

CITY OF WILLOW PARK

ORDINANCE NO. 644-11

AN ORDINANCE, AMENDING CHAPTER 7, "OFFENSES & NUISANCES", ARTICLE 7.300, "FIREARMS", OF THE MUNICIPAL CODE OF THE CITY OF WILLOW PARK, TEXAS, TO CONFORM ARTICLE 7.300 "FIREARMS" WITH THE INTENT OF ORDINANCE 477-02 AS ADOPTED BY THE GOVERNING BODY OF CITY, JANUARY 15, 2002; PROVIDING PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas ("City") is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare and well being of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, the governing body of the City has previously found that hunting with a bow and arrow within the municipal limits of the City constituted a danger to the health, safety and welfare of the citizens; and

WHEREAS, the governing body of the City did adopt Ordinance 477-02 on January 15, 2002 wherein a new Section 7.302 "Bow and Arrow Hunting" was added to Article 7.300 of the Code and it is apparent that the intent of the governing body was to limit or restrict bow and arrow hunting, not to repeal or modify any substantive provisions then existing in Article 7.300.

NOW, THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. AMENDMENT

Amend Chapter 7 "Offenses & Nuisances" Article 7.300 "Firearms and Deadly Weapons" as follows:

§ 7.300 FIREARMS AND DEADLY WEAPONS

§ 7.301 Firearm Discharge. It shall be hereinafter be unlawful for any person to fire off or discharge any gun, pistol, rifle or other fire arms of any description within the corporate limits of the City of Willow Park, Texas, except BB guns or air rifles. This article shall not apply when such firing is done in the necessary and lawful protection of one's person, premises, or property, unless such firing be recklessly or negligently done.

§ 7.302 Bow and Arrow Hunting. It shall be unlawful for any person to hunt with a bow and arrow within the corporate limits of the City of Willow Park, Texas, as defined in Subchapter C Texas Parks and Wildlife Code.

§ 7.303 Exceptions

The provisions of this article shall not apply in the following situations:

(a) Police officers while in performance of their official duties.

(b) Where a special permit application describing in detail the request of the applicant has been filed with the city secretary, reviewed by the chief of police, and approved by the city council.

(c) Where blank cartridges are used to indicate the beginning of a sporting event under the auspices of the schools or when such sporting event is in conjunction with other activities approved by the city council.

~~It shall hereinafter be unlawful for any person to fire off or discharge any gun, pistol, rifle or other fire arms of any description within the corporate limits of the City of Willow Park, Texas, except BB guns or air rifles. This article shall not apply when such firing is done in the necessary and lawful protection of one's person, premises, or property, unless such firing be recklessly or negligently done.~~

SECTION 3. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 4. SAVINGS/REPEALING CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, paragraph, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this or any other Ordinance of the City to which these

The Willow Park City Council in acting on Ordinance No. 644-11 did on the 11th day of October, 2011, vote as follows:

Marvin Glasgow, Mayor

Richard Neverdousky, Place 1

Gene Martin, Place 2, Mayor Pro-Tem

Amy Podany, Place 3

Mark Hickerson, Place 4

Hale Alderman, Place 5

rules and regulations relate. The City of Willow Park hereby declares that it would have passed this Ordinance, and each section, paragraph, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, paragraph, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

PASSED AND ADOPTED this 11th day of October, 2011.

/s/ Marvin Glasgow
Mayor

ATTEST:

/s/ Paul Holman
City Secretary/Clerk

APPROVED AT TO FORM:

/s/ [Signature]
City Attorney

FOR

AGAINST

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✓

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