

ORDINANCE NO. 109

AN ORDINANCE OF THE TOWN OF ST. PAUL, COLLIN COUNTY, TEXAS, MAKING IT UNLAWFUL FOR ANY PERSON TO DISCHARGE OR CAUSE THE DISCHARGE OF ANY FIREARM AS DEFINED BY SECTION 46.01 OF THE TEXAS PENAL CODE, WITHIN THE CORPORATE LIMITS OF THE TOWN; PROVIDING CERTAIN LIMITED EXCEPTIONS CONCERNING PEACE OFFICERS, BLANK CARTRIDGES USED FOR SPECIAL PURPOSES, SPECIAL SITUATIONS IN WHICH IT IS NECESSARY TO PROTECT LIFE OR PROPERTY; PROVIDING FURTHER FOR CONFLICTS, SEVERABILITY, PENALTIES FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, DECLARING AN EMERGENCY, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. PAUL, COLLIN COUNTY, TEXAS:

SECTION 1. DISCHARGING FIREARMS UNLAWFUL.

It shall be unlawful for any person to discharge or cause to be discharged any firearm, as defined by §46.01 (3) of the Texas Penal Code, including blank shells or cartridges, within the Corporate Limits of the Town of St. Paul, Texas.

SECTION 2. EXCEPTIONS.

This Ordinance shall not apply to:

A. A licensed peace officer when acting in the performance of his or her official duties.

B. Upon prior notification to the Town of St. Paul, 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 of Texas.

C. Those circumstances where the use is justified under Sections 9.31 through 9.43 of the Texas Penal Code, and for protection of property or persons against predators, wild animals, stray and marauding animals.

D. A shotgun may be used for hunting or other legal purposes in areas located more than five hundred feet (500') from any developed property.

SECTION 3. SEVERABILITY.

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

SECTION 4. PENALTY.

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 an amount not to exceed Two Thousand Dollars (\$2,000.00) 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 Texas Peace Officer shall constitute a new and separate offense.

SECTION 5. EMERGENCY.

The fact that the present Town 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.

SECTION 6. PUBLICATION.

In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published in every issue of the official newspaper of the Town for a period of ten (10) days but not more than twice during the said ten (10) day period.

SECTION 7. EFFECTIVE DATE.

This Ordinance will be effective on the 9th day of June, 1997.

ADOPTED by the Town Council of the Town of St Paul, Collin County, Texas, this the 9th day of June, 1997.

APPROVED:

by: _____
Joyce Pockrus, Mayor

ATTEST:

APPROVED AS TO FORM:

Marie Finley, Town Secretary

John E. Rapier, Town Attorney