

- (4) Structures that are substantially damaged and/or pose an immediate threat to health and safety will be addressed through authorized emergency powers or the nuisance abatement program.
- k. Damage assessment following an emergency/disaster situation. Immediately following an emergency/disaster situation, the Galveston County Office of Emergency Management will complete damage assessment in the unincorporated areas of Galveston County.

VI. BEACH USER FEE PLAN

A. Beach User Fee Plan

1. Bolivar Peninsula: Prior to this Plan, the County has not charged a beach user fee for access to and use of the beaches of Bolivar Peninsula. The County, with the approval of this Plan, intends to institute an annual parking sticker program for parking on the beaches of Bolivar Peninsula. Accordingly, effective on the date of certification of this Plan by the General Land Office, fees shall be charged for parking on the beach of Bolivar Peninsula and the parking sticker program shall be implemented as follows:
 - a. The charge for an annual parking sticker shall be \$10.00 per calendar year if the parking sticker is purchased from and after March 1st of the given calendar year.
 - b. Parking stickers purchased during January and February shall cost \$5.00 per parking sticker for that given calendar year.
 - c. Each parking sticker shall expire on December 31 of the same calendar year in which it is issued.
 - d. Parking stickers are to be affixed onto the lower right side of the front windshield.
 - e. Parking stickers may be purchased directly from the Parks Department at 4102 Main, LaMarque, Texas 77568.
 - f. Parking stickers may be purchased by mail, by submitting a written request and mailing the request, along with payment, to the Galveston County Parks Department, 4102 Main Street, LaMarque, Texas 77568. To purchase at the discounted price of \$5.00, requests by mail must be postmarked by and through the end of February; requests postmarked from and after March 1 are not eligible to purchase at the discounted price and accordingly the cost is \$10.00.
 - g. Checks for payment for parking stickers purchased from the Parks Department shall be made payable to the Galveston County Parks Department.
 - h. Parking stickers also may be purchased from authorized providers on Bolivar Peninsula. The authorized providers shall purchase parking stickers in bulk increments from the Parks Department for subsequent sales to the public. The Director of the Parks Department shall establish rules, fees, or other procedures to be used in the bulk sales of parking stickers to authorized providers, subject to adoption by the Commissioners' Court.
 - i. A parking sticker shall be required to park on the beach on Bolivar Peninsula. Notwithstanding this requirement, no parking sticker shall be required to park on the beach from and after Dirty Pelican Pier and travelling northeasterly thereafter to the end of the County line, and no parking sticker shall be required to park on the beach from Rettilon Road and travelling northeasterly thereafter on the beach for approximately

one-half mile to that area of the beach that is washed out; these two areas shall be designated as free parking areas.

- j. If a person fails to comply with the parking sticker requirement, the person shall be subject to the imposition of a civil penalty (see sections VII(A) and XI(A)(3) of this Order).
2. Galveston Island: In order to establish and maintain beach related services and facilities for the preservation and enhancement of access to and from and safe and healthy use of public beaches by the public and if costs of beach operations and maintenance can provide such justification, the County may charge a fee of \$5.00 per car, \$10.00 per 15-passenger van and \$20.00 per van greater than 15 passengers or for a bus for off-beach improved parking at Frank Carmona Pocket Park #2 at 9 ½ Mile Road and FM 3005 and/or Beach Pocket Park #3 at 11 Mile Road and FM 3005. Season passes are available for \$30.00. The season runs on and from the first weekend in March through September 30th of a given calendar year; at other times, parking is available for free and no attendants are on the premises at Frank Carmona Pocket Park #2 and Beach Pocket Park #3.
3. Beach Vending Program. In order to exercise control over the number and types of businesses that are allowed to sell goods and services on the public beaches, the County, through its Beach and Parks Department, operates and manages a Beach Vending Program on the Bolivar Peninsula beaches under the rules adopted by the Commissioners' Court on November 17, 1997. Application fees and monthly operating fees paid by the vendors to the County are deposited into a dedicated revenue account. The present filing fee for each permit application is \$100.00. Fees may be increased in the future upon approval of such increase by Commissioners' Court. If any such increase occurs, notification will be provided to the GLO within 30 days of such approval by the Commissioners' Court. If an application for a permit is not granted, the filing fee is returned to the applicant. Present monthly operating fees are \$100.00 for Crystal Beach zone permits, \$50.00 for North Beach and South Beach zone permits, \$100.00 for surfboard sale or rental permits, and \$50.00 for portable toilets permits.
4. Any future beach user fee plans will be prepared in accordance with the GLO Rules, §15.8(d).
5. The County will mark both fee and non-fee beach areas with signs conspicuously posted that clearly indicate, at a minimum, the location of both the fee and non-fee areas and the identity of the County as the entity collecting the fee. Maps identifying fee and non-fee areas are attached as Appendices 7 and 8.
6. Reciprocity. Galveston County shall work towards establishing a state-approved system for reciprocity of beach user fees and fee privileges among the County and the City of Galveston and the Park Board of Trustees of the City of Galveston.

