

**CITY OF STARBASE, TEXAS
ORDINANCE NO. 2026-2**

**AN ORDINANCE OF THE CITY OF STARBASE, TEXAS
IMPLEMENTING THE TEXAS SPACE COMMISSION ORDER NO. 2025-
02 AUTHORIZING TEMPORARY CLOSURE OF AN AREA DESCRIBED
IN THE NATURAL RESOURCES CODE, A HIGHWAY, AND A VENUE;
DELEGATING CLOSURE AUTHORITY TO THE MAYOR; PROVIDING
FOR ENFORCEMENT CONSISTENT WITH TEXAS GOVERNMENT
CODE CHAPTERS 418 AND 424 AND THE CITY'S EMERGENCY
MANAGEMENT PLAN; PROVIDING FOR SEVERABILITY AND
REPEALER; PROVIDING FOR ENGROSSMENT AND ENROLLMENT
OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Starbase, Texas ("City"), is a Type C general-law municipality, incorporated pursuant to Chapter 8 of the Texas Local Government Code; and

WHEREAS, under Texas Government Code § 482.107(a)(8), the Texas Space Commission may, as necessary to promote space-related industries and further Texas Space Commission activities, including implementing the strategic plan under Texas Government Code § 482.201, and notwithstanding any other law, issue an order—subject to approval by a municipality's governing body—to temporarily close a highway as defined by Texas Transportation Code § 221.001; a venue as defined by Texas Local Government Code § 334.001; or an area described in Texas Natural Resources Code § 33.203(11); and

WHEREAS, on December 19, 2025, the Texas Space Commission issued Order No. 2025-02 ("Order") providing standing authorization to the City of Starbase, or to its Mayor upon delegation by the City Commission, to temporarily close a highway as defined by Texas Transportation Code § 221.001; a venue as defined by Texas Local Government Code § 334.001; or an area described in Texas Natural Resources Code § 33.203(11) to advance space-related activities; and

WHEREAS, on May 30, 2025, the City adopted Ordinance No. 2025-05-30-D06-OR creating an Emergency Management Program implementing the City's Emergency Management Plan, and setting forth a criminal offense for violations of the Emergency Management Plan pursuant to Chapter 418 of the Texas Government Code; and

WHEREAS, on July 16, 2025, the City passed Resolution Nos. 2025-07-16-E01-RE and 2025-07-16-E02-RE adopting the City's Emergency Management Plan, Launch Protocol Annex, and Private Sector Coordination Annex (collectively the "Emergency Management Plan"), which are enforced by Ordinance No. 2025-05-30-D06-OR; and

WHEREAS, Texas Government Code Chapter 424 defines and protects critical infrastructure facilities, expressly including property or facilities used for the launch, landing,

recovery, or testing of spacecraft and temporary hazard areas related to the operation of a launch complex authorized by the Federal Aviation Administration; and

WHEREAS, enforcement of the criminal penalties and protective provisions established under Texas Government Code Chapter 424—including those related to trespass, damage, or interference with designated critical infrastructure—rests primarily with local law enforcement authorities, and accordingly, the City has a substantial governmental interest in developing, adopting, and upholding policies and operational frameworks that support the enforcement of such laws, protect public safety, and ensure the integrity of spaceflight operations occurring within its jurisdiction; and

WHEREAS, the City has municipal territory that includes areas designated for launch and testing activities critical to the state’s aerospace objectives which include a temporary hazard area, as set forth in Texas Government Code Chapter 424.001; and

WHEREAS, active launch and testing activities create “evacuation areas” and “clear zones” established by the City’s Emergency Management Plan and Chapter 418 of the Texas Government Code, that also constitute a “temporary hazard area”, as set forth in Texas Government Code Chapter 424.001; and

WHEREAS, the Cameron County Commissioners Court has delegated to the City of Starbase under Texas Natural Resources Code § 63.011(b), the administration and enforcement of dune-protection and beach-management functions within the City’s corporate limits and ETJ; and

WHEREAS, on September 25, 2025, the City adopted the City of Starbase Dune Protection and Beach Access Plan and submitted such plan to the Texas General Land Office (**GLO**) to conduct its review for consistency with state law and regulations and certification through state rulemaking procedures; and

