

**ORDINANCE NO. 2093**

**AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING - CHAPTER 8, OFFENSES AND NUISANCES, SECTION 9: FIREARMS PROHIBITED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS THAT:**

**SECTION I.**

Chapter 8, Offenses and Nuisances, Section 9: Firearms Prohibited, shall be amended as follows:

**Section 9: Unlawful Discharge of Firearms**

1. Discharge of Firearms Into the Air Prohibited

A person commits an offense if he discharges any gun, pistol, rifle, shotgun or any other firearm into the air for the purpose of recreation or celebration.

2. Discharge of Firearms On or Across Public Property Prohibited

A person commits an offense if he unlawfully discharges any gun, pistol or firearm of any kind, or who discharges an air rifle or an air pistol of any description, by whatever name known, that by means of compressed air, compressed gas, springs, or any other means is capable of discharging shots, pellets, or any solid object at a velocity in excess of three hundred feet (300') per second, on or across any public square, street, alley or other public property within the city.

3. Violations: penalty

A person who violates a provision of this section is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars (\$200.00) but not less than seventy-five dollars (\$75.00) upon the first conviction and not less than one hundred dollars (\$100.00) upon second and subsequent convictions

**SECTION II.**

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**SECTION III.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION IV.**

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

Passed and Approved this the 16<sup>th</sup> day of October, 2001.

Passed and Adopted this the 6<sup>th</sup> day of November, 2001.

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Henry C. Madgwick, Sr., Mayor

ATTEST:

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John Rounsavall, City Secretary

APPROVED AS TO FORM:

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Mary Gayle Ramsey, City Attorney