

## ORDINANCE 2014-C

AN ORDINANCE FOR THE CITY OF LIVERPOOL, TEXAS REGULATING THE DISCHARGE OF FIREARMS, AIR GUNS, AND BOWS IN THE CITY LIMITS; PROVIDING DEFINITIONS, RESPONSIBILITY OF ADULTS FOR VIOLATIONS BY MINORS, JUSTIFICATIONS UNDER CHAPTER 9 OF THE TEXAS PENAL CODE, EXCEPTIONS TO THE ORDINANCE, ALSO PROVIDING FOR NONLIABILITY OF THE CITY AND ITS PERSONNEL; AND PROVIDING A FINE AMOUNT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVERPOOL, BRAZORIA, TEXAS:

### SECTION 1: PURPOSE

WHEREAS the City Council may promote the public health, safety, morals and general welfare; and also preventing bodily injury, death and property damage within the city through regulating the discharge of air guns, guns, firearms, explosive weapons, zip guns, bow and arrow, cross bow and similar devices.

### SECTION 2: DEFINITIONS

**FIREARM:** Herein shall mean any device designed, made, or adapted to expel one or more projectiles through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. The term *firearm* includes, but is not limited to, guns, handguns, rifles, shotguns, automatic rifles, revolvers and pistols.

**AIR GUN:** Herein shall mean any device designed, made, or adapted to expel one or more projectiles (with an amount of force that would be more likely than not to harm a person if the person were struck by the projectile immediately after the projectile left the device) through a barrel by using the energy generated by compressed gas or a spring of any device readily convertible to that use. The term *Air gun* includes, but is not limited to, BB guns, pellet guns, air pistols and air rifles.

**BOW:** Herein shall mean any device designed, made, or adapted to expel one or more projectiles (with the amount of force that would be more likely than not to harm a person if the person were struck by the projectile immediately after the projectile left the device) from a taut string or line, by the energy generated by the unbending of one or more bend limbs. The term "bow" herein shall also include any crossbow that meets the foregoing definition.

**EXPLOSIVE WEAPON:** Herein shall mean any explosive or incendiary bomb, grenade, rocket or mine, that is designed, made or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

**LASER DEVICE:** Herein shall mean any light amplification by stimulated emission of radiation. Or any that device produces an intense, highly directional beam of light.

**ZIP GUN:** Herein shall mean a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

*PERSON:* Herein shall mean any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

### SECTION 3: PROVISIONS

It shall be unlawful for any person to discharge, fire, or shoot any firearm, bow, laser device or zip gun across any street within the city limits.

It shall be unlawful for any person to display or discharge, fire, or shoot any firearm, bow, laser device or zip gun towards any person.

It shall be unlawful for any person to display or discharge fire or shoot any firearm, bow, laser device or zip gun towards houses, parks or any other direction where people may be struck by the shrapnel discharge.

It shall be unlawful to activate any laser device in the direction of any person, vehicle, boat or aircraft.

It shall be unlawful for any person to hunt any kind of animal within the City Limits.

### SECTION 4: ADULT RESPONSIBILITY FOR VIOLATION BY MINOR

No person shall intentionally, knowingly, or with criminal negligence cause or allow any minor who is under the person's lawful custody or control to shoot or discharge a firearm or air gun in violation of this ordinance.

### SECTION 5: EXECPTIONS

Licensed peace officers, as the term is defined by Vernon's Ann. C.C.P art. 2.12(3), provided that such discharges are made in the course and scope of the peace officers' official duties.

Self-defense, defense of another person, protection of property, and any other justification provided under Chapter 9 of the Texas Penal Code shall apply to an offense under this section to the same extent and in the same manner provided by Chapter 9 of the Texas Penal Code. This ordinance shall not apply to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the city.

This ordinance shall not apply to the discharge of firearms or other weapons when being used in a safe manor for target practice, as long as the bullet is NOT a single piece projectile and is not being shot towards a house, or a person.

This ordinance shall not apply to the discharge of firearms or other weapons when being used to protect property or animals from wildlife, such as raccoons, possums or any other wild animal that may be a causing damage or a nuisance.

This ordinance shall not apply to BB guns or Pellet guns being shot for target practice, as long as it is being done so in a safe manor, and is not being shot towards a person, building, or animal.



## SECTION 7: PENALTIES

Any person convicted of discharging a firearm that is set forth in this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than one dollar (\$1.00) or no more than five hundred dollars (\$500.00) upon such conviction.

## SECTION 8: NONLIABILITIES OF THE CITY

Neither the City nor any of its officers, employees, agents, or representatives shall have any liability to any person other than the City for any act or omission in such person's official capacity, or for any condition wholly or partly arising therefrom, in any way concerning this ordinance.

## SECTION 9: NO EXPANSION OF RIGHT TO SHOOT

This ordinance does not create or expand any right to discharge a firearm or air gun, and this ordinance does not legalize any discharge of a firearm or air gun that would otherwise be unlawful. Rather, this ordinance restricts the discharge of firearms and air guns.

## SECTION 10: SEVERABILITY

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance of the application of same to any person or circumstance shall, for any reason, be adjudged, invalid or held unconstitutional by any court of competent jurisdiction, it shall not affect or impair, nor invalidate this ordinance as a whole or any part of provision hereof other than the part so declared to be invalid or unconstitutional; and the City Council of the City of Liverpool, Texas declares that it would have passed each and every part the same notwithstanding the omission of any such part so declared to be invalid or unconstitutional, or whether there be one or more parts.

**ORDINANCE NO.: 2014-C**  
**PASSED AND APPROVED THIS** 5<sup>th</sup> **DAY OF** March, 2015.

  
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Bill W. Strickland, Mayor

**ATTEST:**

  
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Raquel Fernandez, City Secretary