

# ORDINANCE NO. 2014-07-02

**AN ORDINANCE OF THE CITY OF WESTON, TEXAS ADOPTING A PROHIBITION ON THE DISCHARGE OF WEAPONS WITHIN THE CITY AND PROVIDING EXCEPTIONS; PROVIDING A PENALTY FOR VIOLATION; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas;

**WHEREAS**, Section 342.003 of the Texas Local Government Code permits a Type A municipality to prohibit or otherwise regulate the use of firearms within the corporate limits of the City except in certain instances;

**WHEREAS**, the City Council of the City of Weston, Texas desires to prohibit the discharge of firearms within the corporate limits of the City in certain instances; and

**WHEREAS**, the City Council finds that adopting regulations governing the discharge of firearms within the City is in the best interest of the general health, safety and welfare of the citizens of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS**

## **SECTION 1 DEFINITIONS**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this ordinance, except where the context clearly indicates a different meaning:

*Air rifle, BB gun and pellet gun* means any device designed to expel a projectile through a barrel using the energy generated by a compression of gases or that is generated by the release of a coiled spring.

*Firearm* means 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.

*Handgun* means any firearm that is designed to fire a solid projectile or multiple projectiles through a rifled barrel and is made or adapted to be fired with one hand.

*Person* means any corporation, organization, government or governmental subdivision or agency, business trust, estate, trust partnership, association, or any other legal entity, as now or hereafter may be included in the definition of "person" contained in the Texas Code Construction Act.

*Rifle* means any firearm designed to fire a solid projectile or multiple projectiles through a rifled barrel and is designed to be fired from the shoulder.

*Shotgun* means any firearm designed to fire a solid or multiple projectiles through a smooth barrel.

*Sport shooting range* means a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

## **SECTION 2 DISCHARGING FIREARMS PROHIBITED**

It shall be unlawful and an offense for any person to fire or shoot, or cause to be fired or shot, any firearm, rifle, shotgun, automatic rifle, handgun or any weapon designed for the purpose of firing or discharging any shell or cartridge, whether such shell is blank or live ammunition, in any place within the corporate limits of the City, except as otherwise may be specifically permitted for self-defense or other purposes under the laws of the state, or by the exceptions set forth in this ordinance. It shall further be unlawful and an offense for any person to fire or shoot, or cause to be fired or shot, any air rifle, BB gun or pellet gun in any place within the corporate limits of the City, except as permitted in this ordinance.

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## SECTION 3 EXCEPTIONS

- (a) This ordinance does not apply to either military personnel or peace officers of the United States or the state, or any of its political subdivisions while in the performance of their official duties, and shall not apply to blank cartridges for show or theatrical productions or for signal or ceremonial purposes in athletic or sporting events.
- (b) Discharging of a pellet or BB gun is permitted on private property, and then only with sufficient backstop to prevent the projectile from falling onto or over the property of another.
- (c) The discharging of a shotgun is permitted under the following conditions:
- (1) On private property or with the express written permission of the property owner, if:
    - a. The person discharging the shotgun has express written permission from the owner of any property on or over whose property any projectile would fall;
    - b. The property from which the shotgun is discharged is no less than two acres in size; and
    - c. The size of shot that can be used is restricted to number six and above.
    - d. Hunting shall be allowed on private property with a shotgun with the express written consent of the owner, and pursuant to the terms outlined in subsections (c)(1)a, (c)(1)b and (c)(1)c of this section. Hunting shall not be allowed on public property, except in those areas clearly defined and marked, in any area of the City.
  - (2) For the purpose of defending oneself or for the purpose of defending domestic animals against other animals;
  - (3) Persons discharging shotguns on private shotgun ranges which were in existence and operating on the date of enactment of the ordinance from which this ordinance is derived.
- (d) The prohibition on the discharge of a firearm or air gun does not apply to the discharge of a firearm or air gun at a sport shooting range.

## SECTION 4

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate offense.

## SECTION 5

This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

## SECTION 6

It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

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**SECTION 7**


The City Secretary of the City of Weston is directed to publish the caption, penalty clause, and effective date of this Ordinance in accordance with the provisions of Section 52.011 of the Local Government Code.

**SECTION 8**

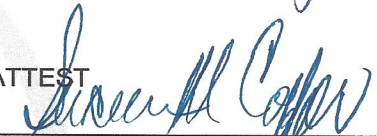
This ordinance shall be in full force and effect from and after its passage by the City Council.

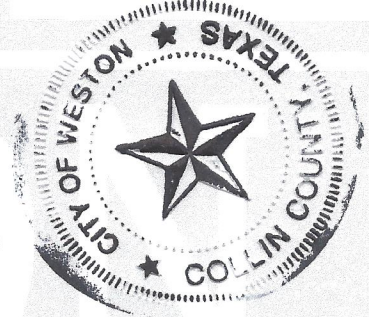
**PASSED AND APPROVED** by Council this the 8<sup>th</sup> day of July 2014.

APPROVED

  
\_\_\_\_\_  
Patti Harrington, Mayor

ATTEST

  
\_\_\_\_\_  
Susan Coffer, City Secretary



**WESTON**  
T E X A S

*Oldest City in Collin County*