

TOWN OF LAKEWOOD VILLAGE, TEXAS

ORDINANCE NO. 07-10

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS REGULATING THE DISCHARGE OF FIREARMS WITHIN THE TOWN LIMITS OF LAKEWOOD VILLAGE; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES, AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town Lakewood Village, Texas desires to protect the safety and security of it's citizens without undue infringement on their liberty; and

WHEREAS, the Town of Lakewood Village, Texas recognizes the danger of using firearms in and around residential areas within the Town limits, and believes that regulation is in the best interest of the health, safety and welfare of the citizens of the Town; and

WHEREAS, it is recognized that although dangerous, certain circumstances may justify the discharge of a firearm in response to an even greater threat or danger to one or more members of the community; and

WHEREAS, the Town Council possesses, pursuant to Section 229.001 of the Texas Local Government Code, as amended, the authority to regulate the discharge of firearms or other weapons in the Town, subject to restrictions set forth in Section 229.002 of the Texas Local Government Code;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

SECTION 1.

USE AND DISCHARGE OF RIFLES, PISTOLS, AND HANDGUNS PROHIBITED

It shall be unlawful for any person, firm, corporation or association to discharge, or cause to be discharged, any center fire or rim fire rifle, pistol, or handgun on any tract of land within the Town limits of Lakewood Village that is less than 50 acres, or within 300 feet of a residence or occupied building located on another property, or in a manner that permits the projectile of the firearm to cross the boundary of the tract of property without permission of the land owner.

SECTION 2.

USE AND DISCHARGE OF SHOTGUNS PROHIBITED

It shall be unlawful for any person, firm, corporation or association to discharge, or cause to be discharged, any shotgun on any tract of land within the Town limits of Lakewood Village that is less than 10 acres, or within 150 feet of a residence or occupied building located on another

property, or in a manner that permits the projectile of the firearm to cross the boundary of the tract of property, without permission of the property owner.

SECTION 3. EXCEPTIONS

Nothing herein shall be construed to apply to the use of firearms:

a. In exhibitions of charitable contests conducted under conditions and supervision approved by the Town Council after application has been made to the Town and permits have been issued;

b. By duly qualified and commissioned peace officers in the performance of the official duties of their office;

c. For the protection of a person or property in or about his home in accordance with the laws of the State of Texas.

d. By persons licensed to carry a concealed handgun under the provisions of Article 4413(29ee and 29 bb), Title 70, Revised Statutes who discharged a weapon as an act of deadly force to:

- (1) Defend their own lives.
- (2) Defend the life of another person.
- (3) Prevent the imminent commission or stop the commission of Murder; Aggravated Sexual Assault; Sexual Assault, Arson, Aggravated Kidnapping, Robbery; and Aggravated Robbery.

SECTION 4 SUPERSEDING REGULATION OR STATUE

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

SECTION 5. REPEAL CLAUSE

All ordinances that are in conflict with the provisions of this ordinance are, and the same are hereby repealed and all other ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. SEVERABILITY CLAUSE

The provisions of this Ordinance are severable, and if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 8 PENALTIES

Any person or corporation or association violating any of the provisions of this ordinance or failing to observe any of the provisions hereof, shall be deemed guilty of a Class C misdemeanor and upon conviction shall be fined in a sum not to exceed five hundred dollars, and each violation shall be a separate offense.

SECTION 9. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its date of passage and publication as provided by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this 8th day of November 2007

Mike Schnittker, Mayor Pro-Tem
Town of Lakewood Village

ATTEST:

Linda Asbell, City Secretary
Town of Lakewood Village