

**TOWN OF BARTONVILLE
ORDINANCE NO. 775-24**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8, OFFENSES AND NUISANCES, ARTICLE 8.02, WEAPONS, SECTION 8.02.001, DISCHARGE OF FIREARMS, TO ADD MOUNTED SHOOTING TO THE LIST OF EXCEPTIONS, AND TO AMEND THE ORDINANCE IN ACCORDANCE WITH STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas (the "Town"), is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code ("LGC") and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town, as a general law municipality, is empowered under LGC § 51.001 to adopt an ordinance or rule that is for the good government of the Town and is in accordance with state law; and

WHEREAS, LGC § 217.003 authorizes the governing body of a municipality in Texas to restrain or prohibit the firing of guns in the municipality; and

WHEREAS, the Town has received a request to modify the Town Code by adding mounted shooting to the list of exceptions applicable to firearms; and

WHEREAS, LGC § 229.003, Regulation of Discharge of Weapon by Certain Municipalities, applies to certain Texas municipalities concerning the regulation of discharges of weapons in Texas municipalities, and because of population changes and recent amendments by the Texas Legislature in H.B. 4559, enacted in 2023, applies to the Town; and

WHEREAS, the Town Council of the Town of Bartonville, Texas, has determined that amendment of Town Code provisions are desirable regarding amending the exceptions listed in the Town Code, and are necessary in order to be consistent with state law regarding the discharge of firearms in the Town, and to provide for the health, safety and welfare of the citizens of the Town and of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
ADOPTION OF PREMISES**

All of the above premises are found to be true and correct legislative determinations and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.
AMENDMENT TO TOWN CODE CHAPTER 8, ARTICLE 8.02, SECTION 8.02.001**

From and after the effective date of this Ordinance, Town Code Chapter 8, Article 8.02, Section 8.02.001, entitled "Discharge of firearms," is hereby amended by deleting former Section 8.02.001 in its entirety and replacing it with a new Section 8.02.001, which shall read as follows:

"Sec. 8.02.001 Discharge of firearms.

(a) Prohibited. It shall be unlawful for any person to discharge or cause to be discharged any firearm, as defined by section 46.01(3) of the Texas Penal Code, as amended, including blank shells or cartridges, within the corporate limits of the town.

(b) Exceptions. This section shall not apply to:

(1) A licensed peace officer when acting in the performance of his or her official duties;

(2) Upon prior notification to the town marshal, the use of blank cartridges is permitted for theatrical productions, as a signal for ceremonial or athletic purposes, for mounted shooting competition training or exhibition, or by military organizations of the United States of America or the state;

(3) Those circumstances where the use of deadly force is justified under applicable law, including but not limited to, sections 9.31 through 9.43 of the Texas Penal Code, as amended, and for the protection of life and property against animal predators, wild animals, or marauding animals; and

(4) The extraterritorial jurisdiction of the town or in an area annexed by the town after September 1, 1981, if the firearm or other weapon is:

(A) A shotgun, air rifle or pistol, or BB gun, or bow and arrow discharged:

(i) on a tract of land of 10 acres or more and:

(a) more than 1,000 feet from:

i. the property line of a public tract of land, generally accessible by the public, that is routinely used for organized sporting or recreational activities or that has permanent recreational facilities or equipment; and

ii. the property line of a school, hospital, or commercial day-care facility;

(b) more than 600 feet from:

i. the property line of a residential subdivision; and

ii. the property line of a multifamily residential complex; and

(c) more than 150 feet from a residence or occupied building located on another property; and

(ii) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or

(B) A center fire or rim fire rifle or pistol of any caliber discharged:

(i) on a tract of land of 50 acres or more and:

(a) more than 1,000 feet from:

i. the property line of a public tract of land, generally accessible by the public, that is routinely used for organized sporting or recreational activities or that has permanent recreational facilities or equipment; and

ii. the property line of a school, hospital, or commercial day-care facility;

(b) more than 600 feet from:

i. the property line of a residential subdivision; and

ii. the property line of a multifamily residential complex; and

(c) more than 300 feet from a residence or occupied building located on another property; and

(ii) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or

(C) Discharged at a sport shooting range, as defined by Section 250.001 of the Texas Local Government Code, in a manner not reasonably expected to cause a projectile to cross the boundary of a tract of land.

(c) Penalty. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in accordance with the general penalty provision found in section 1.01.009 of this code for each offense, and each and every day such offense is continued, and/or each and every time an offense takes place after being informed of the violation by any peace officer, shall constitute a new and separate offense.”

**SECTION 3.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 4.
SAVINGS**

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for that purpose.

**SECTION 5.
ENROSS AND ENROLL**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 6.
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication of its caption, as the law in such cases provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 15th day of October, 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary