

**CITY OF SULLIVAN**  
**ORDINANCE NO 2022-02**

**AN ORDINANCE OF THE CITY OF SULLIVAN CITY TEXAS, PROHIBITING THE DISCHARGE OF FIREARMS WITHIN THE CORPORATE CITY OF SULLIVAN CITY, TEXAS; A SEVERABILITY CLAUSE ON EFFECTIVE DATE. PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Sullivan City is a Home Rule City in the State of Texas; and

**WHEREAS**, protects the public health, safety and welfare through the regulation of nuisances and general offenses, including use and/or discharge of various weapons; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.012, the City has general authority to adopt an ordinance not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality; and

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

**1. FINDINGS OF FACT**

The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes.

**2. EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't Code*.

**3. OPEN MEETINGS**

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, *Chapt. 551, Tex. Gov't Code*. Notice will also be provided as required by Chapter 52 of the Texas Local Government Code.

**4. REQUIREMENTS**

The City Council of the City of Sullivan City, Texas find that all requirements of law have been met in the passing of this Ordinance;

**5. DISCHARGE OF FIREARMS**

**A. DEFINITIONS**

As used in this article, the following terms shall have the respective meanings ascribed to them:

1. *Firearm* means any weapon designed, made or adapted to discharge a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use and shall include, but not be limited to, the following: handguns, long-guns, pistols, rifles, revolvers, shotguns and other similar weapons.

2. *Air Gun* means any weapon constructed to discharge a steel, zinc or copper projectile by means of compressed air or compressed gas and shall be held to include, but not be limited to, the following: air rifles, air guns, air pistols, BB guns, pellet guns and other similar air or gas propelled weapons. The term does not include Airsoft guns.

## **B. DISCHARGE OF FIREARMS**

All terms in this Ordinance shall have the same meaning and effect and contained and as defined under Texas Local Government Code Section 215.001 and Texas Penal Code Section 42.01(a)(9);

1. It shall be unlawful for any person to discharge or shoot a gun, pistol or other Firearm within the City Limits of the City of Sullivan City, Texas except in self defense of home or person;
2. It shall be unlawful for any person to discharge any firearms across, over, through or into any part of the City.
3. The provisions of subsections (a) and (b) of this section shall not apply to:
  - a. the discharge of a firearm at a gunsmith's establishment or a shooting facility lawfully operating pursuant to a permit issued by the city in accordance with the ordinances of the city when the firearm is discharged at an approved firing line in the direction of the targets, and such discharge is otherwise in accordance with all terms and conditions imposed as a condition of the issuance of the permit;
  - b. the discharge of a firearm by any person exercising any right expressly or impliedly granted by the laws of this state or the laws of the United States, the exercise of which expressly or impliedly includes the discharging of firearms; or
  - c. the discharge of any airgun within an enclosed building or shooting gallery, or within any building or shooting gallery specifically designed for such discharges, so long as no projectile discharged from the airgun leaves the building or shooting gallery.
  - d. It shall be lawful for a property owner to discharge or fire a firearm on his/her property within the City limits of Sullivan City if the property owner owns eleven (11) or more acres tracts of land. The discharge of a firearm may not take place within 500 feet of a private residence, residential building, hotel, church school or store, or any other building frequently or inhabited by human beings within the city limits. This exemption shall apply only during the annual Texas white wing and mourning dove season.
4. Nothing contained herein shall be deemed or prohibit the use of pneumatic nail guns or similar construction tools.

**6. FINES AND PENALTIES**

It shall be unlawful for any person, firm, or corporation to discharge or shoot any gun in violation of this ordinance. Any person, firm or corporation violating any provision of this Ordinance or failing to observe any provision hereof shall upon conviction be guilty of a misdemeanor and shall be fined a sum not more than Five Hundred Dollars, (\$500.00).

**7. REPEALER**

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**8. SEVERABILITY**

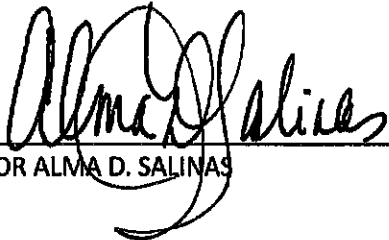
Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

READ, CONSIDERED, and APPROVED on First Reading and waiving the Second and Third Reading on this the 7 day of Feb., 2022 at a REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF SULLIVAN CITY, TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Government Code.

EXECUTED THIS 7 DAY OF Feb., 2022.

CITY OF SULLIVAN CITY, TEXAS

ATTESTED BY:

  
MAYOR ALMA D. SALINAS

  
CITY MANAGER ANA M. MERCADO