

ORDINANCE NO. 2013-028

**AN ORDINANCE AMENDING TITLE XIII (GENERAL OFFENSES), CHAPTER 130 (GENERAL OFFENSES) OF THE CITY OF WIMBERLEY'S CODE OF ORDINANCES TO REGULATE THE USE OF A BOW AND ARROW WITHIN THE CITY LIMITS; 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 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 City Code is silent as to the discharge of a bow and arrow within the city limits; and

**WHEREAS**, City Council finds that it is in the best interest of the public safety, health, and welfare to prohibit or otherwise regulate the discharge of a bow and arrow;

**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), is hereby amended as follows:

**“§ 130.03 DISCHARGE OF FIREARMS PROHIBITED; EXCEPTIONS.**

(A) It shall be unlawful for any person to discharge, fire or shoot any firearm, explosive weapon or zip gun 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.

(B) It shall be unlawful for any person to discharge, fire or shoot any air gun in a public place. It shall be unlawful for any person to discharge, fire or shoot any air gun in or across any public right-of-way or across any property line.

(C) It shall be unlawful for any person to discharge, fire, or shoot a bow and arrow within the city limits.

(~~C~~ D) This section shall not apply to:

(1) Licensed peace officers, as that term is defined by Texas Code of Criminal Procedure, Article 2.12(3), provided that such discharges are made in the course and scope of the peace officers' official duties;

(2) The use of blank cartridges for a theatrical production, military ceremony, or sporting event that is either sponsored by an educational institution or issued a permit by the City;

(3) Self defense of a third person, as provided by Texas Penal Code §§ 9.31, 9.32, and 9.33;

(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 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;

(5) Discharge of a bow and arrow:

(a) on a tract of land of four (4) 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 an arrow to cross the boundary of the tract; and/or

(~~5~~ 6) Target ranges."

**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 ON FIRST READING** this 21<sup>st</sup> day of November, 2013, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

**PASSED AND APPROVED ON SECOND AND FINAL READING** this 5<sup>th</sup> day of December, 2013, 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