

ORDINANCE 2009 - 02

**AN ORDINANCE ESTABLISHING RULES APPLICABLE TO
THE NATURE PRESERVE**

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

Section 1. Amendment. Port Aransas Code of Ordinances is hereby amended by the addition of a new section as follows:

Section 18-241. Port Aransas Nature Preserve.

The following rules and regulations shall be applicable to Port Aransas Nature Preserve:

- (1) The Nature Preserve shall be open dawn to dusk, seven days a week and no person shall be in or on the preserve or on its grounds or facilities or property other than during those hours.
- (2) Overnight camping is not allowed.

- (3) Wildlife is protected within the Nature Preserve. It is unlawful to injure or harm wildlife.
- (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 Nature Preserve from beyond its boundaries or discharging firearms within the Nature Preserve is prohibited except as allowed by state law.
- (5) Removal of plant life is prohibited. No one may remove any natural objects from the Nature Preserve. Everyone must carry out everything he or she brings in. 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 Park Department and will carry the stamp of the department.
- (6) Littering, damaging or defacing park facilities are prohibited. Trash containers at viewing sites must be used for deposit of all trash.

- (7) Use of amplified sound equipment is prohibited. Stereos, amplifiers, other electrical sound equipment or taped calls to attract wildlife are prohibited.
- (8) Use and possession of alcoholic beverages is prohibited.
- (9) Parents or other responsible adult over 18 years of age must accompany and supervise children under 12 years of age.
- (10) No skateboards or skates are allowed.
- (11) Smoking of tobacco products, except in areas designated by city staff, is prohibited, and in those areas, if containers for disposal of tobacco products are provided, they must be used.
- (12) All Federal and State regulations and Port Aransas City ordinances apply in the Nature Preserve.
- (13) Glass containers are not allowed.
- (14) Visitors must stay on designated trails posted and provided for use. Guided-only trails are available by appointment at the point of contact and according to accessibility restrictions.

- (15) Fishing and bait catching are allowed only in areas along bulkhead or Piper Channel. Hunting and trapping are prohibited. All State fishing regulations apply.
- (16) Firecrackers and other fireworks are prohibited in the Nature Preserve.
- (17) Organized Groups such as camps, recreation programs, and families, consisting of more than 20 people, must make a reservation with the Park Department prior to visiting.
- (18) Fires and gathering of firewood are not permitted.
- (19) Pets are not allowed in the Nature Preserve, except that service animals accompanying disabled persons and qualifying as service animals under the Americans with Disabilities Act are permitted within the Nature Preserve.
- (20) Only official entrances and exits designated as such may be used to enter or exit the preserve.
- (21) Bicycling is encouraged, but is only allowed on designated trails.
- (22) Vehicular traffic is allowed only on designated roads and parking areas.

- (23) Peddling and soliciting are prohibited.
- (24) Scattering feed or seed or any food of any kind is prohibited. Feeding of wildlife is prohibited.
- (25) Any infraction of a duly adopted Nature Preserve rule constitutes a Class C misdemeanor and is punishable by law. All Port Aransas city ordinances also apply in the Nature Preserve.

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 preserve and its facilities.

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.

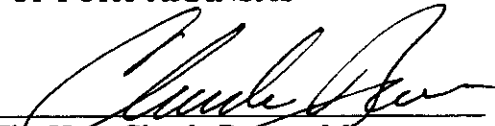
Section 3. Reading. As provided by Article III, Section 13 and Article III, Section 12.b. of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

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 15th day of January, 2009.

CITY OF PORT ARANSAS

BY: 
The Hon. Claude Brown, Mayor

ATTEST:


Esther Arzola, City Secretary