

ORDINANCE NO. 2017-2

AN ORDINANCE OF THE CITY OF CENTER ADOPTING REGULATIONS ON THE DISCHARGE OF FIREARMS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR LEGAL EXCEPTIONS; PROVIDING A CRIMINAL PENALTY AND FINES; ADOPTING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has previously adopted ordinances regulating the discharge of firearms within the City limit as authorized by State laws and the Center Home Rule Charter; and,

WHEREAS, the State of Texas desires to institute regulations outside the City under Local Government Code, Chapter 217 and LGC Chapter 229 as a public nuisance; and,

WHEREAS, the City further desires to adopt by reference all statutes related to the discharge of firearms over or across a property line as codified in Parks and Wildlife Code, Section 62; and,

WHEREAS, the City of Center desires to adopt and enforce regulations in accordance with the laws of the State of Texas to provide for the public safety and welfare; and,

WHEREAS, adoption and enforcement of these regulations creates a safer and healthier community by providing for the protection of structures and citizens.

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

Section 1. Article I of Chapter 54 of the City of Center Code of Ordinances is amended by the adjustment and addition of those sections identified in the attached Exhibit "A" to this ordinance. The attached Exhibit "A" is adopted by reference as if included fully and verbatim in the text of this ordinance.

Section 2. The City hereby adopts and ratifies the enforcement of regulations of Section 62, Parks and Wildlife Code restricting and prohibiting the discharge of firearms over or across a property line, inclusive of the defenses to prosecution and classification of an offense as a Class C misdemeanor, which may be prosecuted under this section, Penal Code or both in any court of jurisdiction.

Section 3. Violation of the regulations instituted and ratified by this action shall, upon conviction unless stated otherwise, shall be fined in accordance with the general provisions of Chapter 1 Section 17 of the Center Code of Ordinances with the exception that: Any second offense shall carry a minimum fine of \$200 and any third offense shall be required to pay the maximum fine allowed by state law or that of Section 1-17 of Center Code of Ordinances (currently \$500), whichever is greater.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the

remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after its lawful and required publication.

PASSED and APPROVED on this 23rd day of January, 2017.

David Chadwick, Mayor

ATTEST:

Barbara Boyd, City Secretary