



## Legislation Text

---

**File #:** Ord. 2021-49, **Version:** 1

---

### **AGENDA CAPTION:**

Consider approval of Ordinance 2021-49, on the first of two readings, 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.

**Meeting date:** July 6, 2021

**Department:** Parks and Recreation

### **Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** [Click or tap here to enter text.](#)

**Funds Available:** [Click or tap here to enter text.](#)

**Account Name:** [Click or tap here to enter text.](#)

### **Fiscal Note:**

**Prior Council Action:** [Click or tap here to enter text.](#)

**City Council Strategic Initiative:** [\[Please select from the dropdown menu below\]](#)

[Choose an item.](#)

[Choose an item.](#)

[Choose an item.](#)

**Comprehensive Plan Element (s):** [\[Please select the Plan element\(s\) and Goal # from dropdown menu below\]](#)

☐ Economic Development - [Choose an item.](#)

☐ Environment & Resource Protection - [Choose an item.](#)

☐ Land Use - [Choose an item.](#)

☐ Neighborhoods & Housing - [Choose an item.](#)

☐ Parks, Public Spaces & Facilities - [Choose an item.](#)

☐ Transportation - [Choose an item.](#)

☐ Core Services

☐ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

The City Council held discussion on May 18, 2021 regarding Section 58.068 of the San Marcos City Code related to possessing and shooting spearguns in the San Marcos River. The City Council directed staff to bring back amendments based on their conversation. Below is a brief history of the spear gun prohibition within the City Code of Ordinances:

- **Ordinance 1960-13** was adopted on September 21, 1960, making it unlawful to use, discharge or have possession of a spear gun in the San Marcos River within the corporate city limits.
- **Ordinance 1995-15** was adopted on February 13, 1995 and kept the spirit of prohibiting the possession and shooting of a spear or any other type of projectile through water as a means of shooting or taking fish.
- **Ordinance 2012-17** was adopted on May 1, 2012 and added “gig or any other type of hand held spear” and the permitting requirement to the Code.

Subsequent to the May 18, 2021 meeting, staff did some research and determined that Texas Parks and Wildlife Department regulations specifically allow the use of spearguns to take non-game fish in fresh water. Because Section 58.068 prohibits activities allowed by the State of Texas, staff now recommends repeal of that code section.

**Council Committee, Board/Commission Action:**

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.