

Celebratory Gunfire Ordinance No. 17-05-22

PROVIDING FOR AN AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF LYFORD, TEXAS CONCERNING THE USE AND DISCHARGE OF FIREARMS ON CERTAIN PROPERTIES WITHIN THE CITY OF LYFORD, TEXAS, IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 229 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, the City Commission of the City of Lyford desires to protect the safety and security of the citizens of Lyford without undue infringement on their liberty, and;

WHEREAS, it is deemed by the City Commission of the City of Lyford, Texas that it is dangerous to discharge firearms within the City Limits, and;

WHEREAS, it is recognized that although dangerous, certain circumstances may justify the discharge of a firearm, and;

WHEREAS, the City Commission of the City of Lyford desires to reduce the danger to residents posed by the discharge of firearms within the city limits, and;

WHEREAS, the State of Texas amended Chapter 229 by acts adopted May 3, 2005, restricting the authority of municipalities to regulate the discharge of firearms; and

WHEREAS, the City Commission of the City of Lyford desires to align its Code of Ordinances to be consistent with all requirement of the Texas Local Government Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LYFORD, TEXAS:

SECTION 1.

The Code of Ordinances of the City of Lyford, Texas is hereby amended to read as follows:

(a) Definition. "Firearms" means gun, pistol, revolver, pellet gun, bb gun, air gun, shotgun, rifle, bow and arrow, cross bow or any other weapon.

(b) It shall be unlawful for any person to discharge a firearm(s) within city limits. Exceptions are as follows:

(1) In any activity or by any person considered within the class of exemptions applicable under state statutes, including but not limited to open fire ranges and/or underground fire ranges related to commercial or law enforcement activities;

(2) In exhibitions of charitable contests conducted under conditions and supervision approved by the city commission after application has been made to the city and permit has been issued;

(3) By duly qualified and commissioned peace officers in the performance of the official duties of their office;

(4) For the protection of a person or property in or about his home in accordance with the laws of the state of Texas; or

(5) For hunting, provided the discharge of the firearm complies with all of the following conditions:

a. Shotguns, bow and arrows only;

b. Must be fired during legal hunting season by one properly licensed for hunting in the state;

c. Must be fired by an adult or a minor under the direct visual supervision of an adult;

d. Must be fired from private property owned or legally occupied by the adult hunter or a supervisor of the hunting minor; and

e. The property on which the discharge occurs must be open property, acre(s) and in a non-residential area, and the bullet or projectile shall not exit the boundaries of the private property.

(c) Any person who violates the provisions of this section shall be deemed guilty of a class C misdemeanor, complaint and citation issued thereof per violation, and upon conviction thereof, shall be fined in any sum not to exceed \$500.00 per violation.

SECTION 2 CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of the City of Lyford, Texas, except where the provisions of this Ordinance are in direct conflict with other provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

SECTION 3 SEVERABILITY

That it is hereby declared to be the intention of the City Commission of the City of Lyford 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 should 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 or sections of the Ordinances, since the same would have been enacted by the City Commission without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION 4
PUBLICATION AND EFFECTIVE DATE**


This ordinance shall be effective upon passage of two readings and publication as required by State law. The City Secretary is hereby authorized to publish a notice of this Ordinance in the official newspaper in and for Lyford, Texas, according to law.

FIRST READING PASSED AND APPROVED BY THE CITY COMMISSION OF LYFORD, TEXAS at a regular meeting called and held on the 22nd day of May, 2017 in accordance with the provisions of Chapter 551 of the Texas Government Code.

SECOND READING PASSED AND APPROVED BY THE CITY COMMISSION OF LYFORD, TEXAS at a regular meeting called and held on the 12th day of June, 2017 in accordance with the provisions of Chapter 551 of the Texas Government Code.

PASSED, APPROVED AND ADOPTED ON THIS THE 12TH DAY OF JUNE, 2017

City of Lyford



Mayor Jose G. (Wally) Solis

Attest:



City Secretary

City Secretary