



ORDINANCE NO. 3272

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING IN ITS ENTIRETY CODE OF ORDINANCES, CHAPTER 46 “MISCELLANEOUS OFFENSES,” SECTION 46-1 “FIREARMS AND FACSIMILE FIREARMS REGULATED; DEFENSES” RELATING TO THE PROHIBITION OF THE DISCHARGE OF FIREARMS OR AIR GUNS WITHIN THE CITY EXCEPT AT SPORT SHOOTING RANGES, PROHIBITING THE CARRYING OF FIREARMS IN PUBLIC PARKS, AT PUBLIC MEETINGS OF GOVERNMENTAL BODIES, POLITICAL RALLIES, PARADES, OFFICIAL POLITICAL MEETINGS, AND NON-FIREARM-RELATED SCHOOL, COLLEGE, AND PROFESSIONAL ATHLETIC EVENTS WITH EXCEPTIONS; AND PROHIBITING THE DISPLAY OR BRANDISHING OF FACSIMILE FIREARMS WITHIN THE CITY UNDER CERTAIN CIRCUMSTANCES; ESTABLISHING CERTAIN DEFENSES TO SUCH OFFENSES; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED \$1000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Administration, in reviewing the City’s existing ordinances relating to the discharge of firearms within the City, the carrying of firearms within City parks and at certain public meetings and events within the City, and the display and brandishing of facsimile (i.e. toy) guns within the City, recommend the adoption of certain amendment to said ordinances in order to make the ordinances consistent with current state law and to extend certain protections to its citizens by the addition of regulations relating to public parks and public meetings and events; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds it necessary for the protection of the public health and safety to adopt the recommended amendments to the Code of Ordinances;

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

SECTION 1. Code of Ordinances, Chapter 46 “Miscellaneous Offenses,” Section 46-1 “Firearms and Facsimile Firearms Regulated; Defenses” is hereby amended in its entirety to read as follows:

Sec. 46-1. Firearms and facsimile firearms regulated; defenses.

- (a) **Definitions.** For the purposes of this section, the following terms, words and derivations thereof shall have the meanings given herein:

Air Gun. Any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or spring.

Facsimile firearm. Any device that so closely appears to be a firearm in size, shape, color, or design that it (1) can only be differentiated from a firearm through close inspection, or (2) is likely to cause alarm by the general public.

Firearm. Any shotgun, rifle, pistol, bb gun, air rifle, air gun, bow, or other device or instrumentality capable of propelling bullets, shots, arrows, or other solid compact substance, whether propelled by powder, fire, or other force or by combination of such forces.

Public place. Any place where the general public may gather, whether publicly or privately owned, including streets, alleys, easements, public facilities, stadiums, retail stores, office buildings, government offices, parks, playgrounds, school facilities, parking lots and other similar property.

Sport Shooting Range. 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.

(b) *Offenses.*

(1) It shall be unlawful for any person to discharge any firearm within the corporate limits of the city.

(2) It shall be unlawful for any person to display or brandish a facsimile firearm in a manner that alarms or could alarm any person in a public place within the corporate limits of the city.

(3) It shall be unlawful for any person to display or brandish a facsimile firearm in any manner anywhere within the city in a manner that causes alarm or reaction of any type by an officer or official of a public safety agency or voluntary agency organized to deal with emergencies.

(4) It shall be unlawful for any person other than a person licensed to carry a concealed handgun under Subchapter H, Chapter 411, Texas Government Code, to carry a firearm or air gun:

(i) within any public park within the city;

(ii) on or within a premises within the city at which a meeting of a municipality, county, or other governmental body is taking place;

(iii) on or within a premises within the city at which a political rally, parade, or official political meeting is taking place; or

(iv) on or within a premises within the city at which a non-firearms-related school, college, or professional athletic event is taking place.

(c) *Defenses.*

(1) It is a defense to prosecution under this section that the actor was engaged in any of the following:

(i) The protection of persons or property as authorized by Chapter 9 of the Texas Penal Code;

(ii) The enforcement of any state, federal, or local law by a legally certified peace officer;

(iii) An activity or use authorized by the comprehensive zoning ordinances;

(iv) An event, performance, demonstration or ceremony authorized through the City of Farmers Branch permit process wherein the firearm or facsimile firearm is significant to the activity; or

(v) An event, performance, demonstration, or ceremony sponsored and conducted by a subdivision of federal, state, or local government or school district wherein the firearm or facsimile firearm is significant to the activity.

(2) It is a defense to an offense under subsection (b)(1) that the firearm was discharged at a sport shooting range.

(3) It is a defense to an offense under subsection (b)(4) that the firearm or air gun is in or carried to or from an area designated for use in a lawful hunting, fishing, or other sporting event and the firearm or air gun is of the type commonly used in the activity.

(d) *Proof of offense.* Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this section.

(e) *Penalty.* Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$1,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 2. All ordinances or parts thereof expressly in conflict with this ordinance are hereby repealed.

SECTION 3. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed ONE THOUSAND AND NO/100 DOLLARS (\$1000.00).

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

SECTION 6. This ordinance shall take effect from and after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 18TH DAY OF MARCH, 2014.

ATTEST:

APPROVED:

Angela Kelly, City Secretary

William P. Glancy, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:3/13/14:64919)