

ORDINANCE NO. 03122009-B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVORD, TEXAS PROHIBITING THE DISCHARGE OF FIREARMS WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR EXCEPTIONS; ESTABLISHING A FINE FOR VIOLATIONS OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED \$500.00; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Alvord, Texas, is a Type A general law municipality in the State of Texas; and

WHEREAS, discharging firearms within the City is declared to be harmful to the health and safety of the City's residents.

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

SECTION 1. The recitals contained in the preamble of this ordinance are determined to be true and correct and are hereby adopted as a part of this ordinance.

SECTION 2. The City Council hereby declares that it shall be unlawful for any person to shoot off, fire or discharge any gun, pistol, revolver or any firearms of any description within the corporate limits of the City of Alvord, Texas without written consent of the City Council, expressed by vote, specifying the place where same may be done; provided that this shall not apply to:

- (a) A certified peace officer in the performance of his/her duty.
- (b) The discharge was justified under the provisions of Chapter 9 of the Texas Penal Code.
- (c) The use by workers in the construction business of any mechanism designed to propel nails, bolts, screws, rivets, or other fasteners, as long as such mechanism is being used in the manner in which it was intended.
- (d) The discharge of blanks during official celebrations or athletic events.
- (e) Gunsmiths and commercial shooting ranges, operating lawfully, from carrying out the normal pursuit of their business.
- (f) The discharge is made to protect persons or property from feral or wild animals located on the property from which the discharge occurred.

SECTION 3. Severability. It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this ordinance, because the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 8. Penalty. Any person violating any portion or provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be punishable by a fine not to exceed \$500.00.

SECTION 9. Publication. The City Council hereby directs the City Secretary to publish this ordinance in accordance with the Texas Local Government Code.

SECTION 10. All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

SECTION 11. Effective Date. This ordinance shall take effect immediately from and after its adoption and it is accordingly so ordained.

APPROVED this 12th day of March, 2009.



FRANK KNITTEL, Mayor

ATTEST:



TAMMY EDWARDS, City Secretary