

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, DESIGNATING THE STORMWATER RETENTION/DETENTION POND AND ASSOCIATED SHORELINE HABITAT LOCATED GENERALLY WITHIN THE 1000 BLOCK OF CASINO DRIVE, MISSION, HIDALGO COUNTY, TEXAS, AS A DESIGNATED WILDLIFE HABITAT AREA PURSUANT TO CHAPTER 14, ARTICLE VIII OF THE CITY OF MISSION CODE OF ORDINANCES; AUTHORIZING PUBLIC SAFETY SIGNAGE, REASONABLE ACCESS RESTRICTIONS, MONITORING, AND RELATED ADMINISTRATIVE MEASURES; PRESERVING THE CITY'S AUTHORITY TO OPERATE AND MAINTAIN STORMWATER AND DRAINAGE INFRASTRUCTURE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mission has adopted Chapter 14, Article VIII of the City of Mission Code of Ordinances authorizing the designation of Wildlife Habitat Areas by separate ordinance; and

WHEREAS, the City maintains or controls certain stormwater and drainage facilities that may also provide habitat for wildlife; and

WHEREAS, the stormwater retention/detention pond located generally within the 1000 block of Casino Drive in Mission, Hidalgo County, Texas serves as part of the area's stormwater management infrastructure and retains water on a permanent or semi-permanent basis during portions of the year; and

WHEREAS, the pond and surrounding area include open water, emergent vegetation, shoreline grasses, drainage appurtenances, and adjacent undeveloped or landscaped areas that may provide suitable habitat for wildlife; and

WHEREAS, the pond is located within an urbanized area near residential neighborhoods, commercial development, public roadways, and other public infrastructure; and

WHEREAS, the City Council finds that the area may support native or migratory wildlife, including waterfowl, wading birds, turtles, fish, amphibians, reptiles, and other wildlife commonly found in the Rio Grande Valley; and

WHEREAS, the proximity of the pond to residential, commercial, and public areas may increase the likelihood of human-wildlife interactions; and

WHEREAS, the City Council finds that designating the pond and associated shoreline habitat as a Wildlife Habitat Area will support public education, promote safe public conduct near the pond, and authorize reasonable public safety measures; and

WHEREAS, the City Council further finds that this designation serves a valid municipal purpose and protects the public health, safety, and welfare of the City and its residents.

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

SECTION 1. FINDINGS.

The findings and recitals set out above are hereby found to be true and correct and are incorporated into this Ordinance for all purposes.

SECTION 2. DESIGNATION OF CASINO DRIVE WILDLIFE HABITAT AREA.

Pursuant to Chapter 14, Article VIII of the City of Mission Code of Ordinances, the City Council hereby designates the stormwater retention/detention pond and associated shoreline habitat located generally within the 1000 block of Casino Drive, Mission, Hidalgo County, Texas, as a Designated Wildlife Habitat Area.

The Designated Wildlife Habitat Area shall be known as the “Casino Drive Wildlife Habitat Area.”

SECTION 3. GENERAL DESCRIPTION OF DESIGNATED AREA.

The Casino Drive Wildlife Habitat Area generally includes the open-water area of the stormwater retention/detention pond, its banks and shoreline, emergent vegetation, shoreline grasses, drainage and stormwater appurtenances, and immediately adjacent undeveloped or landscaped areas owned, operated, maintained, or controlled by the City.

This designation does not include private residential or commercial property surrounding the pond unless such property is owned, operated, maintained, or controlled by the City or is otherwise subject to lawful City authority. This designation does not create a right of public access to any private property or to any restricted City facility.

SECTION 4. PURPOSE OF DESIGNATION.

The purpose of this designation is to recognize the pond’s function as a stormwater management facility that may also provide habitat for wildlife, and to authorize reasonable public safety measures intended to reduce unsafe human-wildlife interactions.

This designation is intended to support warning signage, public education, safe-distance practices, reasonable shoreline or access restrictions, and coordination with appropriate governmental agencies when necessary.

SECTION 5. PUBLIC SAFETY MEASURES AUTHORIZED.

The City Manager or designee is authorized to implement public safety measures within or adjacent to the Casino Drive Wildlife Habitat Area, including but not limited to:

1. Installing warning signs identifying the area as a Designated Wildlife Habitat Area;
2. Posting instructions advising the public not to feed, approach, harass, capture, disturb, or interact with wildlife;
3. Posting instructions to keep children and pets away from shoreline areas and dense vegetation;
4. Installing or maintaining barriers, fencing, or other protective devices where reasonably necessary;

5. Temporarily restricting access to shoreline areas, vegetated areas, maintenance areas, or other portions of the site when necessary for public safety;
6. Coordinating with the Texas Parks and Wildlife Department, law enforcement, animal control, or other appropriate agencies regarding wildlife concerns; and
7. Taking other reasonable administrative measures necessary to protect public health and safety.

SECTION 6. PROHIBITED CONDUCT.

Within the Casino Drive Wildlife Habitat Area, and where posted by authorized signage or other lawful notice, it shall be unlawful for any person to:

1. Feed wildlife;
2. Approach, harass, pursue, capture, trap, relocate, disturb, or attempt to interact with wildlife, except as authorized by law;
3. Enter any shoreline, vegetated, maintenance, or restricted area closed for public safety purposes;
4. Remove, damage, deface, or tamper with signs, barriers, fencing, or protective devices;
5. Dump food, trash, debris, or other materials that may attract wildlife or create unsafe conditions;
6. Release domestic animals, fish, reptiles, or other wildlife into the area without lawful authority; or
7. Violate any posted directive reasonably intended to protect public health and safety.

SECTION 7. PRESERVATION OF STORMWATER AND DRAINAGE OPERATIONS.

The designation of the Casino Drive Wildlife Habitat Area shall not impair, restrict, or limit the City's authority to inspect, operate, repair, maintain, mow, dredge, improve, reconstruct, or otherwise manage the pond, drainage facilities, stormwater infrastructure, vegetation, shoreline, or related public improvements.

The City may conduct any maintenance, emergency response, public works activity, drainage activity, or public safety activity necessary to preserve the function, capacity, accessibility, safety, or integrity of the stormwater retention/detention pond and related infrastructure.

SECTION 8. RELATIONSHIP TO STATE AND FEDERAL LAW.

Nothing in this Ordinance authorizes any person to take, trap, capture, relocate, handle, harm, feed, or otherwise interfere with wildlife in violation of state or federal law. The City may coordinate with the Texas Parks and Wildlife Department, federal agencies, law enforcement, animal control, or other appropriate authorities when necessary to address wildlife concerns or public safety conditions.

SECTION 9. ENFORCEMENT.

Violations of this Ordinance may be enforced by any lawful means available to the City, including warnings, citations, municipal court proceedings, civil enforcement, injunctive relief, removal from restricted areas, or other remedies authorized by law.

Each violation shall constitute a separate offense. A violation of this Ordinance shall be punishable by a fine not to exceed the maximum amount authorized by state law or by the City Code for the type of violation involved.

SECTION 10. NO MANDATORY DUTY CREATED.

This designation shall not be construed to guarantee the presence or absence of wildlife, create a mandatory duty to inspect, monitor, control, relocate, or remove wildlife, or create any private cause of action against the City, its officers, employees, agents, or representatives.

SECTION 11. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions, which shall remain in full force and effect.

SECTION 12. PUBLICATION.

The City Secretary is authorized and directed to publish this Ordinance as required by law.

SECTION 13. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption and publication as required by law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2026.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

City Attorney