

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS REPEALING SECTION 58.068 OF THE SAN MARCOS CITY CODE THAT PROHIBITS POSSESSION OR SHOOTING OF A SPEARGUN BY ANY PERSON WHILE IN OR UPON THE SAN MARCOS RIVER WITHOUT A PERMIT ISSUED BY THE PARKS AND RECREATION DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 58, Public Facilities, Parks and Recreation, Section 58.068, possessing of or shooting spearguns in San Marcos River, of the San Marcos City Code is hereby repealed (Deleted text is indicated by ~~strikethroughs~~):

~~Sec. 58.068. Possessing of or shooting spearguns in San Marcos River; permit required.~~

(a) ~~———— In this section, the term "speargun" means any type of device used for propelling a spear, gig or any other type of hand held spear or projectile through water as a means of shooting or taking fish.~~

(b) ~~———— It is unlawful for any person to possess or shoot a speargun while in or upon the San Marcos River without a program permit issued by the department.~~

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 3. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 4. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on July 6, 2021.

PASSED, APPROVED AND ADOPTED on second reading on August 3, 2021.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney