

Ordinance amending Chapter 36 of the City Code to add section 36-14 to prohibit lying down, smoking, vaping, eating, and possessing blankets, pillows, mattresses, cardboard, tarps, sleeping bags, bedding, stoves, cooking devices, shopping carts, wagons, within Blucher Park; changing closing time from 10:00pm to 8:00pm for said park; and providing for fines.

WHEREAS, Blucher Park is designated as a site on the Corpus Christi Bay Loop as part of the Great Texas Coastal Birding Trail by the Texas Department of Parks and Wildlife;

WHEREAS, Blucher Park is a nationally and internationally recognized birding park with unique attributes that attract migratory birds;

WHEREAS, Blucher Park provides food sources such as pigeonberry (*Ruvina humilis*) and turkscap (*Malvaviscus arboreus*) for a variety of migratory birds;

WHEREAS, human usage of the park, other than for bird watching, tends to damage vegetation; discourages and/or interrupts the migratory patterns of the birds; and ultimately lessens the ability of citizens to enjoy the park as a bird watching sanctuary; and

WHEREAS, the City of Corpus Christi wishes to preserve this natural resource and attraction for the use and benefit of its citizens and visitors from around the United States and the world.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That Chapter 36, Parks, Recreation, Cultural and Leisure Time Activities of the Corpus Christi Code of Ordinances is amended by adding Section 36 - 14, Blucher Park, to read as follows:

(a) Items Prohibited. It shall be unlawful for any person to possess the following in any part of Blucher Park:

(1) Blankets, pillows, mattresses, cardboard, tarps, sleeping bags, bedding materials, stoves, cooking devices, shopping carts, wagons.

(b) Behavior prohibited. It shall be unlawful for any person to engage in the following behavior in any part of Blucher Park:

(1) lying down; smoking; vaping; eating; or sleeping.

(c) Affirmative Defenses.

(1) It shall be an affirmative defense to prosecution pursuant to this subsection (b) of this section that an alleged violator was:

(a) lying down because of a medical emergency; or

(b) as the result of a disability; or

(c) a member of a volunteer organization who is working in the park pursuant to section 36-12.

(e) Park Curfew. Blucher Park shall be closed for all purposes at 8:00pm each day and re-opened for public use at 6:00 a.m. each day.

(f) Boundaries. "Blucher Park" is defined as the City owned property outside the street right-of-way, clearly delineated by the City with signage and fencing or other markings as "Blucher Park" within the area between Carrizo Street, Tancahua Street, Kinney Street, and Blucher Street and an extension of Blucher Street between Carrizo Street and Tancahua Street.

SECTION 2. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 3. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 4. Fines are as provided in this Section 1-6 of the City Code.

SECTION 5. This ordinance shall go into effect immediately upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the ____ day of _____, 2019, by the following vote:

Joe McComb _____
Roland Barrera _____
Rudy Garza _____
Paulette M. Guajardo _____
Gil Hernandez _____

Michael Hunter _____
Ben Molina _____
Everett Roy _____
Greg Smith _____

That the foregoing ordinance was read for the second time and passed finally on this the ____ day of _____ 2019, by the following vote:

Joe McComb _____
Roland Barrera _____
Rudy Garza _____
Paulette M. Guajardo _____
Gil Hernandez _____

Michael Hunter _____
Ben Molina _____
Everett Roy _____
Greg Smith _____

PASSED AND APPROVED on this the ____ day of _____, 2019.

ATTEST:

Rebecca L. Huerta
City Secretary

Joe McComb
Mayor