

## ORDINANCE 99-02

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING THE DUNE PROTECTION AND BEACH ACCESS PLAN OF THE CITY OF JAMAICA BEACH BY ALLOWING FOR THE USE OF FOUR FEET BY FOUR FEET SECTIONS OF UNREINFORCED FIBERCRETE MATERIAL IN THE AREA BETWEEN OVER 25 FEET FROM THE NORTH TOE OF THE DUNE TO 200 FEET FROM THE LINE OF VEGETATION AND BY ASSESSING THE "FIBERCRETE MAINTENANCE FEE" OF TWO HUNDRED DOLLARS.

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WHEREAS, the Dune Protection and Beach Access Plan of the City of Jamaica Beach, Texas, currently prohibits the use of concrete slabs or other impervious surfaces from 0 to 200 feet landward of the vegetation line; and

WHEREAS, developers wish to use unreinforced fibercrete in 4 feet by 4 feet sections from 25 feet to 200 feet landward of the vegetation line; and

WHEREAS, the Texas General Land Office has approved the use of fibercrete in the City of Galveston if the City of Galveston agrees to remove the fibercrete should the need arise; and

WHEREAS, the City of Jamaica Beach wishes to allow the use of unreinforced fibercrete and will institute a \$200 beachfront cleanup fee to generate revenues to pay for the cleanup of fibercrete from the public beaches should the need arise by establishing a fibercrete maintenance fee;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMAICA BEACH, TEXAS:

SECTION 1. Paving or altering the ground below the lowest habitable floor is prohibited in the area between the line of vegetation and 25 feet landward of the north toe of the dune.

SECTION 2. Paving used under the habitable structure and for a driveway connecting the habitable structure and the street is limited to the use of unreinforced fibercrete in 4 feet by 4 feet sections, which shall be a maximum of four inches thick with sections separated by expansion joints, or pervious materials approved by the City Building Official, in that area 25 feet landward of the north toe of the dune to 200 feet landward of the line of vegetation. The City shall assess a "Fibercrete Maintenance Fee" of \$200 to be used to pay for the cleanup of fibercrete from the public beaches should the need arise. Reinforced concrete may be used in that area landward of 200 feet from the line of vegetation.

SECTION 3. The City Council of the City of Jamaica Beach, Texas, hereby specifically designates the "Fibercrete Maintenance Fee" to be used to pay for the cleanup of fibercrete from the public beaches should the need arise.

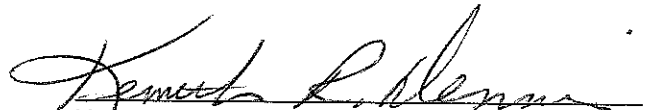
SECTION 4. The violation of any provision of this ordinance, shall be unlawful and a Misdemeanor offense punishable by a fine not exceeding two hundred dollars (\$200.00).

SECTION 5. 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.

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

SECTION 7. This Ordinance shall be and become effective from and after its adoption and publication in accordance with State Law with the approval of said Ordinance by the Attorney General and the General Land Office.

PASSED AND APPROVED this 15 day of February, 1999.

  
Kenneth R. Dennis, Mayor  
City of Jamaica Beach

ATTEST

T.D. White  
T.D. White, City Secretary  
City of Jamaica Beach