

**ORDER CLOSING BEACHES AND PUBLIC VEHICULAR BEACH ACCESS POINTS,
PROHIBITING PARKING ON SEAWALL BOULEVARD
BETWEEN BODDEKER DRIVE AND THE
WESTERN TERMINUS OF THE SEAWALL
PROHIBITING PICNICS OR OTHER SEDENTARY
ACTIVITIES ON THE GALVESTON SEAWALL
IN THE CITY OF GALVESTON ISSUED BY
THE MAYOR OF THE CITY OF GALVESTON**

WHEREAS, the City of Galveston, Texas, has declared a state of emergency in accordance with Tex. Gov't Code Ch. 418 related to the Corona/Covid 19 virus; and

WHEREAS, information issued by the federal Center for Disease Control and the Texas Department of Health Services related to the Corona/Covid 19 virus have stressed undertaking steps to control of the virus; and

WHEREAS, those entities have urged that the failure to take steps to diminish the spread of the virus will result in the overwhelming of the health care system in this area with a concomitant increase of mortality; and

WHEREAS, the Galveston County Health District has confirmed the presence of Corona virus in Galveston County caused by community spread and the number of active cases in the County continues to grow; and

WHEREAS, the present emphasis is the control of community spread of the virus by limiting the number of citizens who are interacting within a given area; and

WHEREAS, in adjoining Harris County the number of cases of Covid-19 has increased to the extent that the health care system will be overwhelmed and the number of cases in Harris County have shown an alarming dramatic increase; and

WHEREAS, the presence of a high concentration of citizens, especially from Harris County and other localities of high infection, to the City of Galveston and its beaches presents an opportunity for community spread of the virus creating a clear and present public health emergency; and

WHEREAS, the City and State have taken steps to discourage people from congregating in highly concentrated groups in an effort to mitigate the spread of the Covid-19 virus while allowing businesses to reopen; however the spread of the contagion has increased alarmingly and now requires further action by the Mayor; and

WHEREAS, the concentration of traffic on the Seawall prevents the passage of police, fire and EMS vehicles in a timely manner and thus is a clear and present public safety hazard; and

WHEREAS, the resources available to the City are diminished and therefore the efficient allocation of personnel and resources to protect the public health and safety requires the closure of beaches and beach access points throughout the City; and

WHEREAS, the purpose of these control measures is to curtail the concentration of individuals in various areas to reduce the chance of community spread of the virus from person to person and allow the provision of first responder services rapidly and efficiently; and

WHEREAS, Tex. Health & Safety Code §122.006 allows a home rule municipality to adopt rules to protect the health of persons in the municipality against communicable disease.

NOW THEREFORE, I, MAYOR OF THE CITY OF GALVESTON, HEREBY FIND AND ORDER THAT:

SECTION 1. The findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes;

SECTION 2. For the purpose of this order “vehicular traffic” and “motor vehicle” shall include the use of any gas, diesel or electric powered vehicle, including but not limited to golf carts, trucks, automobiles, sport utility vehicles or motorcycles.

SECTION 3. For purposes of this Order, the term “beach” shall refer to the edge of the waters of the Gulf of Mexico to either: 1) the concrete monolith of the Seawall, or 2) the vegetation line running parallel to the waters of the Gulf of Mexico, or 3) the edge of the dunes running parallel to the waters of the Gulf of Mexico whichever apply.

SECTION 4. For purposes of this Order, the term “Seawall” shall refer to Seawall Boulevard and the sidewalks adjoining the paved Seawall driving area on both the north and south side.

SECTION 5. All vehicular beach access points in the City of Galveston west of the western terminus of the Seawall be and are hereby closed to vehicular traffic.

SECTION 6. Parking on the north and south side of Seawall Boulevard between Boddeker Drive and the western terminus of the Seawall be and is hereby prohibited.

SECTION 7. Parking of any vehicle on the beach adjoining Boddeker Drive is prohibited.

SECTION 8. It is a violation of this Order for any member of the public to enter the above designated beach access points utilizing a motor vehicle; this order may be enforced by any City of Galveston Police Officer, the City Marshal or any deputy City Marshal, any member of the Galveston Beach Patrol, or any peace officer and violation shall be a Class C misdemeanor punishable as permitted by law.

SECTION 9. Parking on Seawall Boulevard will be a violation of this Order and shall be punished in accordance with the City Code related to parking violations and the vehicle will subject to towing.

SECTION 10. All public beaches in the City of Galveston from East Beach to the San Luis Pass, including the beach adjacent to Boddeker Drive, be and are hereby closed. No individual may enter onto the public beach for any reason.

SECTION 11. No picnics may occur on the Seawall. For the purpose of this Order, a picnic is deemed to be occurring when a citizen places a cooler with ice, beverages or consumable products on the Seawall, places grills or other devices used to cook food on the Seawall, actually cooks or prepares food on the Seawall, consumes food on the Seawall except in their own motor vehicle, places chairs of any types on the Seawall to sit in, or congregates with others on the Seawall. Nothing in this Order will prevent the use of the Seawall to exercise, walk, jog, bicycle, or skateboard on, by any citizen utilizing the Seawall as a venue for those activities.

SECTION 12. No person may remain sedentary on any location on the Seawall. For the purpose of this Order, sedentary shall refer to remaining in a single location on the Seawall by either lying down, sitting or standing in one place for more than five minutes.

SECTION 13. A violation of this Order shall be a Class C misdemeanor punishable as permitted by law. This order may be enforced by any City of Galveston Police Officer, the City Marshal or any deputy City Marshal, a peace officer who is a member of the Galveston Beach Patrol, or any other peace officer.

SECTION 14. In accordance with the Texas Disaster Act, this declaration shall take effect on July 3, 2020 at 5:00 am and shall terminate on July 6, 2020 at 12:01 am or until further Order of the City.

SO DECLARED AND ORDERED at 4:00 pm this the 1st day of July 2020.

APPROVED AS TO FORM:


DONALD S. GLYWASKY
CITY ATTORNEY


JAMES D. YARBROUGH
MAYOR, CITY OF GALVESTON

ATTEST:


JANELLE WILLIAMS
CITY SECRETARY

