

ORDINANCE NO. 39-2011

AN ORDINANCE AMENDING CHAPTER 20, "OFFENSES", OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

- PART 1:** That Chapter 20, "Offenses", Article II, Offenses Against Public Safety, Section 20-22 of the Abilene City Code be amended as set out in Exhibit "A", attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 11<sup>th</sup> day of October, A.D., 2011.

After said passage on first reading, a notice of time and place, where and when said ordinance would be given a public hearing and considered for second and final passage, was published in the Abilene Reporter News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 23<sup>rd</sup> day of October, 2011, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON SECOND AND FINAL READING this 27<sup>th</sup> day of October, A.D., 2011.

ATTEST:

  
City Secretary

  
Mayor

APPROVED:

  
City Attorney

## **Exhibit A**

### **Delete:**

#### **Chapter 20, "Offenses", Article II, Offenses Against Public Safety**

##### **Sec. 20-22. Same--Exception.**

The provisions of section 20-21 shall not apply to peace officers in the lawful discharge of their official duties, the animal control department of the city in the performance of its duties under the direction and control of its supervisor, nor to private citizens where the use of a firearm is permitted by state law.

### **Add:**

#### **Chapter 20, "Offenses", Article II, Offenses Against Public Safety**

##### **Sec. 20-22. Same--Exceptions.**

The provisions of section 20-21 shall not apply in the following circumstances:

(1) If the firearm or other weapon is a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged in accordance with applicable city, state and national laws and regulations:

- (a) Within the City on any tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; and
- (b) In a manner not reasonably expected to cause a projectile to cross the boundary of the tract

(2) The individual is a peace officer, animal control officer or zoo employee of the City of Abilene in the lawful discharge of their official duties under the direction and control of their supervisor, or as part of the approved wildlife flight hazard depredation program at Abilene Regional Airport.

(3) For the purpose of calculating the 10 acre minimum under (1)(a), a parcel bisected by the municipal boundary may include the contiguous portion of the parcel extending into the extra-territorial jurisdiction to meet the 10 acre minimum.