



FIREARMS IN THE CITY LIMITS

DS-22-063

May 17, 2022

Councilmember Request

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A councilmember requested:

Review of 16-46 and, if it is deemed appropriate, amend the exceptions regarding discharge of firearms inside City limits. The comments on the form were directed at regulations in the ETJ and annexed areas.

Chapter 16, Article I, Division 2 - Weapons

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□ 16-41 Definitions

- ▣ Firearm – any pistol, handgun, rifle or shotgun that fires a projectile through the combustion of gunpowder or propellant.

□ 16-43 Discharge of Firearms

- ▣ Except as otherwise regulated by state law and this division, it shall be unlawful to discharge, other than within an indoor firing range or shooting gallery, within the city limits a firearm of any description without first obtaining a permit from the City Manager.

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□ 16-47 – Where Permits Prohibited

- ▣ Permits shall only be issued for locations that are zoned A agricultural and or AR-1 agricultural single family residential. No permits shall be issued for areas that do not meet the area or distance requirements of this division.

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- 16-45 – Discharge of firearm near structures, buildings, roadways.
 1. It shall be unlawful for any holder of a permit issued under this division to discharge any firearm within one hundred (100) yards of any occupied residence not owned or controlled by the property owner or his agent.

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□ 16-45 (Continued)

2. It shall be unlawful for any holder of a permit issued under this division to discharge a firearm on property less than twenty-five (25) acres in size. It is permissible for more than one property owner to join with another property owner in permitting contiguous properties to meet the minimum acreage requirements of this section.

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□ 16-45 (Continued)

3. It shall be unlawful for any holder of a permit issued under this division to discharge a firearm in a manner not reasonably likely to contain the fired projectile to the permitted property.

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□ 16-46 – Exceptions

- a. Peace officer in the scope of duties
- b. Agent/employee of federal agency in the scope of duties
- c. A person acting in self defense
- d. No projectile release – special event/ceremony
- e. Toy bows/rubber tipped arrows
- f. Defense of livestock or crops

Chapter 16, Article I, Division 2 - Weapons

Exceptions (continued)

- g. A discharge in the city's ETJ or in an area annexed by the city after September 1, 1981, of the weapon discharged is:
 - 1) A shotgun, air rifle or pistol, BB gun, or bow and arrow discharged:
 - a) On a tract of land of ten (10) acres or more and more than one hundred fifty (150) feet from a residence or occupied building located on another property; and
 - b) Discharged in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
 - 2) A center fire or rim fire rifle or pistol of any caliber discharged:
 - a) On a tract of land of fifty (50) acres or more and more than three hundred (300) feet from a residence or occupied building on another property; and
 - b) In a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

State Law

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□ Texas Local Government Code §229.002

A municipality may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

- (1) a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged:
 - (A) on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; and
 - (B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
- (2) a center fire or rim fire rifle or pistol of any caliber discharged:
 - (A) on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property; and
 - (B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

Example – Near Bunny Trail / 60.3 Acres

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