



# PLANNING & ZONING COMMISSION COMMUNICATION

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**DATE:** October 2, 2024

**FROM:** Thad Chambers, Town Administrator

**AGENDA ITEM:** Conduct a Public Hearing to hear public comment, discuss, and make a recommendation regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 8, Section 8.02.001.(b). (Exceptions), to add a new subpart 5 that would permit the discharge of blank cartridges from firearms on Agricultural zoned property with prior notice to the Town Marshal. The applicants are Stacey and Ronnie Smith. [Town of Bartonville File Number ZC-2024-003.]

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## **SUMMARY:**

The applicant has requested a text amendment to the Bartonville Code of Ordinances (BCO), Chapter 8, Section 8.02.001.(b). (Exceptions), to add a new subpart 5 that would permit the discharge of blank cartridges from firearms on Agricultural zoned property with prior notice to the Town Marshal. As this exception is not currently found within the BCO, the process described in BCO Section 1.01.007 shall be followed.

The requested BCO text amendment language is proposed to read as follows:

### **Section 8.02.001 Discharge of Firearms**

...

**(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, 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 is:
  - A. A shotgun, air rifle or pistol, or BB gun discharged:
    - (i) 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
    - (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 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.

(5) Upon prior notification to the town marshal, the use of blank cartridges is permitted when used for training or exhibition on Agricultural zoned properties in a manner not reasonably expected to cause a projectile to cross the boundary of the property.

**STAFF RECOMMENDATION:**

**PUBLIC COMMENT:**

None.

**RECOMMENDED CONDITIONS OF APPROVAL:**

None.

**ATTACHMENTS:**

- Bartonville Code of Ordinances Text Amendment Application Packet
- Published Legal Notice