

Ordinance No. 626

“Removes restriction for discharge of certain firearms under certain circumstances within city limits”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CERTAIN REFERENCES TO FINES AND PENALTIES SO THAT THEY ARE AS SPECIFIED UNDER SECTION 1-10 UNLESS OTHERWISE EXPLICITLY PROVIDED; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Granite Shoals (the “Council”) seeks to provide for the public health, safety and general welfare of its residents; and

WHEREAS, on November 8, 2005, the citizens of Granite Shoals voted to adopt the Home Rule form of government for the City; and

WHEREAS, on or about June 25, 2013, the Council adopted the Granite Shoals Code of Ordinances (“Code”); and

WHEREAS, the Code includes Section 24-19 that prohibits the discharge of certain firearms within the corporate limits of the city; and

WHEREAS, the Council now seeks to amend its Code of Ordinances to remove the restriction to discharge certain firearms under certain circumstances within the corporate limits of the city under Section 24-19;

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

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Article as if copied in their entirety.

SECTION II. AMENDMENT

- A. Chapter 24 (Offenses and Miscellaneous Provisions), Article II (Firearms), Section 24-19 (Unlawful discharge), paragraph (a) is hereby amended as follows:

“Sec. 24-19. Unlawful discharge.

(a) Except as provided in subsection (b), it shall be unlawful for any person to fire or shoot or cause to be fired or shot any firearm, rifle, ~~shot gun~~ shotgun, automatic rifle, revolver, pistol, air gun, bow and arrow or any other weapon designed for the purpose of discharging or firing a shell or cartridge within the corporate limits of the city.

(b) This article shall not apply to the following:

(1) a shotgun, air rifle, BB gun, or bow and arrow discharged:

(a) on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; and

(b) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract;

(2) a center fire or rim fire rifle or pistol of any caliber discharged:

(a) on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property; and

(b) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract;

(3) the discharge of a firearm at a sport shooting range that meets all applicable requirements of the city’s fire code, zoning ordinance, or other land-use regulations;

(4) ~~(b) However, this~~ ~~This~~ ~~article shall not apply to persons engaged in target practice using an air gun or bow and arrow where the target is a stationary target, where such target practice is under the supervision and control of the owner of the land who is physically present at all times during such target practice and such target practice is conducted against stationary targets located on said owner's property and the conditions of such target practice are such that projectiles are contained on the property of said owner;~~

(5) if the firearm is a BB gun, pellet gun or .22 caliber rimfire firearm loaded with rat shot only and is used solely on a resident’s own property for protection against snakes, rodents, raccoons, possums, varmints or predatory animals, the person using such firearm is over 18

years of age, and only when the discharge of such weapon can be done safely, without endangering persons or property;

~~(6) however, that this article shall not apply to police officers in the performance of their official duties;~~

~~(7) (e) This article shall not apply if~~ a special permit has been obtained from the chief of police or his duly appointed representative for that purpose. To secure such special permit, application must be made to the chief of police in writing, describing in detail the request of the applicant. Upon receipt of said written application, the chief of police shall conduct or cause to be conducted an investigation to be made into the circumstances raised as the basis for the application. If the chief of police determines that a special permit should be issued, he shall issue same with any requirements or restrictions thereto as he shall deem appropriate and just for the health and safety of the citizens. If the chief of police determines that a special permit application should be denied, he shall notify the applicant of that determination, together with grounds therefor presented to applicant in writing. The applicant shall have five full working days from the date of notice of said denial or requirements or restrictions thereto within which to appeal in writing to the city council the chief's actions complained of, whereupon a hearing will be set to be heard within ten days of said notice of appeal by at least a quorum of the council, at which time the city council shall determine whether or not a special permit should be issued and any requirements or restrictions to be imposed thereto, if any. The decision of the city council shall be final and no other hearings shall be had on this matter thereafter; or

(8) as otherwise permitted by state law.

(c) For purposes of this article, “sport shooting range” means a business or establishment, private club, or association that operates an area for the discharge or other use for firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

(d) Any person found to be violating this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine as provided by section 1-10 of this Code.”

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Article shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Article.

SECTION IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Article be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION V. REPEALER

The provisions of this Article shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Article are hereby expressly repealed to the extent that such inconsistency is apparent. This Article shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

This Article shall take effect immediately from and after its passage and publication as may be required by law.

SECTION VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at that this Article was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 12th day of November, 2013.

Dennis Maier
Mayor

ATTEST:

Elaine Simpson,
City Secretary

APPROVED AS TO FORM:

Brad Young,
City Attorney