

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 14-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 50-51 "DEFINITIONS" OF THE CODE OF ORDINANCES TO ADD A DEFINITION FOR "SPORT SHOOTING RANGE" AND AMENDING SECTION 50-53 "DISCHARGING FIREARMS" OF THE CODE OF ORDINANCES TO ADD AN EXCEPTION FOR THE DISCHARGE OF FIREARMS AND AIR GUNS AT A SPORT SHOOTING RANGE; FINDING THAT THE AMENDMENT IS NECESSARY TO BRING THE TOWN'S REGULATIONS INTO CONFORMANCE WITH STATE LAW; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Town Council of the Town of Flower Mound has previously adopted an ordinance prohibiting the discharging of firearms within the corporate limits of the Town except in certain instances; and,

WHEREAS, Section 229.001 of the Texas Local Government Code prohibits a municipality from adopting regulations that would prohibit the discharge of a firearm or an air gun at a sport shooting range; and,

WHEREAS, the Town Council finds that the Town's regulations governing the discharge of firearms should be amended in order to address the preemption set forth in Section 229.001 of the Texas Local Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS:

SECTION 1

That Section 50-51 of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended by adding a definition for "Sport shooting range" to read as follows:

* * *

"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

That Section 50-53 of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended by adding subsection (d) to read as follows:

"(d) Section 50-52 does not apply to the discharge of a firearm or air gun at a sport shooting range."

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

SECTION 6

This Ordinance shall be in full force and effect from and after the date of its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 7th DAY OF APRIL, 2014.

APPROVED:

Thomas E. Hayden, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, TOWN ATTORNEY