

ORDINANCE NO.83-112015

AN ORDINANCE REGULATING THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS OF THE CITY OF GARDEN RIDGE; PROVIDING FOR A PENALTY; REPEALING OLD ORDINANCE NO. 83 ADOPTED NOVEMBER 5, 2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Garden Ridge desires to protect the safety and security of the citizens of Garden Ridge without undue infringement on their liberty, and;

WHEREAS, the City Council of the City of Garden Ridge desires to reduce the danger to residents posed by the discharge of firearms within the city limits, and;

WHEREAS, the State of Texas restricts the authority of municipalities to regulate the discharge of firearms pursuant to Local Government Code Chapter 229; and

WHEREAS, the City Council of the City of Garden Ridge desires to amend its regulations governing the discharge of firearms consistent with Texas law.

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

Section 1. Findings. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

Section 2. Definitions. "Firearms" means gun, pistol, revolver, pellet gun, bb gun, air gun, shotgun, rifle, bow and arrow, cross bow or any other weapon. This definition also includes the provisions of Texas Penal Code section 46.01(3).

Section 3. Prohibitions.

- (a) It shall be unlawful and hereby declared a public nuisance to discharge or allow the discharge of a firearm within the city limits of the City of Garden Ridge.
- (b) It shall be unlawful for any person to discharge a firearm within the extraterritorial jurisdiction or in an area annexed after September 1, 1981; provided, that this section shall not be so construed to prohibit the discharge of firearms as follows:
 - (1) The firearm is a shotgun, air rifle or pistol, BB gun, or bow and arrow; and
 - a. Discharged on a tract of land of ten acres or more;
 - b. Discharged more than 150 feet from a residence or occupied building located on another property; and
 - c. In a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or

- (2) The firearm is a center fire or rim fire rifle or pistol of any caliber:
 - a. Discharged on a tract of land of 50 acres or more;
 - b. More than 300 feet from a residence or occupied building located on another property; and
 - c. In a manner not reasonably expected to cause a projectile to cross the boundary of the tract.
- (c) The following exceptions apply to the provisions of this ordinance and shall not be so construed to prohibit the discharge of firearms as follows:
 - (1) In any activity or by any person considered within the class of exemptions applicable under state statutes;
 - (2) In exhibitions of charitable contests conducted under conditions and supervision approved by the city council after application has been made to the city and permit has been issued, if required;
 - (3) By duly qualified and commissioned peace officers in the performance of the official duties of their office;
 - (4) For the purpose of bow hunting legal game during a permitted hunting season on properties of 10 or more acres, subject to hunting rules and regulations of the State of Texas.
 - (5) For the protection of a person or property in or about his home in accordance with the laws of the State of Texas.

Section 4. Penalty. Any person who shall violate any of the provisions of this section or fail to comply therewith shall be deemed guilty of a Class C Misdemeanor and, upon conviction, shall be fined not less than \$1.00 nor more than \$500.00. This offense is hereby declared to be a strict liability offense and the culpable mental state required by Chapter 6.02 of the Texas Penal Code is hereby specifically negated and clearly dispensed with. Each day that the violation occurs shall constitute a distinct and separate offense.

Section 5. Cumulative Clause. That this ordinance shall be cumulative of all provisions of the City of Garden Ridge, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

Section 6. Severability. That it is hereby declared to be the intention of the City Council of the City of Garden Ridge that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been

enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section. In the event that changes are made to state law, the provisions of state law will govern in the event of a conflict.

Section 7. Effective Date. This ordinance shall be effective upon passage and publication as required by law.

PASSED AND APPROVED this, the 4th day of November, 2015.



Nadine Knaus, Mayor

ATTEST:



Shelley Goodwin, City Secretary

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