

ORDINANCE # 2017- 04
DISCHARGE OF FIREARMS ORDINANCE

AN ORDINANCE OF THE CITY OF DAWSON, TEXAS REGULATING THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS; PROVIDING FOR EXCEPTIONS; PROVIDING A PENALTY OF NO MORE THAN TWO HUNDRED DOLLARS (\$200.00) PER OFFENSE FOR VIOLATIONS; PROVIDING LIABILITY, REPEALING, SEVERABILITY AND PUBLICATION CLAUSES; AND, ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dawson desires to protect the safety and security of the citizens of Dawson without undue infringements upon their liberty;

WHEREAS, the City Council of the City of Dawson, Texas recognizes the threat to public safety posed by permitting the unrestricted use of firearms within the city limits and its extraterritorial jurisdiction;

WHEREAS, Section 217 of the Local Government Code authorizes the Governing Body of a Type A General Law Municipality to abate nuisances and prevent disorderly conduct, including the "firing of guns", and,

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

SECTION 1 (OF 10)
DEFINITIONS

1.1 Certificate of Occupancy. A certificate of occupancy is a document issued by the City certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.

1.2 City. The City of Dawson, Texas.

1.3 V.T.C.S. Vernon's Texas Civil Statutes.

1.4 Varmint. a term applied to various animal species regarded as pests or nuisances and especially to those associated with the carrying of disease. Varmints common to Dawson are skunks, squirrels and raccoons. For purposes of this ordinance, dogs and cats may not be considered varmints.

SECTION 2 (OF 10)
DISCHARGE OF RIFLES OR PISTOLS

It shall be unlawful for any person, firm, corporation or association to discharge, or cause to be discharged, any center fire or rim fire rifle or pistol on any tract of land within the city limits:

2.1 That is less than fifty (50) acres; or,

2.2 Within three hundred (300) feet of a residence or occupied building located on another property; or,

2.3 In a manner that permits the projectile of the firearm to cross the boundary of property; or,

2.4 Without permission of the land owner.

SECTION 3 (OF 10)
DISCHARGE OF SHOTGUNS

It shall be unlawful for any person, firm, corporation or association to discharge, or cause to be discharged, any shotgun on any tract of land within the city limits:

- 3.1** That is less than ten(10) acres; or
- 3.2** Within one hundred fifty (150) feet of a residence or occupied or building located on another property; or,
- 3.3** In a manner that permits the projectile of the firearm to cross the boundary of the tract of property; or,
- 3.4** Without permission of the property owner.

SECTION 4 (OF 10)
EXCEPTIONS

Nothing herein shall be construed to apply to the use of firearms:

- 4.1** In exhibitions of charitable contests conducted under conditions and supervision approved by the City Council after an application has been made to the City and a permit has been issued;
- 4.2** By duly qualified and commissioned Peace Officers or Animal Control Officers in the performance of their official duties;
- 4.3** For the protection of a person or property in or about his home in accordance with the laws of the State of Texas.
- 4.4** By persons licensed to carry a concealed handgun under the provisions of V.T.C.S. Article 4413 (29ee and 29bb), Section 32 who discharge a weapon as an act of deadly force to:
 - 3.4a Defend their own lives.
 - 3.4b Defend the life of another person.
 - 3.4c Prevent the imminent commission or stop the commission of murder; aggravated sexual assault; sexual assault, arson, aggravated kidnapping, robbery; and aggravated robbery.
- 4.5** By persons on the firing line of a licensed indoor shooting range that has been inspected by the City of Dawson and granted a Certificate of Occupancy for weapons firing. However, weapons shall be unloaded and cased at all places and time when away from the firing line of the indoor shooting range.
- 4.6** When used exclusively for varmint control on tracts of less than ten (10) acres within the city limits provided:
 - 4.6a Only a shotgun is used; and,
 - 4.6b Only size six (6) or smaller shot is used; and,
 - 4.6c The shotgun is discharged with the property owner's permission; and

- 4.6d The projectiles do not cross the boundaries of the property where the firearm is discharged;
and,
- 4.6e The individual discharging the shotgun is eighteen (18) years of age or older; and,
- 4.6f The shotgun is discharged only in response to the presence of a live varmint.

SECTION 5 (OF 10)
LIABILITY FOR DAMAGES

Nothing in this ordinance shall be construed as an assumption of liability by the City for any injuries to persons, pets or property which may result from the discharge of a firearm within the city limits or its extraterritorial jurisdiction. A property owner who authorizes the discharge of firearm on his or her property and the individual engaged in the discharge of that firearm shall be fully liable, jointly and severally, for any injuries arising from the discharge of said firearm.

SECTION 6 (OF 10)
PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglect or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and upon conviction shall be fined not more than Two Hundred Dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7 (OF 10)
REPEALING CLAUSE

All ordinances or resolutions, or parts thereof, previously adopted by the City Council in conflict with the provisions of the ordinance are hereby repealed.

SECTION 8 (OF 10)
SEVERABILITY

If a section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining portion of the Ordinance.

SECTION 9 (OF 10)
PUBLICATION

The City Secretary of the City of Dawson is hereby directed to publish the caption and effective date of this ordinance in one issue of the official newspaper of the City as required by Section 52.011 of the Local Government Code.

**SECTION 10 (OF 10)
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS _____ DAY OF _____, 2017.

MAYOR STEPHEN SANDERS

ATTEST:

APPROVED AS TO FORM:

CITY SECRETARY RONDA FRANKS

CITY ATTORNEY TERRY JACOBSON

