

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2020-2401

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, REPEALING IN ITS ENTIRETY CHAPTER 13, ARTICLE I, SECTION 13-1 OF THE CODE OF ORDINANCES ENTITLED “DISCHARGING WEAPON,” AND REPLACING IT WITH A NEW SECTION 13-1, ENTITLED “FIREARMS AND AIR GUNS,” BY DEFINING “AIR GUN” AND “FIREARM”; PROHIBITING THE USE OF FIREARMS AND AIR GUNS; AND PROVIDING EXCEPTIONS TO THE PROHIBITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 229.001(a)(3) of the Texas Local Government Code generally provides that a Texas municipality may not adopt regulations relating to the discharge of a firearm or air gun at a sport shooting range; and

WHEREAS, the City Council of the City of The Colony, Texas, has discussed and considered such revisions and has determined that it is in the best interest of the City to repeal the current Chapter 13, Article I, Section 13-1, and replace with a new Chapter 13, Article I, Section 13-1 to regulate firearms and air guns within the City in accordance with State law.

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

SECTION 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the Code of Ordinances of the City of The Colony, Texas, is hereby amended by repealing in its entirety Chapter 13, Article I, Section 13-1, entitled “Discharging weapon,” and replacing it with a new Section 13-1, entitled “Firearms and Air Guns,” which shall read as follows:

“Sec. 13-1. Firearms and Air Guns.

- (a) *Definitions.* For purposes of this section the following terms shall have the respective meanings ascribed to them:

Air gun: Has the same meaning as defined in Section 229.001(e)(1) of the Texas Local Government Code, as amended.

Firearm: Has the same meaning as defined in Section 46.01(3) of the Texas Penal Code, as amended.

(b) *Prohibitions and exceptions.*

- (1) No air gun may be used in the city except if used in a gun range or gallery or on any private grounds or residence under circumstances in which the property owner consents and in a manner as not to endanger persons or property and also in a manner as to prevent the projectile from traversing any grounds or space outside the limits of such grounds or private property.
- (2) It shall be unlawful for any person to fire or discharge any gun, pistol, shotgun, rifle or other firearm of any description within the city.
- (3) The provision of this section shall not apply when the firing is done in the necessary and lawful protection of the person, premises, or property; or to the discharge of firearms when permitted or authorized by the laws of the state or United States; or to the discharging of firearms in a shooting gallery or range, or gun smith establishment, when such shooting gallery, range or gun smith establishment is set up and used in accordance to zoning and city ordinances and is completely indoors.”

SECTION 3. If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

SECTION 5. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS 21st day of JULY, 2020.

/s/Joe McCourry, Mayor

ATTEST:

/s/Tina Stewart, TRMC, City Secretary

APPROVED AS TO FORM:

/s/Jeff Moore, City Attorney