

ORDINANCE NO. 2552

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 13-4.1 OF CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE PROHIBITING DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS; PROHIBITING HUNTING WITHIN THE CITY LIMITS, AND ALLOWING PERMITS FOR CERTAIN PURPOSES; ESTABLISHING A PENALTY; ESTABLISHING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 13-4.1 of Chapter 13 of the Code of the City of Mesquite is hereby amended to read as follows, said code and chapter in all other respects to remain in full force and effect:

- (a) Except as otherwise permitted herein, it shall be unlawful and an offense for any person to fire or shoot or cause to be fired or shot any firearm, rifle, shotgun, automatic rifle, revolver, pistol or any other weapon designed for the purpose of discharging a shell or cartridge, whether such shell or cartridge is blank or live ammunition, within the corporate limits of the city. This shall include all forms of hunting of any type of animal, reptile, or bird.
- (b) The city manager or his designee may grant permits for certain limited purposes, under such circumstances as the City manager or his designee may determine to be lawful and safe. In determining whether an activity is appropriate for permitted status, the following factors shall be taken into consideration: the type of activity sought to be permitted, the types of firearms or weapons to be used, the length of time such permit is sought for, the number of persons to be covered by the permit, the area where the permitted activity will occur, the topography of the area to be covered, the location of any businesses or residences in the area, safety precautions to be followed, criminal history of the person seeking the permit, and any other factors reasonably likely to affect the activity to be engaged in. Each permit shall be limited to a specific activity and area of land, and no permit may be granted which would include property not owned by that person, unless the owner of such property agrees in writing. Permits shall not be construed to allow a shell or cartridge being fired to pass from the area covered by that permit into another area.
- (c) This section shall not apply to peace officers acting in the lawful course of their official duties.
- (d) Any person who is denied a permit may make a written request to the city manager or his designee within five (5) business days of the denial for a written statement of the reasons for denial. The city manager or his designee shall respond in writing to such written request within five (5) business days of receipt of the request. The person being denied the permit shall have the right to appeal the denial to the City Council if such request for appeal is made in writing to the City Secretary within ten (10) days of the denial. If no written request for appeal is made within ten (10) days of the denial, then the decision of the city manager or his designee shall be final.

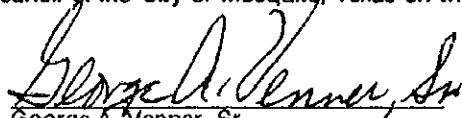
SECTION 2. Each occurrence of a violation of Section 13-4.1 shall constitute a separate offense.

SECTION 3. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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SECTION 4. That the present ordinances of the City of Mesquite do not provide for the maximum allowable penalty for violations of City ordinances creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 19th day of September, 1988.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


Elizabeth A. Lunday
Acting City Attorney