

**CITY OF OAK RIDGE**  
**KAUFMAN COUNTY, TEXAS**

**FIREARMS ORDINANCE 12-13**

**AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, PROHIBITING THE DISCHARGE OF ANY GUN, PISTOL, RIFLE, OR FIREARM WITHIN THE CITY LIMITS; PROHIBITING THE SALE OF FIREARMS AND AMMUNITION FOR COMMERCIAL PURPOSES WITHIN RESIDENTIALLY ZONED PROPERTIES WITHIN THE CITY; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROVIDING A PENALTY CLAUSE; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS, THAT:**

**WHEREAS**, on May 23, 2011 the City Council of the City of Oak Ridge, Texas repealed Ordinance No. 9-09 regulating the discharge of firearms because the terms of said ordinance were in conflict with state law; and

**WHEREAS**, the City Council desires to enact an ordinance that allows lawful regulation of firearms and other weapons in the City of Oak Ridge, Texas ("City"), to the fullest extent authorized by state law; and

**WHEREAS**, the City Council desires to enact this ordinance, which is consistent with Texas Local Government Code sections 229.001 and 229.002, and has determined that the enactment of this ordinance is in the best interests of the City and promotes the health, safety and welfare of its residents.

**SECTION 1**  
**Findings Incorporated.**

The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

**SECTION 2**  
**Discharge and Carrying of Firearms.**

(a) General prohibition. Except as otherwise permitted herein, it shall be unlawful for any person to discharge any gun, pistol, rifle or firearm of any kind within the City limits, except:

- (1) Within a properly secured and permitted sport shooting range, as defined by V.T.C.A., Local Government Code § 250.001, operated in accordance with any applicable zoning or land use regulations;
- (2) Upon a shooting range owned and operated by a governmental entity; or
- (3) When the gun is a BB gun, pellet gun or air gun (including air pistols, air rifles and all other firearms using air pressure to propel a projectile) with capability of less than 1500 fps where the projectile is composed of more than 50 percent metal and the projectile is not propelled in, upon, across or into a public street, alley or other

public thoroughfare or across a property line within the city.

- (b) Permit authorized; conditions. The mayor or his designee may grant permits for certain limited purposes under such circumstances as the mayor 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. The fee for such permit shall be \$100.00.
- (c) Firearms prohibited in City buildings. It shall be unlawful for any person, other than a peace officer, to carry a firearm in any City building (building or portion of a building owned, occupied, leased, or controlled by the City for City operations and activities) except those municipal premises in which a person may lawfully carry a concealed handgun under State law, regardless of whether or not the person is duly licensed by the State to carry a concealed handgun.
- (d) Exceptions. This section shall not apply to the following:
- (1) In the extraterritorial jurisdiction of the City or in an area annexed by the City after September 1, 1981, if the firearm or other weapon is a shotgun, air rifle or pistol or BB gun discharged:
    - (A) on a 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; and
  - (2) Peace officers acting in the lawful course of their official duties or any citizen when lawfully defending person or property.

**SECTION 3**  
**Sale of Firearms and Ammunition Prohibited**

It shall be unlawful for any person to engage in the repair or servicing of firearms for commercial purposes or to sell any gun, pistol, rifle, firearm, and/or ammunition from any property zoned for residential uses within the City limits.

**SECTION 4**  
**Separate Offenses**

Each occurrence of a violation of this ordinance shall constitute a separate offense.

**SECTION 5**  
**Savings/Repealing Clause**

All other City ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

**SECTION 6**  
**Severability Clause**

Should any section, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect. The City hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 7**  
**Penalty Provision**

Any person, firm, corporation or business entity violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this ordinance shall constitute a separate offense. The penal provisions imposed under this ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 8**  
**Effective Date**

This ordinance shall become effective from and after its adoption and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS, this 26th day of August, 2013.

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David Isbell, Mayor Pro Tem

ATTEST:

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Jan Shedd, City Secretary

