

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2016-43

AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS ADOPTING A PROHIBITION ON THE DISCHARGE OF FIREARMS WITHIN THE CITY AND PROVIDING EXCEPTIONS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sandy Oaks, Texas ("City") is a Type A General Law municipality with the authority to adopt ordinances that are not inconsistent with state law, that are necessary for the government, interest, welfare, or good order of the municipality pursuant to section 51.012 of the Local Government Code; and

WHEREAS, Section 342.003 of the Texas Local Government Code permits a Type A municipality to prohibit or otherwise regulate the use of firearms within the corporate limits of the City except in certain instances;

WHEREAS, it is deemed by the City Council of the City that it is dangerous to discharge firearms within the city limits and the City Council desires to reduce the danger to residents posed by the discharge of firearms within the city limits;

WHEREAS, the City Council of the City desires to prohibit the discharge of firearms within the corporate limits of the City in certain instances; and

WHEREAS, the City Council finds that adopting regulations governing the discharge of firearms within the City is in the best interest of the general health, safety and welfare of the citizens of the City.

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

Section 1. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this ordinance, except where the context clearly indicates a different meaning:

(A) "Air rifle," "BB gun" and "pellet gun" means any device designed to expel a projectile through a barrel using the energy generated by a compression of gases or that is generated by the release of a coiled spring.

(B) "Firearm" means any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

(C) "Handgun" means any firearm that is designed to fire a solid projectile or multiple projectiles through a rifled barrel and is made or adapted to be fired with one hand.

(D) "Person" shall mean any individual, firm, organization, partnership, unincorporated association or corporation.

(E) "Rifle" means any firearm designed to fire a solid projectile or multiple projectiles through a rifled barrel and is designed to be fired from the shoulder.

(F) "Shotgun" means any firearm designed to fire a solid or multiple projectiles through a smooth barrel.

(G) "Sport shooting range" means a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

Section 2. Discharging Firearms Prohibited. It shall be unlawful and an offense for any person to fire or shoot, or cause to be fired or shot, any firearm, rifle, shotgun, automatic rifle, handgun or any weapon designed for the purpose of firing or discharging any shell or cartridge, whether such shell is blank or live ammunition, in any place within the corporate limits of the City, except as otherwise may be specifically permitted for self-defense or other purposes under the laws of the state, or by the exceptions set forth in this ordinance. It shall further be unlawful and an offense for any person to fire or shoot, or cause to be fired or shot, any air rifle, BB gun or pellet gun in any place within the corporate limits of the City, except as permitted in this ordinance.

Section 3. Exceptions.

(A) This ordinance does not apply to either military personnel or peace officers of the United States or the state, or any of its political subdivisions while in the performance of their official duties, including a person who is a duly appointed animal control officer in the course and scope of his or her official duties and was euthanizing a sick or injured animal or eradicating a predatory animal, and shall not apply to blank cartridges for show or theatrical productions or for signal or ceremonial purposes in athletic or sporting events.

(B) Discharging of a pellet or BB gun is permitted on private property, and then only with sufficient backstop to prevent the projectile from falling onto or over the property of another.

(C) The discharging of a shotgun is permitted under the following conditions:

1. On private property or with the express written permission of the property owner, if:
 - a. The person discharging the shotgun has express written permission from the owner of any property on or over whose property any projectile would fall;
 - b. The property from which the shotgun is discharged is no less than two acres in size; and

- c. The size of shot that can be used is restricted to number six and above.
 - d. Hunting shall be allowed on private property with a shotgun with the express written consent of the owner, and pursuant to the terms outlined in subsections (C)(1)(a), (C)(1)(b) and (C)(1)(c) of this section. Hunting shall not be allowed on public property, except in those areas clearly defined and marked, in any area of the City.
- 2. For the purpose of defending oneself, another person or property, or for the purpose of defending domestic animals against other animals in accordance with state law;
 - 3. Persons discharging shotguns on a shooting range operated by the United States government, state of Texas, or political subdivision of the state, or which is privately operated as authorized or permitted by the City;
 - 4. Persons using any mechanism designed to propel nails, bolts, screws, rivets, or other fasteners, so long as such mechanism was being used for its intended purpose.

(D) The prohibition on the discharge of a firearm does not apply to the discharge of a firearm at a sport shooting range.

Section 4. Penalty. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate offense.

Section 5. Severability. It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Publication. The City Clerk is hereby authorized and directed to publish the caption of this Ordinance together with the penalty provision contained herein in the manner and for the length of time prescribed by law.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

PASSED AND APPROVED on this 11th day of February, 2016.

CITY OF SANDY OAKS, TEXAS

Micki L. Ball

Micki L. Ball, Mayor

ATTEST:

Charlotte Rabe

Charlotte Rabe, City Clerk