ORDINANCE NUMBER 1047

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE AND SAFETY BY AMENDING § 131.15 DISCHARGE OF WEAPONS; TO RESTRICT THE DISCHARGE OF FIREARMS IN THE CITY LIMITS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature has limited the authority for Texas municipalities to regulate the discharge of firearms within the city limits of municipality; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of the citizens of the City of Burkburnett to conform firearm discharge to the authorization allowed by the Texas legislature; NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AS FOLLOWS:

Part I: Enacted

THAT the City of Burkburnett Code of Ordinances is hereby amended by amending Chapter 131: Offenses Against Public Peace and Safety § 131.15 Discharge of Weapons, which shall read as follows:

§ 131.15 DISCHARGE OF FIREARMS.

(A) Discharge Prohibited

No person shall discharge a firearm or other weapon within the City limits of the City of Burkburnett except as provided in this Section.

(B) Definition

"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by Chapter 46 of the Texas Penal Code and that is:

1. an antique or curio firearm manufactured before 1899; or

2. a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition.
(C) Exception

It shall be an exception to the discharge prohibition in (A) for an individual to discharge the following in the extraterritorial jurisdiction of the City and in an area annexed by the City after September 1, 1981:

1. a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged:
   (a) 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
   (b) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or

2. a center fire or rim fire rifle or pistol of any caliber discharged:
   (a) 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
   (b) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

Part II: Repealer

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

Part III: Severability

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall 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, and the remainder of this Ordinance shall be enforced as written.

Part IV: Compliance with Texas Open Meetings Act

It is hereby officially found and determined that the meeting at which this Ordinance passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Part V: Effective Date

This Ordinance shall take effect immediately upon its passage.
PASSED AND APPROVED THIS 16th DAY OF OCTOBER 2023.

___________________________________________
Lori Kemp, Mayor

ATTEST:

___________________________________________
Margie Poole, City Clerk