

CITY OF ANNA, TEXAS  
ORDINANCE NO. 854-2020

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING CHAPTER 10, STREETS, PARKS AND OTHER PUBLIC WAYS AND PLACES; ARTICLE 10.02, PARKS, RECREATION AND SPECIAL EVENTS; DIVISION 2, GENERAL PARK REGULATIONS; SECTION 10.02.032, SWIMMING, BOATING AND FISHING; PROVIDING FOR A PENALTY FOR ANY VIOLATION OF THIS ORDINANCE NOT TO EXCEED \$2,000; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

**WHEREAS**, Lakeview Park is a new park in Lakeview subdivision in the City of Anna, Texas; and

**WHEREAS**, Anna Neighbors desire to use and enjoy the lake in Lakeview Park for recreational purposes; and

**WHEREAS**, rules and regulations for swimming, boating and fishing in Lakeview Park are necessary to promote the health safety, morals and the general welfare of Anna Neighbors; and

**WHEREAS**, City staff recommends amending Chapter 10, "Streets, Parks and Other Public Ways and Places", Article 10.02, "Parks, Recreation and Special Events", Division 2, "General Park Regulations", Section 10.02.032, "Swimming, boating and fishing"; and

**WHEREAS**, the City Council of the City of Anna finds it to be in the best interest of the public to amend Chapter 10, "Streets, Parks and Other Public Ways and Places", Article 10.02, "Parks, Recreation and Special Events", Division 2, "General Park Regulations", Section 10.02.032, "Swimming, boating and fishing" of the Anna City Code of Ordinances as set forth below.

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

**Section 1. Recitals Incorporated.**

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

**Section 2. Amendment to Chapter 10, "Streets, Parks and Other Public Ways and Places."**

In accordance with the Anna City Code of Ordinances, the following amendments are made to Chapter 10, "Streets, Parks and Other Public Ways and Places," Article 10.02, "Parks, Recreation and Special Events," Division 2, "General Park Regulations," Section 10.02.032, "Swimming, boating and fishing" to read as follows:

**Sec. 10.02.032 Swimming, Boating and Fishing.**

- (a) It shall be unlawful for any person to utilize any creek, pond, lake or other body of water in any city park for swimming, snorkeling, scuba diving, boating or fishing unless such

activities are specifically authorized and permitted under this code or other city regulations or a special exception is granted from the City Manager or his authorized representative.

- (b) All motorized boats of any type are unlawful in any creek, pond, lake or other body of water in any city park.
- (c) Fishing is permitted from the banks of any creek, pond, lake or other body of water in any city park under the following conditions.
  - (1) Fishing is permitted with a pole and line only. Rod and reel, fly rod and cane pole are all permitted.
  - (2) No more than two poles are permitted per person.
  - (3) Trotlines, throw lines, jug lines, fish traps, seines, cast nets, bows and spears are prohibited.
  - (4) Identification tags are prohibited.
  - (5) Fishing is limited to catch-and-release only. Fish that are caught must be returned back to the water from which they came.
  - (6) Fishing is only allowed in designated areas.
  - (7) All anglers age 17 years and older are required to have a valid state fishing license.
  - (8) All fishing activities must comply with current applicable federal, state and local laws.
- (d) Lakeview Lake, the lake located in Lakeview Park in Lakeview Subdivision, is hereby declared to be a community lake. The following rules and regulations for Lakeview Park shall apply.
  - (1) Swimming, snorkeling and scuba diving is prohibited.
  - (2) All motorized boats of any type are prohibited.
  - (3) Non-motorized boats shall be permitted.
  - (4) Boat passengers under the age of 13 must have an adult with them on board.
  - (5) One US Coast Guard approved wearable flotation device is required for each person on board any boat.
  - (6) Careless, negligent and reckless behavior on boats is prohibited.
  - (7) Horseplay, standing, jumping, rocking, tipping and overloading on boats is prohibited.
  - (8) Boating after dark is prohibited.
  - (9) Boating during inclement weather is prohibited.
  - (10) Boating when the lake rises beyond the shoreline is prohibited.
  - (11) Fishing is permitted from non-motorized boats following the rules in section 10.02.032 (c).
  - (12) Throwing, dropping, depositing, placing or dropping any litter, cans, paper, refuse or other materials into Lakeview Lake, on the land adjoining the lake or nearby trails is prohibited.
  - (13) Bathing, urinating or defecating in Lakeview Lake, on the land adjoining lake or nearby trails is prohibited.
  - (14) The City of Anna reserves the right to close Lakeview Lake at any time under its sole discretion.
  - (15) Persons going in, on or near Lakeview Lake or Lakeview Park or utilizing any aspect of those areas do so solely at their own risk and the City of Anna and its

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agents disclaim all liability for personal injury including without limitation death as well as damage to personal property.

(e) Enforcement

- (1) Law enforcement officers are authorized to enforce the provisions of this section.
- (2) Any person violating the rules of this section may be subject to removal and suspension from Lakeview Park.
- (3) It is an offense to violate any provision of this section.
- (4) Any person found guilty of violating this section shall be punished by a fine not to exceed \$2,000.

(Ordinance 410-2008 adopted 10/14/08; 2008 Code, pt. II, art. 47, sec. 2.02; Ordinance \_\_\_\_\_ adopted \_\_\_\_\_)

**Section 3. Penalty.**

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a Class C misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed \$2,000 for each incidence of violation. Each violation is considered a separate offense and will be punished separately. Each and every day that a violation persists shall be deemed a separate offense.

**Section 4. Savings, Severability and Repealing Clauses.**

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

**Section 5. Publication of the Caption Hereof and Effective Date.**

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the City Secretary is hereby directed to implement such posting and/or publication.

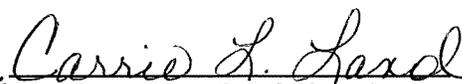
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS ON THIS THE 28<sup>TH</sup> DAY OF APRIL 2020.**

APPROVED:

ATTESTED:

  
\_\_\_\_\_  
Mayor Nate Pike



  
\_\_\_\_\_  
City Secretary Carrie Land

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