

Resolution No. 235-032011

**RESOLUTION IN SUPPORT OF CITIZEN REQUEST FOR REGULATORY SAFEGUARDS RELATED TO THE DISCHARGE OF GUNS AND OTHER WEAPONS WITHIN A REASONABLE DISTANCE FROM RESIDENTIAL SUBDIVISIONS TO PROMOTE PUBLIC SAFETY AND PROVIDE ADEQUATE PROTECTION AGAINST PROPERTY DAMAGE AND PERSONAL INJURY**

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Whereas, the City finds in January 2007, the developer of the residential subdivision known as Wild Wind applied for and received plat approval in accordance with Texas law from the City of Garden Ridge, Texas to develop the third unit of the subdivision, now known as Wild Wind Unit 3 for use as a residential single-family home subdivision within the jurisdictional limits of the City of Garden Ridge, Texas;

Whereas, the City finds homes, streets and walkways have been constructed in the Wild Wind residential subdivision and such homes are occupied by citizens of the City of Garden Ridge, Texas and the streets and walkways within the subdivision as well as the public streets providing access to the gated subdivision are open to the general public (as permitted by residents within the subdivision);

Whereas, the City finds Bracken Rifle & Pistol Recreational Range "Bracken Range" is located at 19140 Marbach Lane, in an unincorporated area of Comal County, Texas within the extra-territorial jurisdiction of the City of San Antonio, Texas and is in near proximity to the Wild Wind subdivision.

Whereas, the City finds that homes, streets and walkways are situated approximately 600 to 1000 meters or farther away from the Bracken Range and other adjacent open field properties;

Whereas, the City finds that Bracken Range and the other adjacent open field properties are currently situated outside the jurisdictional limits and extra-territorial jurisdictional limits of the City of Garden Ridge, Texas, but are within the City of San Antonio's extra-territorial jurisdiction and within the jurisdiction of Comal County, Texas.

Whereas, the City finds Bracken Range maintains an open firing range where customers can fire guns and other weapons in the general direction of the Wild Wind Subdivision;

Whereas, the City finds Bracken Range permits customers to shoot weapons capable of firing bullets 600 to 1000 meters or farther in the general direction of the Wild Wind Subdivision.

Whereas, the City finds it has received reports of gun fire emanating from the direction of the Bracken Range and the other adjacent open field properties.

Whereas, the City finds since 2007 (including reports as recent as February 2011) the City of Garden Ridge Police Department has been called to respond to several homes within the Wild Wind Subdivision after damage to the home has occurred as a result of bullets penetrating the materials used to construct the residents' homes, and that residents have reported discovering bullets in their yards, and have reported a noticeable sound or "whiz" of stray bullets from time to time through the air within the subdivision.

Whereas, the City finds that on April 20, 2009 Bracken Range obtained an expert report that recommended necessary adaptations to the range so that it be constructed "so no bullets leave the range property" and further recommended the use of the "no blue sky" (NBS) concept of design;

Whereas, the City finds the NBS concept of design was not employed, but other means were employed in an attempt to improve safety;

Whereas, the City finds that on October 1, 2010, the Comal County Sheriff's Office also recommended to Bracken Range that it use the "no blue sky" principal and implement a baffle system; however, no requirement has been established.

Whereas, the City finds that there is either none, or in the alternative, inadequate regulations in place ensuring that the discharge of guns and other weapons in this area are performed in a way to maintain public safety and to provide adequate protection against property damage and personal injury.

Whereas, the City finds regulating the discharge of guns and other weapons in this area is necessary to maintain public safety and to provide adequate protection against property damage and personal injury to residents and visitors within the City of Garden Ridge, Texas;

Whereas, the City finds the facts and circumstances described have actually resulted in putting Garden Ridge residents in fear of being struck by bullets in their residential yards, upon the public streets and walkways, and within their private homes;

Whereas, the City of Garden Ridge finds that creating regulatory inspection requirements and mandatory record keeping requirements in such areas where the discharge of guns and other weapons is permitted would assist law enforcement in the investigation and prosecution of persons discharging weapons in such a way to cause fear by shooting in the direction of City of Garden Ridge residents, streets, homes and yards, and/or in such a way that the discharged bullet crosses over property lines in violation of Texas law and would improve the general safety and welfare of the public at large.

Therefore, the City finds that this resolution should be adopted in support of seeking greater safety measures and regulation to protect the general public from bullets escaping the confines of property currently located within the extraterritorial jurisdiction of the City of San Antonio and within the County of Comal currently affecting the residents and general public within the Wild Wind Subdivision of the City of Garden Ridge, Texas.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF GARDEN RIDGE THAT:**

- 1) The City Administration, City Attorney and Police Department shall use all reasonable means to assist the citizens, the Range and any governmental agency in facilitating a resolution to the issue and improve and protect the general public from bullets escaping the confines of the Bracken Range property, and
- 2) The City Council requests all aid and assistance from the Texas legislature, the City of San Antonio, Texas and Comal County, Texas to provide appropriate regulatory safeguards to protect the general public from bullets escaping the confines of property currently located within the City of San Antonio extraterritorial jurisdiction and within the County of Comal, Texas affecting the City of Garden Ridge, Texas.

PASSED AND APPROVED THIS 2<sup>ND</sup> day of March, 2011.

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JAY FEIBELMAN, MAYOR

ATTEST:

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YOLANDA BENITEZ, CITY SECRETARY