

ORDINANCE NO. 91-4-3

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, MAKING IT UNLAWFUL, EXCEPT WHERE A SPECIAL PERMIT IS OBTAINED FOR ANY PERSON TO FIRE OR SHOOT OR CAUSE TO BE FIRED OR SHOT, ANY FIREARM, RIFLE, SHOTGUN, AUTOMATIC RIFLE, REVOLVER, PISTOL OR ANY WEAPON DESIGNATED FOR THE PURPOSE OF FIRING OR DISCHARGING A SHELL OR CARTRIDGE, WHETHER SUCH IS BLANK OR LIVE AMMUNITION, WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING AN EXCEPTION FOR PEACE OFFICERS WHILE IN THE PERFORMANCE OF THEIR OFFICIAL DUTY; PROVIDING FOR THE ISSUANCE OF SPECIAL PERMITS; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR A DEFENSE AGAINST PROSECUTION CLAUSE AND DECLARING AN EMERGENCY.
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:

SECTION 1. DISCHARGING FIREARMS UNLAWFUL.

It shall be unlawful for any person to fire or shoot or cause to be fired or shot any firearm, rifle, shotgun, automatic rifle, revolver, pistol or any other weapon designated for the purpose of firing or discharging a shell or cartridge, whether such shell or cartridge is blank or live ammunition, within the corporate limits of the City and Extraterritorial Jurisdiction.

SECTION 2. EXEMPTING POLICE OFFICERS.

Provided, however, that this Ordinance shall not apply to Police Officers while in the performance of their official duties.

SECTION 3. SPECIAL PERMIT.

Provided, however, this Ordinance shall not apply where a special permit has been obtained from the City Council. To secure such special permit, application must be made to the City Clerk in writing, describing in detail the request of the applicant. Upon receipt of such request, the City Clerk shall deliver a copy of said application to the Chief of Police who shall investigate said application and deliver same along with his recommendation to the City Council at its next regular meeting. If the Application is approved by the City Council, the City Clerk shall forthwith send to the applicant a letter setting forth the requirements or restrictions imposed by the Council. Should said Applicant be disapproved, the City Clerk shall also notify the Applicant of the Council's action by letter, provided, however, that in the case of disapproval of said application, written notice shall not be necessary if the Applicant was present at the Council meeting and received actual notice of said rejection.

SECTION 4. REPEALING CLAUSE:

All ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed. However, the repeal of existing ordinances by this ordinance shall not effect or prevent the prosecution or the punishment of any person for any act done or

SECTION 5. SEVERABILITY CLAUSE:

If any article, paragraph or subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 6. PENALTY CLAUSE:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not to exceed the sum of two hundred (\$200.00) dollars for each offense and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 7 DEFENSE AGAINST PROSECUTION CLAUSE:

It shall be an affirmative defense against prosecution of a property owner discharging a firearm on his or her property in defense of his or her protection or well being against a sick or vicious animal.

SECTION 8. EMERGENCY CLAUSE:

The fact that the present City regulations are inadequate to properly protect the public health, safety and welfare, creates an urgency and an emergency and requires that this Ordinance shall take effect immediately from and after the publication of its caption as the law in such cases provides.

DULY PASSED by the City Council of the City of Lavon, Texas, this 04 day of April, 1991.

John K Smith
MAYOR

ATTEST:

Christie Harmon
CITY SECRETARY

