

**ORDINANCE NO. 2024-9**

**AN ORDINANCE OF THE CITY COUNCIL OF BEASLEY, TEXAS TO REGULATE ACTIVITIES THAT CONSTITUTE AN OFFENSE AGAINST PUBLIC ORDER AND DECENCY CAUSED BY UNLAWFUL FIREARM DISCHARGE, IN ORDER TO PROMOTE THE PUBLIC SAFETY AND HEALTH OF THE CITIZENS OF BEASLEY.**

**WHEREAS**, the City of Beasley is a general law municipality located in Fort Bend County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, it is the intent of the City Council of the City of Beasley, Texas to protect the public health, safety, and welfare; and

**WHEREAS**, a type-A general law municipality may adopt and enforce each rule, ordinance, or police regulation of the municipality necessary and proper to provide for the good government, peace, or order of the municipality or for the trade and commerce of the municipality, pursuant to Sections 51.001, 51.012, and 54.001, Texas Local Government Code; and

**WHEREAS**, Section 217.003 of the Texas Local Government Code permits a municipality to adopt ordinances to prevent and punish disorderly conduct; and

**WHEREAS**, Section 42.01 of the Texas Penal Code deems a discharge of a firearm disorderly conduct and unlawful if a person intentionally or knowingly discharges a firearm in a public place other than a public road or a sport shooting range or discharges a firearm on or across a public road; and

**WHEREAS**, the City Council now wishes to adopt certain regulations regarding discharge of firearms within city limits and providing penalties for any violations.

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

**Section 1. Definitions**

The following words shall have the following meanings:

1. "Firearm" means any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosive or burning substance or any device readily convertible to that use.
2. "Firing range" means any public or private facility at which firearms training or practice, or both, is conducted under controlled circumstances intended to encourage the safe handling of firearms and at which procedures or facilities are in place that are intended to prevent the projectiles discharged from the firearms from causing any damage to persons or property.

## **Section 2. Applicability**

This section shall not apply to law enforcement officers licensed or commissioned pursuant to federal or state law, or to persons holding a security officer commission issued by the Texas Board of Private Investigators and Private Security Agencies, or to members of the armed forces or national guard, while in the performance of their official duties.

## **Section 3. Violations**

It is unlawful for a person to discharge a firearm within the city limits; provided, however, it is an exception to this section that the person discharged the firearm: (i) on a Firing Range, (ii) had a reasonable fear of imminent bodily injury, including from a dangerous wild animal, to themselves or to another or (iii) such that the conduct in question that lead to, caused or resulted, in the discharge of the firearm, is justified under Chapter 9, Texas Penal Code.

## **Section 4. Penalty**

Any person intentionally, knowingly, recklessly, or with criminal negligence violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Five Hundred Dollars (\$500.00) in accordance with Sections 12.22 and 12.23 of the Texas Penal Code and Section 54.001 of the Texas Local Government Code.

## **Section 5. Severability**

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Beasley, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

## **Section 6. Conflict and Repeal**

This ordinance expressly repeals and replaces Ordinance 2024-7. Otherwise, this ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

## **Section 8. Enforceability**

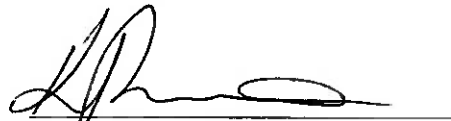
In addition to the authority for enforcement of this Ordinance authorized under any other law, this Ordinance may be enforced by the Fort Bend County Sheriff's Office, or any other Texas Peace Officer with jurisdiction to do so, in accordance with applicable interlocal or mutual aid agreements with the City.

**Section 7. Effective Date and Publication**

This ordinance shall be effective immediately upon publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in accordance with Section 52.011 of the Texas Local Government Code.

**PASSED, APPROVED and ADOPTED** on this 4<sup>th</sup> day of April, 2024

**CITY OF BEASLEY, TEXAS**



Kenneth Reid, Mayor

ATTEST:



Misty Tiemann, City Secretary