations, which shall have the force and effect of law). In accordance with said Chapter, Declarations, and City Code, the Mayor hereby finds and orders as follows:

**WHEREAS**, pursuant to Texas Government Code Section 418.108, the Mayor issued a Declaration of Local Disaster for Public Health Emergency, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19, and the City Council extended that Declaration of Local Disaster for Public Health Emergency;

**WHEREAS**, the Mayor has issued several Orders since the extension of the Disaster Declaration under the authority of Section 418(g) of the Texas Government Code that authorizes the Mayor "to control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;"

**WHEREAS**, the Governor of Texas, Greg Abbott, issued Executive Order GA-28 ("Governor Abbott's Order") relating to the expanded reopening of services, and the transmission of COVID-19 remains a significant threat to the health and safety of the residents of City of Corpus Christi;

**WHEREAS**, the Mayor has determined that extraordinary emergency measures must be taken to mitigate the effects of this public health emergency and facilitate a response to the public health threat, and after on-going evaluation of circumstances related to the coronavirus, the updated recommendation of the Centers for Disease Control, and the Texas Department of State Health Services warrant this further Order.

**NOW THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108 AND SECTION 16-4 OF THE CITY CODE, THE MAYOR ORDERS:**

Effective from July 3, 2020 at 6:00 a.m. until July 7, 2020 at 6:00 a.m., or the earlier date this order is rescinded, superseded, or amended pursuant to applicable law:


1. Avoidance of Camping-Type Activities on North Beach and McGee Beach after placement of signs prohibiting said activities:
  - a. No person shall erect a tent or other enclosure on North Beach or McGee Beach.
  - b. No person shall emplace or occupy a chair on North Beach or McGee Beach.
  - c. No person shall lie down, eat, sit, or sleep on North Beach or McGee Beach.
  - d. It shall be an affirmative defense to prosecution for violation of this provision that the person occupying or emplacing a chair, lying down, sitting, eating or sleeping was:
    - i. Having a medical emergency,
    - ii. Accommodating a disability, or
    - iii. Actively engaged in a physical activity, such as walking, running, biking, yoga, water sports, fishing, or other physical exercise.
  - e. For purposes of this subsection:
    - i. North Beach is defined as the beach area located on land leased from the Texas General Land Office, known as "Corpus Christi Beach" or "North Beach."

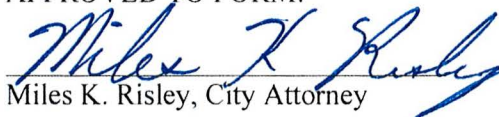
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- ii. McGee Beach is defined as the beach area bounded by the seawall along old South Shoreline Boulevard, Corpus Christi Bay, the Corpus Christi Marina breakwater, and an eastward extension of Buford Street to Corpus Christi Bay.
2. Penalty. Violation of any mandatory provision of this order is punishable by a fine of up to \$500 per violation or separate day of violation pursuant to Section 16-8 of the City Code.
3. The City will provide copies of this Order by posting on the City website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

ORDERED this the 2nd day of July, 2020.

  
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Joe McComb, Mayor

ATTEST:  
  
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Rebecca Huerta, City Secretary

APPROVED TO FORM:  
  
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Miles K. Risley, City Attorney

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