WHEREAS, the GLO filed the formal rulemaking action in the *Texas Register* on December 5, 2025, and it appeared in the December 19, 2025 issue; therefore, the City’s Dune Protection and Beach Access Plan is certified as consistent with state law and became effective on December 25, 2025, as set forth in the attached **Exhibit A**;

WHEREAS, the City Commission finds that approving and implementing the Texas Space Commission’s Order promotes public safety, protects property, and coordinates access management during spaceflight operations and hazard periods; and

WHEREAS, in an effort to streamline temporary closures, the City Commission seeks to delegate to the Mayor the authority to implement the Texas Space Commission’s Order and issue such temporary closures in accordance with this Ordinance and the City’s Emergency Management Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARBASE, TEXAS:

Section 1. Findings.

The recitals above are adopted as the City Commission's findings and are incorporated herein by reference as if fully set forth.

Section 2. Approval of Texas Space Commission Order.

For purposes of Texas Government Code § 482.107(a)(8), the City Commission approves the Texas Space Commission Order No. 2025-02, and as it may be further amended or superseded provided that such amended or superseding order does not conflict with this Ordinance.

Section 3. Delegation to the Mayor.

In accordance with the City's Emergency Management Plan and Chapter 418 of the Texas Government Code, the Mayor is authorized and directed to implement the Texas Space Commission Order by issuing one or more orders that temporarily close to public ingress, egress, and occupancy to: 1) a highway as defined by Texas Transportation Code § 221.001; 2) a venue as defined by Texas Local Government Code § 334.001; or 3) an area described in Texas Natural Resources Code § 33.203(11).

Section 4. Critical Infrastructure Recognition; Enforcement.

(a) The City recognizes that property and facilities used for the launch, landing, recovery, or testing of spacecraft within or adjacent to the closure area constitute "critical infrastructure facilities" under Texas Government Code § 424.001 (as amended, effective Sept. 1, 2025).

(b) The law enforcement personnel are authorized to enforce the City's Emergency Management Plan, together with the Launch Protocol Annex and Private Sector Coordination Annex, (collectively the "Emergency Management Plan" enforceable by Ordinance No. 2025-05-30-D06-OR), when invoked by mayoral order pursuant to this Ordinance, and to refer conduct for prosecution to the appropriate authority for any violations of the City's Emergency Management Plan, Texas Government Code §§ 424.051–054, Texas Government Code Chapter 418 or other applicable laws.

(c) Nothing herein limits enforcement under other state statutes or City ordinances. The City may pursue civil remedies under Texas Government Code, Chapter 424, Subchapter C, at its discretion.

Section 5. Dune Protection & Beach Access Plan.

Any temporary beach closure order shall be issued only in compliance with the parameters of the Texas Space Commission's Order, as amended, and the City's Dune Protection and Beach Access Plan as approved and certified by the GLO.

Section 6. Records of Closure.

In accordance with the Texas Space Commission's Order, all Mayoral Orders or other records of the Starbase City Commission's closure actions, shall be provided to the City Clerk. The City shall make such records available to the Commission upon request, and shall comply with all Texas law concerning municipal records, including but not limited to, the Texas Local Government Records Act and the Texas Public Information Act requirements.

Section 7. Severability.

It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Commission without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 8. Repealer.

This Ordinance shall be cumulative of all provisions of all ordinances of the City of Starbase, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

Section 9. Engrossment/Enrollment.

The City Clerk is hereby directed to enroll and engross this Ordinance by reflecting the passage of this Ordinance in the minutes of the City Commission and by filing this Ordinance in the Ordinance Records of the City.

Section 10. Effective Date.

This Ordinance takes effect immediately upon passage and adoption.

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PASSED AND APPROVED by the City Commission of the City of Starbase, Texas, on this 8th day of January, 2026.

CITY OF STARBASE, TEXAS



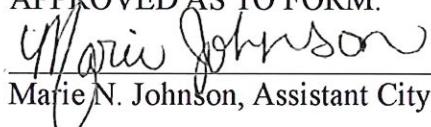
Bobby Peden, Mayor

ATTEST:



Caroline Cole, City Clerk

APPROVED AS TO FORM:



Marie N. Johnson, Assistant City Attorney

