

ORDINANCE No. 112122

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POTH, TEXAS,
REPEALING AND REPLACING AN ORDINANCE PROHIBITING THE
DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS OF THE CITY OF
POTH; ESTABLISHING AN EFFECTIVE DATE; ESTABLISHING A
PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS**

WHEREAS, the City Council has previously adopted regulations prohibiting the discharge of firearms within the city limits as described in City Ordinance GUNORD.1, as passed and approved dated January 20, 1992; and,

WHEREAS, the City has received requests by educational organizations involving the discharge of firearms on private property for skeet shooting and similar events; and,

WHEREAS, Section 229.01(a)(2) of the Local Government Code prohibits a municipality from regulating the discharge of firearms at a sport shooting range; and

WHEREAS, the City Council finds that it is in the best interest of the public to repeal and replace the previous ordinance to account for changes in statutory authority and to allow for an educational organization to continue in their sport shooting activities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTH, TEXAS THAT:

PART ONE. That City Ordinance GUNORD 1 is hereby repealed and replaced by this ordinance.

PART TWO. Discharge of firearms within the limits of the city of Poth shall be regulated as follows:

- (a) Definition. The term “firearm” as used in this section shall consist of any instrument used in the propulsion of shot, shell, bullets, either by the action of gunpowder exploded within it or by some other means.
- (b) Prohibition; exception. The use and discharge of any firearms within the corporate limits of the city is hereby prohibited, except in the following limited circumstances:
 - (1) When such use and discharge of firearms is by the Chief of Police, and duly authorized peace officers of this state or the animal control officer acting in their respective official capacities.
 - (2) When such use and discharge of firearms is by members of the Future Farmers of America (FFA) skeet shooting club, in accordance with National Rifle Association standards, under the direction and supervision of a designated adult.
 - (3) When such use and discharge of firearms is at a sport shooting range, as defined in Local Government Code sec.250.001.

PART THREE. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

PART FOUR. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

PART FIVE. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

PART SIX. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.


PART SEVEN. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PART EIGHT. Any person violating this Ordinance shall be subject to a fine of not less than \$100.00 nor more than \$500.00.

PART NINE. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED, APPROVED and ADOPTED ON, the 21st day of November, 2022.

APPROVED:



Mayor Chrystal Eckel
City of Poth, Texas



Rose Huizar, City Secretary