

ORDINANCE NO. 1203-07-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, AMENDING CHAPTER 8 OFFENSES AND ADDITIONAL PROVISIONS, SECTION 8.03.03 (DISCHARGE OF FIREARMS), OF THE CODE OF ORDINANCES BY ADDING A NEW SUBSECTION RELATING TO PROVIDE FOR ISSUANCE OF PERMITS AUTHORIZING TEMPORARY DISCHARGE OF FIREARMS FOR EDUCATIONAL AND CHARITABLE EVENTS IN PUBLIC PARKS AND FACILITIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council has adopted regulations prohibiting the discharge of firearms within the city limits, except for circumstances outlined in Section 8.03.03 of the Hondo City Code: and

WHEREAS, the City has received requests by charitable organizations involving the temporary discharge of firearms in public parks such as historical re-enactments, theatrical performances, and skeet shoot fundraisers; and

WHEREAS, Section 229.01(a)(2) of the Local Government Code prohibits a municipality from regulating the discharge of a firearm at a sport shooting range; and

WHEREAS, the City Council finds that the public would be better served to allow for the discharge of firearms at a sport shooting range and for the temporary discharge of firearms in City parks for charitable and educational events by a city permit.

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

SECTION 1. Chapter 8 (Offenses and Additional Provisions), Section 8.03.03 (Discharge of Firearms) is amended to read as follows:

(a) **Definition.** The term “firearm” as used in this section shall consist of any instrument used in the propulsion of shot, shell, or bullets, either by the action of gunpowder exploded within it or by some other means.

(b) **Prohibition; exceptions.** The use and discharge of any firearms within the corporate limits of the city is hereby prohibited, except in the following limited circumstances:

(1) When such use and discharge of firearms is by the chief of police, any duly authorized peace officers of this state or the animal control officer acting in their respective official capacities.

(2) The use and discharge of .22 caliber rifles only, by members of the Hondo 4-H Rifle Club, provided that such use and discharge shall only be conducted at a rifle range that has been constructed in accordance with National Rifle Association standards at a location that has been first approved by the city manager, and further that an adult supervisor shall be present at all times during such use and discharge of said .22 caliber rifles, and further provided that there are no more than four (4) shooters present at the range at one time.

(3) When such use and discharge of firearms is by any person acting in lawful defense of life or property.

(4) When such use and discharge of firearms is at a sport shooting range, as defined in Local Government Code Sec. 250.001.

(c) Temporary Permit.

(1) The City Manager, subject to provisions of this section, may issue a temporary permit authorizing the discharge of firearms for a period not to exceed 48 hours at a city park for charitable and educational events such as historical re-enactments, theatrical performances, and skeet fundraising events.

(2) To ensure public safety and welfare and to comply with this Ordinance, the temporary permit may impose conditions of operation, location, other arrangements reasonably necessary to ensure public safety and welfare and to protect adjacent property from noise; shot, pellets or other debris; vibration; dust; dirt; smoke; fumes; gas; odor; explosion; glare; or other undesirable or hazardous conditions. The permit will also require the permittee to provide proof of insurance with sufficient liability coverage to reasonably protect the city from claims arising from permittee's discharge of firearms.

(3) Any natural person, firm or corporation, may request that the City Manager issue a permit for the temporary discharge of firearms. Applicants will be required to consent to a criminal background check. City may require applicant to submit proof or other documentation reasonably necessary to demonstrate that the proposed permit will be used for purposes of an educational and/or charitable event. City Manager shall deny applications submitted by applicants previously convicted of a felony, violent crimes, and moral turpitude. An applicant denied a permit may within 30 days of the City Manager's denial submit an appeal to the City Council whose decision will be deemed final.

SECTION 2. The remainder of Chapter 8 (Offenses and Additional Provisions), shall remain unchanged.

SECTION 3. Severability: If any portion of this Ordinance shall, for any reason, be declared invalid, the invalidity shall not affect the remaining provisions thereof.

PASSED, ADOPTED, AND EFFECTIVE this 8th day of July, 2019.


APPROVED:



Mayor James W. Danner
City of Hondo, Texas



ATTEST:



Miguel Cantu, City Secretary