

ORDINANCE #08-12-01

AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS; PROVIDING EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) FOR EACH OFFENSE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Jewett, Texas, has determined that the discharge of firearms within the City limits poses a threat to the health and safety of citizens residing in the City and that a prohibition against such discharges is in the best interests of the public health, safety and welfare; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JEWETT, TEXAS:

SECTION 1. DEFINITIONS

Firearm means any devise designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance, springs, or any other means capable of discharging shots, cartridges, pellets, missiles, projectiles or any object, or any device readily convertible to that use. Firearms specifically include, but are not limited to the following: (1) rifle, (2) shotgun, (3) automatic rifle, (4) revolver, (5) pistol, (6) handgun, (7) sawed-off shotgun, and (8) spring gun.

SECTION 2. DISCHARGE OF FIREARMS PROHIBITED

A person commits an offense if the person discharges any kind of firearm, or other weapon designed for the purpose of firing or discharging a shell, cartridge, or projectiles of any kind, regardless of whether the shell or cartridge is blank or live ammunition, within the City.

No parent or any other person having legal control or custody of any child under the age of (18) years shall allow or permit such child to discharge, display or brandish any kind of firearm within the City. A violation of this section by any child under the age of 18 years shall be prima facie evidence of the guilt of the parent or person having legal control or custody of such child.

SECTION 3. EXCEPTIONS

It shall be an exception to the foregoing prohibition if a firearm or shotgun is discharged and the discharge, firing or shooting is for personal protection or defense or for the protection or defense of livestock or pets. It shall further be an exception if the discharge is by a peace officer engaged in the lawful performance of his or her duties or a citizen lawfully defending person or property in accordance with applicable State law. Additionally, an exception is granted for a person or organization using blank cartridges for a show or theatrical production or for signal or ceremonial purposes in athletic, sports, police or military organizations or any event specifically authorized or permitted by the City. The discharge of air guns, pellet guns, paintball guns and BB guns shall be allowed as long as the discharge is done in such a manner that the projectile does not leave the property on which the individual firing the air gun, pellet gun, paintball gun or BB gun is located. Any child under the age of 18 firing an air gun, pellet gun, paintball gun or BB gun shall be accompanied by an adult at all times.

SECTION 4. SEVERABILITY CLAUSE

Should any section, paragraph, sentence, subdivision, clause, phrase or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Ordinances of the City of Jewett.

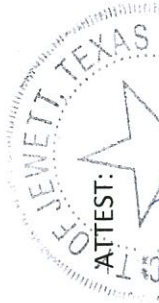
SECTION 5. PENALTY

Any person, firm or corporation who violates any provision of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each discharge shall constitute a separate offense.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 22nd DAY OF DECEMBER, 2008.



ATTEST:

  
VIRGINIA S. SITTON, City Administrator/Secretary

  
JUDI KIRKPATRICK, Mayor