

ORDINANCE NO. 2021-O-077

**AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, AMENDING CITY CODE OF ORDINANCES BY REPEALING CHAPTER 14, SECTION 14-4 IN ITS ENTIRETY AND ADOPTING IN ITS PLACE A NEW SECTION ENTITLED “DISCHARGE OF FIREARMS AND OTHER GUNS WITHIN THE CITY LIMITS”, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on the 15<sup>th</sup> day of March 2021, the City Council of the City of Athens, Texas after due notice did meet to discuss current city regulations regarding the discharge of firearms and to receive input from the public regarding the same matter.

**WHEREAS**, the City Council finds it necessary to amend the ordinance regulating the discharge of firearms within the city limits to further enhance and protect the health, safety, and welfare of the citizens of the City of Athens.

**WHEREAS**, on the 14<sup>th</sup> day of June 2021, the City Council of the City of Athens, Texas after due notice as required by law, held the first reading of the ordinance as required by Article III, Section 3.11 of the City of Athens Charter.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TEXAS**

Section 1. The City Council hereby authorizes the repeal of Chapter 14, Section 14-4 entitled “Firearms and other guns; discharging across public thoroughfares” in its entirety and the adoption in its place of the following:

*CHAPTER 14, SECTION 14-4 – DISCHARGE OF FIREARMS AND OTHER GUNS WITHIN CITY LIMITS*

- a) It shall be unlawful for any person to discharge any gun, pistol or firearm of any kind, including air rifles or pistols, or compressed air or gas operated pellet or dart guns or pistols, in, on, along or across any public street, alley, park, schoolground or any public lands within the city.*
- b) It shall be unlawful for any person to discharge any gun, pistol or firearm of any kind, including air rifles or pistols, or compressed air or gas operated pellet or dart guns or pistols for the purposes of sport shooting, target shooting, and/or repetitive shooting on any private property or any public lands within the city.*
- c) Exceptions.*
  - 1) The discharge of a firearm by a licensed peace officer in the course and scope of his/her official duties;*
  - 2) The discharge of a firearm by a person exercising any right expressly or impliedly granted by the laws of this state or the laws of the United States, the exercise of which expressly or impliedly includes the discharging of firearms; or*

- 3) *The discharge of a firearm within an approved shooting range, so long as no projectile from firearm crosses onto another property when discharged.*
- d) *Penalty. This section is hereby declared to be a health and safety ordinance for the safety of the inhabitants of the City and any person violating this section shall be deemed guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) and not more than two thousand dollars (\$2,000.00); and each violation hereof shall constitute a separate offense.*

Section 2. Should any clause, phrase, sentence section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

Section 3. Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

**PASSED, APPROVED and ADOPTED** this the **28<sup>th</sup>** day of **June 2021** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, Councilmember	Nay
Voted in favor of the motion	3
Voted against the motion	1
Motion carried	3-1

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Toni Clay, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary