

ORDINANCE NO. 2012-020

AN ORDINANCE AMENDING TITLE XIII (GENERAL OFFENSES), CHAPTER 130 (GENERAL OFFENSES) OF THE CITY OF WIMBERLEY'S CODE OF ORDINANCES TO AMEND SECTION 130.03 (DISCHARGE OF FIREARMS PROHIBITED; EXCEPTIONS) TO REVISE PARAGRAPH (C) (4) TO EXPAND THE EXCEPTION TO INCLUDE DESTRUCTION OF ANIMALS POSING A SAFETY RISK TO INDIVIDUALS OR TO PROPERTY; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council may, within certain limitations, regulate the discharge of firearms within the city limits; and

WHEREAS, currently the City of Wimberley ("City") prohibits the discharge of firearms, explosive weapons, or zip guns of any kind within the city limits except within a properly secured indoor firearms range, constructed and maintained in accord with National Rifle Association specifications and standards or upon a range owned and operated by a governmental entity; and

WHEREAS, the current city ordinance prohibiting the discharge of firearms, explosive weapons, or zip guns contains certain exceptions; and

WHEREAS, the City Council has determined that, in the interest of promoting the public's health, safety, and welfare, expansion of the exception which allows the destruction of predatory animals on one's own property or with the written permission of the owner of the property is required in order to allow the destruction of other animals posing a risk to persons or property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS

Section 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendment.

That Title XIII (General Offenses), chapter 130 (General Offenses), section 130.03 (Discharge of Firearms Prohibited; Exceptions), paragraph (C) (4) of the Wimberley Code of Ordinances is hereby amended to read as follows:

"Section 130.03 Discharge of Firearms Prohibited; Exceptions

(C) This section shall not apply to:

(4) Destroying predatory animals on one's own property or with the written permission of the owner of the property or destroying any other animal on one's own property if the animal poses a risk to the safety of an individual, domestic animal or is causing property damage so long as any shot discharged does not cross property lines and is discharged in conformance with all applicable federal, state, and local laws pertaining to the discharge of firearms; and/or

Section 3. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

PASSED AND APPROVED this 3rd day of May, 2012, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Bob Flocke

Bob Flocke, Mayor

ATTEST:

Cara McPartland

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer

Catherine B. Fryer, City Attorney

