

AN ORDER OF THE COUNTY OF BRAZORIA, TEXAS TO PROHIBIT ENTERING THE WATERS OF THE SAN LUIS PASS FOR ANY ACTIVITY, INCLUDING BATHING, WADE FISHING, AND/OR SWIMMING; DESIGNATING THE AREA OF JURISDICTION; DEEMING THE VIOLATION OR FAILURE TO COMPLY WITH THIS ORDER TO BE A CLASS C PARKS AND WILDLIFE MISDEMEANOR; PROVIDING A PENALTY FOR VIOLATION; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the San Luis Pass is public water within the territorial limits of Brazoria County and portions of the Pass are located outside of the limits of an incorporated city, town, or other political subdivision created pursuant to Article XVI, Section 59, of the Texas Constitution;

WHEREAS, the Commissioners Court of Brazoria County, Texas finds unsafe conditions exist in the waters of the San Luis Pass that necessitate the adoption of this Order to maintain public safety;

WHEREAS, the Texas Water Safety Act, Texas Parks and Wildlife Code Chapter 31, provides:

“The commissioners court of a county...may enter an order on its books designating certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation...which it deems necessary for the public safety.”

TEX. PARKS & WILD. CODE § 31.092(b):

WHEREAS, on August 8, 2017, this Order was approved and adopted by the Commissioners Court of Brazoria County acting in its capacity as the governing body of Brazoria County;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF BRAZORIA COUNTY, TEXAS:

#### SECTION 1: PROHIBITED ACTIVITIES

In accordance with Section 31.092, Texas Parks and Wildlife Code, no person shall enter, from the beach, the waters of the San Luis Pass in any area marked on the attached map for any activity, including bathing, wade fishing, and/or swimming.

#### SECTION 2: AREA OF JURISDICTION

This Order shall apply to the public water within the territorial limits of Brazoria County that is outside of the limits of an incorporated city or town or a political subdivision of the state created for the purpose of conserving and developing the public water of the state and that are not lakes owned by an incorporated city or town.

The waters of the San Luis Pass marked on the attached map have been designated as an area where entering the water from the beach is prohibited. This designated area will be marked by

signs clearly advising entering the water from the beach is prohibited. The signs marking the restricted or prohibited areas shall be complied with at all times.

### SECTION 3: VIOLATIONS, PENALTIES, AND REMEDIES

A person who violates this Order commits an offense. An offense committed under this Order is a Class “C” Parks and Wildlife Code misdemeanor as authorized pursuant to § 31.127 of the Texas Parks and Wildlife Code.

Pursuant to § 12.406 of the Texas Parks and Wildlife Code, an individual adjudged guilty of a Class C Parks and Wildlife misdemeanor shall be punished by a fine of not less than \$25.00 nor more than \$500.00.

Pursuant to §31.125(a) of the Texas Parks and Wildlife Code, an officer who arrests an individual for a violation of this Order may deliver to the alleged violator “a written notice to appear within 15 days of the violation before the justice court having jurisdiction of the offense.” Moreover, §31.125(b) provides that a person shall sign the notice to appear and then may be released. However, failure to appear before the court in Brazoria County having jurisdiction constitutes a violation of the Texas Water Safety Act, and “[a] warrant for the arrest of the person failing to appear may be issued.” TEX. PARKS & WILD. CODE § 31.125(b).

The remedies listed in this Order are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of local law enforcement agencies to seek cumulative remedies.

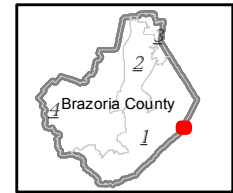
### SECTION 4: PUBLICATION AND EFFECTIVE DATE

The County Clerk shall cause this Order, or its caption and penalty, to be published in the official newspaper of Brazoria County, upon passage of such Order. The Order shall become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official County newspaper.


### SECTION 5: ADMINISTRATIVE MATTERS

A certified copy of this Order shall be delivered to the Brazoria County Engineering Department, the Brazoria County Parks Department, and the Brazoria County Sheriff’s Office.


A certified copy of this Order shall be filed with the Texas Parks and Wildlife Department as required by § 31.092(d) of the Texas Parks and Wildlife Code.

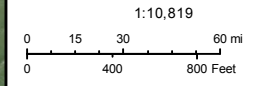


**Legend**

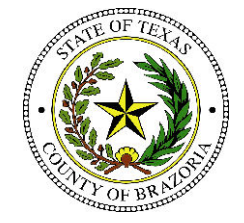
 Entering the outlined body of water from the beach for any activity, including bathing, fishing, and/or swimming is prohibited per Commissioners Court Order passed on August 8, 2017.

**Roads**

-  County Road
-  Private Street
-  County Non Maintained



Brazoria County Engineering



Date Printed:	Sheet No.
August 7, 2017	1

NOTE: This map has been generated for the convenience of the public. It is not intended to be an official depiction of the exact location or extent of any feature shown hereon. Any data depicted, such as a boundary line or an elevation, is for visual reference only and does not exclude obtaining official permits, surveys, or elevation certificates, when required.