B. Mass Gathering Permits

1. Pursuant to its authority under Subchapter G of Chapter 61 of the Texas Natural Resources Code, the County may regulate mass gatherings of individuals on any beach by requiring a person to obtain a permit and pay a permit fee set by the Commissioners' Court before the person may hold a mass gathering.
2. The Commissioners' Court by order on May 6, 2002 adopted an order under Subchapter G of Chapter 61 of the Texas Natural Resources Code regulating mass gatherings under the

Facility Permitting Policy for the Beach and Parks Department, which such order is on file in the Official Minutes of the Galveston County Commissioners' Court on file in the Office of the Galveston County Clerk having Microfilm Identification Numbers 300-32-0217 through 300-32-0230. This Order does not rescind, repeal, and/or replace such order. The order adopted on May 6, 2002 regulating mass gatherings remains effective and pursuant to such order mass gatherings on the beach are regulated.

3. In accordance with Section 61.254 of the Texas Natural Resources Code, and the order of May 6, 2002 regulating mass gatherings, a person commits an offense if the person violates the order adopted under Subchapter G of Chapter 61 of the Texas Natural Resources Code and an offense under this section is a Class B misdemeanor, as set forth in the May 6, 2002 order.
4. Permit fees for mass gatherings on the beach shall be used for beach-related services.

C. Use of Fee Revenue

1. Revenues from beach user fees may be used only for beach-related services.
2. Beach-related services and facilities may serve only those areas on or immediately adjacent to the public beach.
3. All funds derived by Galveston County from the fee requirement of this chapter shall be used exclusively for beach-related services such as:
 - a. the provision, construction, maintenance, replacement and repair of:
 - (1) sanitary facilities on the beach provided for the use and convenience of the public,
 - (2) on and off beach parking facilities,
 - (3) Traffic control or road signs, devices or structures on the beach, and
 - (4) sand dunes.
 - b. the cleaning and maintenance of the public beach,
 - c. public safety on the beach, and
 - d. all costs directly related to the management of the beach; provided however, that the County shall not spend more than 10% of beach user fee revenues on administrative costs that are directly related to beach-related services.

D. Free Beach Access and Access for Disabled Persons

1. The County provides free beach access on Bolivar Peninsula. The County, pursuant to section VI(A) of this Order, shall charge for parking on the beaches of Bolivar Peninsula.
2. All beaches on Bolivar Peninsula are accessible to vehicles, and ramps accessible to the disabled are provided at Galveston Island Beach Pocket Parks #2 and #3.

E. Cooperation with Other Counties and Municipalities

1. Galveston County may, by Interlocal Agreement, Chapter 791 of the Texas Government Code agree with cities located within Galveston County to accept permits issued by such cities as valid County permits for the purposes of this section, as authorized by § 63.011(b) and (c) of the Texas Natural Resources Code.
2. Galveston County may, by Interlocal Agreement, agree with neighboring counties to accept permits issued by such counties, or to administer such counties' permit programs.

VII. CIVIL PENALTIES