

ORDINANCE NO. 4158

AN ORDINANCE OF THE CITY COUNCIL OF MISSION, TEXAS AMENDING CHAPTER 14 ANIMALS OF THE CODE OF ORDINANCES OF THE CITY OF MISSION TO ADD ARTICLE VII THERETO ESTABLISHING THE CITY OF MISSION AS A BUTTERFLY CONSERVATION AREA; PROVIDING PENALTIES FOR CAPTURING, TAKING OR KILLING, WILD, FREE-FLYING BUTTERFLIES OR ANY STAGE OF THEIR LIFE CYCLE.

WHEREAS, the City of Mission is an environmentally concerned city, sensitive and dedicated to the preservation of wild, free-flying butterflies and their habitats and sponsors an Annual Butterfly Festival; and

WHEREAS, the City Council of the City of Mission hereby finds and determines that the wild, free-flying butterflies of the City of Mission add to the beauty, serenity, and quality of living of the City of Mission; and

WHEREAS, the City Council of the City of Mission hereby finds and determines that the wild, free-flying butterflies of the City of Mission and vicinity benefit the City of Mission economically by attracting ecotourism; and

WHEREAS, the City Council of the City of Mission hereby finds and determines that wild free-flying butterflies and all stages of their life cycles are being captured, taken, or killed within the limits of the City of Mission and therefore deserve conservation through the protection of the City of Mission; and

WHEREAS, the City Council of the City of Mission hereby finds that habitat destruction is the greatest threat to wild free-flying butterflies, and the City of Mission is dedicated and committed to the protection of such habitat where ever reasonably possible; and

WHEREAS, the City Council of the City of Mission hereby finds and determines that encouraging the staff and citizens of the City of Mission to plant, maintain, and protect vegetation will provide food and shelter to benefit wild, free-flying butterflies; and

WHEREAS, the City Council of the City of Mission hereby finds and determines that educating the general populace on the values, needs, and requirements of wild, free-flying butterflies, within the City of Mission will supplement and ease the enforcement of this ordinance, the City Council encourages the teaching of accurate information on their needs and conservation through but not limited to schools, media, libraries, and conservation and civic groups;

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

From and after the effective date of this Ordinance, CHAPTER 14 Animals of the Code of Ordinances of the City of Mission is hereby amended to add Article VII Butterfly Conservation to read as follows:

ARTICLE VII. - BUTTERFLY CONSERVATION AREA

Section 14-212 Definitions

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them as follows:

Wild, free-flying butterfly: Is defined as a species naturally, casually or accidentally occurring, residing, or migrating in the city without benefit of transport by humans.

Life cycle: Is defined as the four distinct stages in a butterfly's life – egg, caterpillar, chrysalis, and adult.

Commercially or farm raised butterfly: Is defined as a butterfly raised under unnatural conditions, shipped around the country, and released in an unsuitable environment.

Section 14-213 General Regulations

(a) It shall be unlawful for any person(s) within the city limits of the City of Mission to knowingly or intentionally capture, take, or kill a wild free-flying butterfly on public property for commercial or non-commercial reasons, except in accordance with the permission in writing of the Mission City Manager for scientific or educational purposes.

(b) It shall be unlawful for any person(s) within the city limits of the City of Mission to knowingly or intentionally capture, take, or kill any stage of the life cycle of a wild free-flying butterfly on public property for commercial or non-commercial reasons, except in accordance with the permission in writing of the Mission City Manager for scientific or educational purposes.

(c) It shall be unlawful for any person(s) within the city limits of the City of Mission to knowingly or intentionally release commercially or farm raised butterflies into the environment on public or private property.

Section 14-214 Penalty.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-14 of the Code of Ordinances of the City of Mission, Texas. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

Section 14-215 Conflicts. Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not rend invalid any other section, subsection, sentence, provision, clause, or phrase of the Ordinance and same for this purpose are deemed to be severable. This Ordinance shall yield if and when it should conflict with any state or federal law.

Section 14-216 Effective Date. This Ordinance shall become effective from and after its final passage and publication as provided by the Charter of the City of Mission and the laws of the State of Texas.

READ, CONSIDERED AND PASSED on October 27, 2014.

CITY OF MISSION



Norberto Salinas, Mayor

ATTEST:



Anna Carrillo, City Secretary

