

ORDINANCE NO. O-2019-26
ORDINANCE PROHIBITING HUNTING AND DISCHARGE OF FIREARMS

AN ORDINANCE OF THE CITY OF STAGECOACH PROVIDING RULES AND REGULATIONS FOR HUNTING AND THE DISCHARGE OF FIREARMS; PROVIDING FOR EXCEPTIONS; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE UP TO \$500; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION THEREOF.

WHEREAS, the City Council of the City of Stagecoach desires adopt an ordinance prohibiting hunting, and the discharge of firearms and air-guns within the City limits of Stagecoach;

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

SECTION 1: Purpose.

This ordinance is adopted so that the City may promote the public health, safety, morals and general welfare within the City through the regulation of the discharge of firearms and air-guns. The City seeks to prevent bodily injury, death, and property damage within the City limits by restricting the discharge of such devices as provided herein.

SECTION 2: Definitions.

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

- (a) **Air-Gun** means a device designed, made, or adapted to expel a projectile through a barrel by using the energy or force generated by the release of air or compressed gases. The term "air-gun" includes but is not limited to SS guns, pellet guns, air pistols, paintball guns and air-rifles.
- (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. The term "firearm" includes but is not limited to revolvers, pistols, handguns, rifles, shotguns and tasers.
- (c) **Hunt** means to seek or pursue with intent to take or kill and includes take, kill and any attempt to take or kill.

SECTION 3: Intentional discharge prohibited.

It shall be unlawful to intentionally discharge a firearm within the corporate city limits unless allowed under the Exceptions outlined in this Ordinance.

SECTION 4: Hunting prohibited.

It shall be unlawful and a crime to intentionally injure, kill or hunt any wild game within the City.

SECTION 5: Use of firearms, air-guns or tasers.

(a) It shall be unlawful for any person to fire, shoot, explode, or cause to be fired, shot, or exploded any firearm, rifle, shotgun, pistol, revolver, air-rifle, air-pistol or other device or instrumentality ordinarily known as firearms and capable of propelling bullets, shot or other solid or compact substances, whether propelled by powder, fire, compressed air or other force or by combination of such forces, within the corporate limits of the City.

(b) For purposes of this section, a "taser" type of weapon is considered a firearm.

SECTION 6: Discharge of firearms and air-guns prohibited; exceptions.

This Section shall not apply to:

- (a) The person discharged a firearm or air-gun in the lawful defense or protection of a person or property in accordance with state law;
- (b) Acts of defense of persons and property on premises under one's control as are lawful under the Penal Code of the state;
- (c) Certified state peace officers in the performance of their official duties;
- (d) The person was 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;
- (e) The person eradicated a predatory animal on his or her own property or with the written permission of the owner of the property;
- (f) The person used blank cartridges for a theatrical production, an event sponsored by a military organization, an athletic event, or other ceremonial or commemorative events, provided that the discharge is performed safely and directed away from persons, animals, or structures so as to prevent bodily injury and property damage;

- (g) The person discharged an air-gun on his or her own property, provided such device is not fired into or onto another person's property without the other owners' written consent;
- (h) The person was 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.

SECTION 7: Penalties.

A person who violates a provision of this Ordinance is guilty of a misdemeanor which is punishable by a fine not less than \$1.00 and not to exceed \$500.00. Each day of violation shall constitute a separate offense.

SECTION 8. Repeal of Conflicting Ordinances.

All other ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed.

SECTION 9. 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 10. Publication.

The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

SECTION 11. Effective Date.

This Ordinance shall become effective as of _____, 2019.

PASSED AND APPROVED this _____ day of _____, 2019.

Galen Mansee
Mayor, City of Stagecoach

ATTEST:

Brenda Rutt, City Secretary

(SEAL)