



City Order authorizing Closure of Beaches and Parks to Vehicles and 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 County Judge and Mayor have 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 the restrictions on vehicular access herein are for public necessity, a public health and safety emergency, are limited to the smallest possible area and for the shortest possible duration, and are therefore in compliance with Article X, Section 4 of the City Charter and provisions of the City Code of ordinances, 31 TAC § 15.7, Texas Natural Resource Code Chapter 61, Texas Constitution Article 1 § 33, and other Texas laws, regulations, and executive actions;

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:

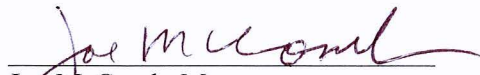
Effective upon execution and continuing **until August 1, 2020** at 6:00 a.m. or the date it is rescinded, superseded, or amended pursuant to applicable law:

1. **Temporary Beach Curfew.** All beaches within the geographic boundaries of Corpus Christi are subject to a curfew from 8:30 p.m. to 6:00 a.m. **To ensure that beach rescue during Tropical Storm Hannah does not create contamination danger from COVID-19, from 1:00 pm on July 24, 2020 to 8:30 p.m. on July 26, 2020, an additional curfew is established prohibiting entry to all beaches within the geographic boundaries of Corpus Christi to the extent (1) said beaches have signs placed thereon prohibiting such entry or (2) a peace officer or other employee of the City has communicated notice of this curfew to a potential violator. Owners of property adjacent to a beach with littoral access rights to access said beach are excluded from these curfews to the extent of said littoral access rights.**

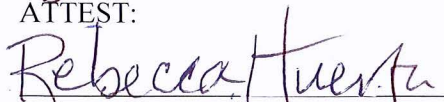
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2. **Temporary Limitation on Vehicle Access to Beaches and Parks.** Beaches and parks and portions thereof with vehicular access points will be closed to the extent directed by barricades and signs placed at the vehicular access points. This vehicular access restriction is inclusive of golf carts and all-terrain vehicles. Pedestrian access to the beaches and parks is permitted. Golf carts, as defined by Texas Transportation Code § 551.401, displaying a disabled parking placard will be allowed on the beach to the extent being operated by or for a disabled veteran or person with physical disability, and access points to the beach will be specifically designated for this purpose.
3. **No 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."
 - 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.
4. **Penalties.** Violation of any 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.
5. **Publicity & Severability.** The City will provide copies of this Order by posting on the City website. 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 24 day of July, 2020.


Joe McComb, Mayor

ATTEST:


Rebecca Huerta, City Secretary

APPROVED TO FORM:


Miles K. Risley, City Attorney

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