

## ORDINANCE NO. 2007-6

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. In the case of a hurricane, it is anticipated that federal, state and local disaster relief funds will be used prior to any use being made of the fibercrete maintenance fees; and

WHEREAS, the City of Jamaica Beach finds the following reasons justify the use of fibercrete in that area between 25 feet landward of the north toe of the dune to 200 feet landward of the line of vegetation:

1. Clean up of the fibercrete, should that be necessary, would be quicker, easier, and more economical than clean up of brick pavers (which is an approved material) since the fibercrete will not be scattered and/or sink into the sand and be covered up by the storm tides and wind. Fibercrete is an inexpensive hard surface (compared to brick pavers) which is aesthetically acceptable to both builders and those persons wishing to purchase beach houses on West Galveston Island. The fibercrete, as placed, will not impact the beach/dune system in any greater manner than will the materials currently permitted to be used under the regulations.
2. The primary responsibility for clean up of fibercrete from the public beach easement is placed upon the property owner. The property owner will be required to execute a Beachfront Construction and Dune Protection Permit, which requires the property owner to clean up any debris, including any fibercrete, deposited on the public beach. The \$200.00 permit fee will assist the City in the clean up process should it become necessary for the City to perform the clean up. The money generated by this fee will be placed in a fund not to be used for anything other than the clean up of fibercrete which may end up within the public beach easement.

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 joists, or pervious materials approved by the City Building Official and the driveway width shall be limited to no more than the width necessary to service two vehicles, 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 under the habitable structure and for a driveway connecting the habitable structure and the street 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 Texas General Land Office.

PASSED AND APPROVED this 17<sup>TH</sup> day of September, 2007.



Victor Pierson, Mayor  
City of Jamaica Beach]

ATTEST



T.D. White, City Secretary