

ORDINANCE NO. 2010 - 10

AN ORDINANCE AMENDING CHAPTER 18. PUBLIC PLACES; ARTICLE VIII. PUBLIC PARKS, BY ADDING SECTION 18-242. ESTABLISHING RULES FOR THE LEONABELLE TURNBULL AND THE JOAN AND SCOTT HOLT PARADISE POND BIRDING CENTERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, COUNTY OF NUECES, STATE OF TEXAS:

Section 1. The Port Aransas City Code of Ordinances, Chapter 18. Article VIII. is hereby amended by adding Sec. 18-242. to read as follows, new matter being indicated by underscoring

Sec. 18-242. – Rules for the Leonabelle Turnbull and the Joan and Scott Holt Paradise Pond Birding Centers.

The following rules and regulations shall be applicable to the Leonabelle Turnbull and the Joan and Scott Holt Paradise Pond Birding Centers.

- (1) The Birding Centers shall be open one hour before dawn to one hour past dusk, seven days a week and no person shall be in or on the property other than during those hours.
- (2) Overnight camping is not allowed.
- (3) Wildlife is protected within the Birding Centers. It is unlawful to injure, harm, remove, or introduce wildlife without express permission of the City's Parks and Recreation Department.
- (4) Possession of all firearms and weapons is prohibited. Prohibition does not include: a peace officer as defined by Article 2.12, Code of Criminal Procedure or a person who possesses a concealed handgun and a license issued under Subchapter H, Chapter 411, Government Code, to carry a concealed handgun of the same category as a handgun the person is carrying. Shooting into the Birding Center from beyond its boundaries or discharging firearms within the Birding Center is prohibited except as allowed by state law.
- (5) Removal or introduction of plant life is prohibited. No one may remove any natural objects from the Birding Center. Collecting or disturbing plants or animals is not permitted without prior permission for approved teaching or research activity. Those claiming possession of a permit must be able to produce it upon request. Permits are obtainable through the City's Parks and Recreation Department and will carry the stamp of the department.

- (6) Littering, damaging or defacing facilities in the Birding Center is prohibited. Trash containers at viewing sites must be used for deposit of all trash.
- (7) Use of sound equipment is prohibited except for low volume calls to attract birds.
- (8) Use and possession of alcoholic beverages is prohibited.
- (9) A parent or other responsible adult over 18 years of age must accompany and supervise children less than 10 years of age.
- (10) No bicycles, skateboards, or skates are allowed on the boardwalk. No watercraft are allowed in the pond.
- (11) Smoking is prohibited.
- (12) All Federal and State regulations and Port Aransas City ordinances apply in the Birding Center.
- (13) Glass containers are not allowed.
- (14) Visitors must stay on designated walkways.
- (15) Fishing and bait catching are not allowed. Hunting and trapping are prohibited.
- (16) Fireworks are prohibited.
- (17) Fires and gathering of firewood are not permitted.
- (18) Pets are not allowed in the Birding Center except that service animals accompanying disabled persons and qualifying as service animals under the Americans with Disabilities Act are permitted.
- (19) Only official entrances and exits designated as such may be used to enter or exit the Birding Center.
- (20) Peddling and soliciting are prohibited.
- (21) Scattering feed or seed or any food of any kind is prohibited except for feeding programs authorized by the City's Parks and Recreation Department
- (22) Any infraction of a duly adopted Birding Center rule constitutes a Class C misdemeanor and is punishable by law.

Notwithstanding the above and as an exception to the above, the City may engage in such activities and conduct and take such action as is reasonable, in its discretion, to maintain,

improve, repair, operate, and police the Birding Center and its facilities as long as it is in accordance with the Brazilian Pepper Tree Control and Replacement Plan.

Section 2. Effective Date. As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Port Aransas.

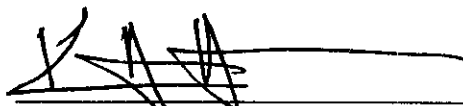
Section 3. Reading. As provided by Article III, Section 13 and Article III, Section 12.b. of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III, Section 12.C., this ordinance shall be published one time in the official newspaper of the City of Port Aransas, Nueces County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 19th day of August, 2010.

CITY OF PORT ARANSAS



The Hon. Keith McMullin, Mayor

ATTEST:



Esther Arzola, City Secretary