



ORDINANCE 2007-12
REPLACES 2004-04

AN ORDINANCE THAT PROHIBIT'S THE DISCHARGE OF ANY TYPE OF FIREARM WITHIN THE CITY LIMITS OF THE CITY OF TOM BEAN, TEXAS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS AS FOLLOWS:

Section 1: TITLE:

Short title for this Ordinance shall be called the **FIREARMS ORDINANCE.**

Section 2: DISCHARGE OF FIREARMS:

A. This Ordinance prohibits the discharging of a firearm within the corporate limits of the City of Tom Bean, Texas.

B. Firearm shall be defined as any pistol, revolver, handgun, rifle, shotgun, semi-automatic gun, weapon, or automatic gun and shall have the same meaning as ascribed to them in the Tex. Penal Code, Tex. Code of Criminal Procedure or any municipal Ordinance as may be provided.

C. Wild animals shall be described as any species or animal which commonly exists in a natural, unconfined state and is usually not domesticated.

D. No parent, guardian, or custodian of a ward or child in their care shall permit a child or ward to violate the provisions of this section within the limits of the City of Tom Bean, Texas.

Section 3: EXCEPTIONS:

- A.** Any officer of the law or citizen acting at the direction or instruction an officer, in discharging a firearm in the lawful performance of duty.
- B.** Any citizen from discharging a firearm when lawfully defending any person or property.
- C.** The discharge of “blanks” during an official celebration, athletic event or similar activity, if such is sanctioned by officials of a school, or events permitted by the City.
- D.** The use by workers in the construction of buildings of any mechanism designed to propel nails, bolts, screws, rivets, or fasteners, as long as such mechanism is being used in the manner in which it was intended.
- E.** The discharge of a firearm by a gunsmith in carrying out the repair and maintenance of firearms, when the projectile is contained in a bullet trap manufactured, designed and certified by the manufacturer to be sufficient for the caliber and power of the firearm being tested and when the noise of the weapon’s discharge is sufficiently contained to prevent alarm or offense to the ordinary sensibilities of other inhabitants of the City.
- F.** Any citizen from discharging a firearm when protecting themselves, family member, any person or a domesticated pet from a wild animal, dangerous or rabid animal or poisonous reptile.

Section 4: PENALTY:

Any person found in violation of any part of this Ordinance shall be deemed guilty of a Class C misdemeanor and upon conviction shall be fined not less than TWO HUNDRED DOLLARS (\$200.00) FOR EACH OCCURRENCE.

Section 5: REPLACEMENT ORDINANCE:

This Ordinance repeals and replaces any and all parts of Ordinance 2004-04 dated May 11, 2004 in its entirety and any other Ordinances that may be in conflict in whole or part with any provisions of this Ordinance.

APPROVED AND PASSED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS THIS 19TH DAY OF NOVEMBER, 2007.

Mayor

Attest:

City Secretary