

AN ORDINANCE OF THE CITY OF DANBURY, TEXAS, MAKING IT UNLAWFUL TO DISCHARGE ANY FIREARM OR AIR GUN WITHIN THE CITY LIMITS; CONTAINING DEFINITIONS AND EXEMPTIONS; PROVIDING FOR A PENALTY; PROVIDING FOR A GUN SAFETY COURSE IN LIEU OF A FINE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS:

SECTION 1. DEFINITIONS. FOR THE PURPOSE OF THIS ORDINANCE THE FOLLOWING DEFINITIONS SHALL APPLY:

- (A). FIREARM SHALL MEAN ANY DEVICE DESIGNED FOR OR CAPABLE OF PROPELLING A PROJECTILE THROUGH A BARREL BY USING THE ENERGY GENERATED BY AN EXPLOSION OR BURNING SUBSTANCE OR ANY DEVICE READILY CONVERTIBLE TO THAT USE, WITH SUFFICIENT FORCE TO CAUSE HARM TO PERSONS OR PROPERTY.
- (B). AIR GUN SHALL MEAN ANY DEVICE DESIGNED, MADE, OR ADAPTED TO EXPEL A PROJECTILE, THROUGH A BARREL BY MEANS OF COMPRESSED AIR, COMPRESSED GAS, SPRINGS OR ANY OTHER MEANS, WITH SUFFICIENT FORCE TO CAUSE HARM TO PERSONS OR PROPERTY.

SECTION 2. DISCHARGE OF FIREARMS OR AIR GUNS.

- (A). IT SHALL BE UNLAWFUL FOR ANY PERSON TO DISCHARGE ANY FIREARM OR AIR GUN AS DESCRIBED IN SECTION 1 (A) (B) ABOVE FROM OR ACROSS ANY PUBLIC STREET, ROAD, HIGHWAY, OR ACROSS ANY OTHER PERSONS PROPERTY, WITHIN THE CITY LIMITS.

SECTION 3. EXCEPTIONS.

- (A). THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT ANY CITY POLICEMAN OR ANY PEACE OFFICER, AS DEFINED IN ARTICLE 2.12, TEXAS CODE OF CRIMINAL PROCEDURE (1965), FROM DISCHARGING A FIREARM OR AIR GUN INSIDE THE CITY LIMITS, AND SUCH PERSON IS ACTUALLY ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES; NOR SHALL THIS SECTION APPLY TO ANY PERSON WHO IS ACTUALLY ENGAGED IN THE DEFENSE OF HIS OR HER PERSON OR PROPERTY OR THE PERSON OR PROPERTY OF A THIRD PERSON.
- (B). IT IS AN EXCEPTION TO THIS SECTION OF THIS ORDINANCE IF THE AIR GUN IN QUESTION IS NOT CAPABLE OF DISCHARGING A PROJECTILE AT A VELOCITY OF THREE HUNDRED (300) FEET PER SECOND OR MORE.
- (C). IT IS AN EXCEPTION TO THIS SECTION OF THIS ORDINANCE IF THE PERSON DISCHARGING THE AIR GUN IS ENGAGED IN TARGET SHOOTING AND IS UNDER PROPER ADULT SUPERVISION.

ORDINANCE NUMBER 91-2

SECTION 4. PENALTY.

- (A). ANY PERSON WHO SHALL VIOLATE ANY PROVISION OF THIS ORDINANCE WITHIN THE CORPORATE LIMITS OF THE CITY OF DANBURY, TEXAS, SHALL BE GUILTY OF A MISDEMEANOR, AND UPON CONVICTION THEREOF SHALL BE FINED IN AN AMOUNT NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00).
- (B). EACH VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE. PROSECUTION OR CONVICTION UNDER THIS PROVISION SHALL NOT BE A BAR TO ANY OTHER REMEDY OR RELIEF FOR VIOLATIONS OF THIS ORDINANCE.
- (C). THE CITY JUDGE, IN LIEU OF A FINE, MAY REQUIRE ANY PERSON FOUND GUILTY OF ANY VIOLATION OF THIS ORDINANCE, TO ATTEND AN APPROVED GUN SAFETY COURSE.

SECTION 5. SEVERABILITY.

IN THE EVENT ANY SECTION, PARAGRAPH, SUBDIVISION, CLAUSE, PHRASE, PROVISION, SENTENCE, OR PART OF THIS ORDINANCE OR THE APPLICATION OF THE SAME TO ANY PERSON OR CIRCUMSTANCE SHALL FOR ANY REASON BE ADJUDGED INVALID OR HELD UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, IT SHALL NOT AFFECT, IMPAIR, OR INVALIDATE THIS ORDINANCE AS A WHOLE OR ANY PART OR PROVISION HEREOF OTHER THAN THE PART DECLARED TO BE INVALID OR UNCONSTITUTIONAL; AND THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS, DECLARES THAT IT WOULD HAVE PASSED EACH AND EVERY PART OF THE SAME NOTWITHSTANDING THE OMISSION OF ANY SUCH PART THUS DECLARED TO BE INVALID OR UNCONSTITUTIONAL OR WHETHER THERE BE ONE OR MORE PARTS.

SECTION 6. REPEALER.

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith ARE, TO THE EXTENT OF SUCH, INCONSISTENCY OR CONFLICT, HEREBY REPEALED.

*Passed and adopted
August 22, 1991*

*Samuel Walters Jr.
Mayor*

*Debra Warner
City Secretary*