

ORDINANCE NO. 414-2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, ORDERING THE AMENDMENT OF THE CITY OF VENUS CODE OF ORDINANCES, CHAPTER 16 OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I. IN GENERAL, SECTION 16-1 WEAPONS AND FIREARMS TO PROHIBIT THE DISCHARGE OF FIREARMS AND AIR PISTOLS AND TO PROHIBIT THE SHOOTING OF ARROWS AND TO PROHIBIT THE THROWING OF MISSILES OR ROCKS AS WEAPONS WITHIN THE CITY LIMITS, CONFIRMING TEXAS OPEN MEETINGS ACT COMPLIANCE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE, PROVIDING A PUBLICATION CLAUSE, PROVIDING AN EFFECTIVE DATE, AND PROVIDING A CERTIFICATION OF ADOPTION.

WHEREAS, the City of Venus, Texas ("City"), is a Type A general law city operating pursuant to the laws of the State of Texas, by and through its duly elected council members;

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law, that are necessary to protect the welfare and safety of its inhabitants (TEXAS LOCAL GOVERNMENT CODE § 51.012);

WHEREAS, the City Council ("Council") of the City serves as the elected governing body; directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants;

WHEREAS, the City is authorized to regulate the discharge of firearms within the limits of the municipality (TEXAS LOCAL GOVERNMENT CODE § 229.001);

WHEREAS, the City has researched the ordinances of municipalities across the state to learn what are the best methods for protecting citizens from harm caused by the discharge of weapons within city limits;

WHEREAS, the Council finds the current firearm and weapons provisions of the CITY OF VENUS CODE OF ORDINANCES are outdated and not consistent with current law or present public safety challenges and need revision;

WHEREAS, the Council supports the individual right to bear arms and the constitutional protections of the Second Amendment of the UNITED STATES CONSTITUTION; and

WHEREAS, the ordinances of the City are codified together in the CITY OF VENUS CODE OF ORDINANCES, hosted and managed by Municode.com.

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

SECTION A. CHAPTER 16 AMENDMENT

Chapter 16 – Offenses and Miscellaneous Provisions, Article I. In General, Section 16-1 Weapons and firearms of the CITY OF VENUS CODE OF ORDINANCES is hereby amended as follows:

Sec. 16-1. – Weapons and firearms.

(a) It shall be unlawful for any person to knowingly, intentionally, or recklessly discharge, fire or shoot any firearm, explosive weapon or zip gun of any kind within the city limits. For purposes of this section, “firearm” shall mean 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.

(b) It shall be unlawful for any person to knowingly, intentionally, or recklessly discharge, fire or shoot any air rifle, air gun, air pistol, or other air or gas propelled weapon of any description within the city limits.

(c) Subsections (a) and (b) shall not apply if:

(1) the investigating police authority charge the violation under another law, federal or state;

(2) the discharge was by a licensed peace officer, certified security officer, or licensed animal control officer in the performance of his/her official duties. For purposes of this section “peace officer” has the meaning given by the TEXAS CODE OF CRIMINAL PROCEDURE, Article 2.12. For purposes of this section “certified security officer” shall mean an officer holding an active, valid commission issued by the Texas Private Security Board.

(3) the discharge occurred in the extraterritorial jurisdiction (ETJ) of the city or in an area annexed by the city on or after September 1, 1981.

(4) the discharge was in self-defense, defense of a third person or in defense of property. For purposes of this exception, the definitions provided by the TEXAS PENAL CODE at the time of the alleged offense shall control.

(5) the discharge is part of a theatrical production, military ceremony, or sporting event where blank cartridges are used and where the city has given permission and a permit has been issued for the use and discharge.

(6) the discharge occurs within a properly secured indoor firearms range or sport shooting range constructed and maintained in accord with National Rifle Association specifications and standards or upon a shooting range owned and

operated by a governmental entity. For purposes of this subsection, the term "sport shooting range" shall be as defined by the TEXAS LOCAL GOVERNMENT CODE.

(d) It shall be unlawful for any person to knowingly, intentionally, or recklessly use a bow or crossbow to propel an arrow, bolt or any other projectile used in the sport of archery within the city limits. This subsection shall not apply to official recreational or sport archery events hosted by a recognized non-profit organization or educational institution or program, whether for practice or competition.

(e) It shall be unlawful for any person to knowingly, intentionally or recklessly throw or cast any stone or other missile, or propel any bullet, stone or other missile from any sling, catapult or other contrivance of like kind upon, at, or against any person, animal, building, vehicle or other public or private property in the city limits.

(f) It shall be unlawful for any person, other than a person licensed to carry a handgun under Texas law, to carry a firearm or air gun/rifle within the city limits at any city park, the city square, public meeting of a governmental body, political rally/political parade/official political meeting, or non-firearms-related school, college, or professional athletic event. It is an affirmative defense to prosecution for a violation of this provision that the firearm or air gun is being carried by a licensed peace officer, municipal judge, or certified security officer in the performance of his or her employment.

SECTION B. OPEN MEETINGS COMPLIANCE

That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 551.

SECTION C. SEVERABILITY

Should any section, clause, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and/or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

SECTION D. REPEALER

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION E. PUBLICATION

The City Secretary is hereby directed, if required by law, to post or publish in the official newspaper of the City, the caption, publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, in accordance with Section 52.011 of the TEXAS LOCAL GOVERNMENT CODE. The City Secretary is also hereby directed to incorporate the provisions of this Ordinance into the CITY OF VENUS CODE OF ORDINANCES by submitting it to www.municode.com for incorporation and online publication.

SECTION F. EFFECTIVE DATE

That this Ordinance shall become effective from and after its passage.

SECTION G. CERTIFICATION OF ADOPTION

APPROVED: _____

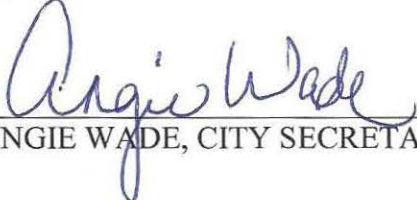

MAYOR JAMES BURGESS

PASSED: MONDAY, NOVEMBER 9, 2015

ORDINANCE BECOMES EFFECTIVE: MONDAY, NOVEMBER 9, 2015

I, the undersigned, City Secretary do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Venus City Council at a regular meeting duly convened on Monday, November 9, 2015.

ATTEST:


ANGIE WADE, CITY SECRETARY

APPROVED AS TO FORM:


CASS CALLAWAY, CITY ATTORNEY