

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 96, "PARKS AND RECREATION" OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY CREATING A NEW SECTION 96.26, "FISHING" AND PROHIBITING FISHING IN PARK LAND AREAS NOT DESIGNATED BY THE CITY; PROHIBITING THE USE OF CERTAIN FISHING METHODS; PROHIBITING THE CLEANING OF FISH WITHIN PARK LANDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City of Mansfield desires to amend the Code of Ordinances to regulate certain activities related to fishing within city park lands; and

**WHEREAS**, the City Council has determined that the amendments to the Code of Ordinances as set forth herein are in the best interest of the health, safety and general welfare of the citizens of the City of Mansfield and the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:**

**SECTION 1**

**THAT**, Chapter 96 of the Code of Ordinances of the City of Mansfield is hereby amended by adding a new Section 96.26, "Fishing" to read as follows:

**"§ 96.26 FISHING.**

- (A) It shall be unlawful for any person to fish in park land areas that have been designated as no fishing zones by the City Council after recommendation of the Mansfield Park Facilities Development Corporation.
- (B) It shall be unlawful for any person to use trotlines, throw lines, fish traps, or nets while fishing in designated areas of park lands.
- (C) It shall be unlawful to clean fish in any park land."

**SECTION 2**

**THAT**, the Director of Parks and Recreation, or his designee, is authorized to install signage in those areas that have been designated by the City Council as no fishing zones.

**SECTION 3**

**THAT**, this ordinance shall and does amend and/or repeal every prior Ordinance or rule or regulation or policy in conflict herewith, but as to all other Ordinances or rules or regulations or policies or sections of ordinances or rules or regulations or policies not in conflict herewith, this ordinance shall be and is hereby made cumulative.

**SECTION 4**

**THAT**, it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5**

**THAT**, any person, firm, or corporation violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and, upon the conviction, in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of \$500 for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6**

**THAT**, this ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**David L. Cook, Mayor**

ATTEST:

\_\_\_\_\_  
**Susana Marin, City Secretary**

APPROVED AS TO FORM AND LEGALITY

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**Allen Taylor, City Attorney**