

**ORDINANCE NO. 431-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, ORDERING THE AMENDMENT OF THE CITY OF VENUS CODE OF ORDINANCES, CHAPTER 16 OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I. IN GENERAL, SECTION 16-1 WEAPONS AND FIREARMS, PROVISION (C)(3) TO ADD STATUTORY AUTHORIZATION AND LIMITATION LANGUAGE, CONFIRMING TEXAS OPEN MEETINGS ACT COMPLIANCE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE, PROVIDING A PUBLICATION CLAUSE, PROVIDING AN EFFECTIVE DATE, AND PROVIDING A CERTIFICATION OF ADOPTION.**

**WHEREAS**, the City of Venus, Texas (“City”), is a Type A general law city operating pursuant to the laws of the State of Texas, by and through its duly elected council members;

**WHEREAS**, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law, that are necessary to protect the welfare and safety of its inhabitants (TEXAS LOCAL GOVERNMENT CODE § 51.012);

**WHEREAS**, the City Council (“Council”) of the City serves as the elected governing body; directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants;

**WHEREAS**, the Council voted and approved Ordinance 414-2015 on Monday, November 9, 2015 amending Chapter 16 of the CITY OF VENUS CODE OF ORDINANCES to include weapons discharge prohibitions;

**WHEREAS**, the City is authorized to regulate the discharge of firearms within the limits of the municipality (TEXAS LOCAL GOVERNMENT CODE § 229.001);

**WHEREAS**, the Texas Legislature has provided limitations and more specific authorization provisions for Type A general law cities in regards to firearm discharge in TEXAS LOCAL GOVERNMENT CODE § 229.002 and TEXAS LOCAL GOVERNMENT CODE § 43.002, which were not included in Ordinance 414-2015;

**WHEREAS**, after staff and Council research and review, the additional authorization and limitation provisions have been deemed essential and should be included in Chapter 16; and

**WHEREAS**, the ordinances of the City are codified together in the CITY OF VENUS CODE OF ORDINANCES, hosted and managed by Municode.com.

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

**SECTION A. CHAPTER 16 AMENDMENT**

Chapter 16 – Offenses and Miscellaneous Provisions, Article I. In General, Section 16-1 Weapons and Firearms, Subsection 16-1(c)(3) of the CITY OF VENUS CODE OF ORDINANCES is hereby amended as follows:

**Sec. 16-1(c)(3)**

(3) the discharge occurred in the extraterritorial jurisdiction (ETJ) of the city or in an area annexed by the city on or after September 1, 1981, if the firearm or other weapon is:

(A) a shotgun, air rifle or pistol or BB gun discharged:

(i.) 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

(ii.) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract

or

(B) a center fire or rim fire rifle or pistol of any caliber discharged:

(i.) 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

(ii.) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

**SECTION B. OPEN MEETINGS COMPLIANCE**

That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 551.

**SECTION C. SEVERABILITY**

Should any section, clause, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection,

sentence, clause and/or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

**SECTION D. REPEALER**

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

**SECTION E. PUBLICATION**

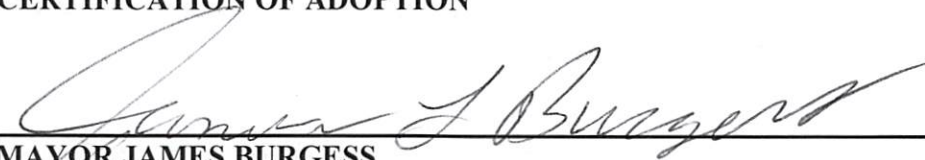
The City Secretary is hereby directed, if required by law, to post or publish in the official newspaper of the City, the caption, publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, in accordance with Section 52.011 of the TEXAS LOCAL GOVERNMENT CODE. The City Secretary is also hereby directed to incorporate the provisions of this Ordinance into the CITY OF VENUS CODE OF ORDINANCES by submitting it to *www.municode.com* for incorporation and online publication.

**SECTION F. EFFECTIVE DATE**

That this Ordinance shall become effective from and after its passage.

**SECTION G. CERTIFICATION OF ADOPTION**

APPROVED:

  
MAYOR JAMES BURGESS

PASSED:

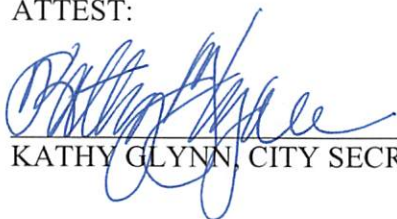
MONDAY, APRIL 11, 2016

ORDINANCE BECOMES EFFECTIVE:

MONDAY, APRIL 11, 2016

I, the undersigned, City Secretary do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Venus City Council at a regular meeting duly convened on Monday, April 11, 2016.

ATTEST:

  
KATHY GLYNN, CITY SECRETARY

APPROVED AS TO FORM:

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CASS CALLAWAY, CITY ATTORNEY