

**CITY OF FREDERICKSBURG
CITY COUNCIL MEETING**

TUESDAY, JANUARY 2, 2018 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Linda Langerhans, Mayor
Charlie Kiehne, Council Member
Jerry Luckenbach, Council Member

Gary Neffendorf, Council Member
Bobby Watson, Council Member
Kent Myers, City Manager

(REQUEST ALL PAGERS AND PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL)

A G E N D A

CALL TO ORDER

Page Ref

PLEDGE OF ALLEGIANCE

1. **EMPLOYEE RECOGNITIONS**
2. **CONSENT AGENDA** - All items listed below are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.
 - A. Consider Purchase of Two Power Mowers for Parks Department 1-3
 - B. Consider Request from Habitat for Humanity for RV Reservation Fee Waiver 4-5
 - C. Consider Interlocal Agreement with FISD Regarding Fiber Optics 6-10
3. **ORDINANCES - RESOLUTIONS- ACTION ITEMS**
 - A. Consider Shot Term Rental Ordinance (2nd Reading) 11-20
 - B. Consider Firearms Ordinance (2nd Reading) 21-38
 - C. Consider Agreement with TxDOT on the Relief Route Feasibility Study 39-40
5. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Discuss Future Development of Sports Park 41
 - B. Consider Annual Performance Evaluation of City Manager
6. **CITY MANAGERS REPORT**
 - A. Attainable Housing Update
 - B. Community Visioning Process
 - C. Special City Council Meeting - January 8
 - D. Golf Course Operations - New Golf Course General Manager and Superintendent
 - E. New Special Events Coordinator
7. **ITEMS FOR FUTURE AGENDAS** 42
8. **PUBLIC COMMENTS** - *This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.*
9. **COUNCIL COMMENTS** - No discussion or action may take place

10. **EXECUTIVE SESSION** - Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

A. Executive Session - Personnel Matters - Annual Performance Evaluation of City Manager

11. **ADJOURN**



CITY COUNCIL MEMO

DATE: January 2, 2018

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Consider purchase of two mowers for Parks Department

Summary:

Funding in the amount of \$139,795 was included in the FY Parks Department Budget for the purchase of two new wide area mowers.

Recommendation:

Staff recommends the City Council approve the purchase of the Jacobson HR600 and HR800 wide area mowers from C & M Golf and Grounds Equipment in the amount of \$139,795.

Background / Analysis:

As a part of the approved FY 2018 Parks Department Budget, funding for the replacement of aging wide area mowers was provided. The attached quote was obtained from C & M Golf and Grounds Equipment utilizing Buyboard contracts so it meets the State of Texas government procurement requirements.

City staff recommends Council approve the purchase of the two wide area mowers from C & M Golf and Ground Equipment for \$139,795

Attachments:

Buyboard quote from C & M Golf and Grounds Equipment

Andrea Schmidt

Department Approval

[Signature]

City Manager Approval

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861



13250 Lookout Road
San Antonio, Tx
Phone (210)657-3511

Quote Only

Date: 12/12/17
Quotation# SA13-1011
Quote Expires: 01/11/18

Quoted To: City of Fredericksburg Parks & Recreation
126 Main St
Fredericksburg, Tx 78624
Attention: Trevor Dutuis

Texas Buy Board Contract 529-17

Model	Description	List Price	Sale Price	Quantity	Extended
070546-6613010	Jacobsen HR600 Wide Area Mower 65.2hp Kubota Diesel, 11.4' WOC, SureTrac 4wd, Tilt Sensor Technology, Individual Hydraulic Motor per Cutting Blade, Cruise Control, Suspension Seat, Tier 4 Final	\$ 80,400.00	\$ 58,692.00	1	\$ 58,692.00
070543-4613110	Jacobsen HR800 Wide Area Mower 74.3hp Kubota Diesel, 16' WOC, SureTrac 4wd, Tilt Sensor Technology, Individual Hydraulic Motor per Cutting Blade, Cruise Control, Suspension Seat, Tier 4 Final	\$ 111,100.00	\$ 81,103.00	1	\$ 81,103.00

Thank you for the opportunity to provide the enclosed price quotation. After your review, and should you have any questions, please feel free to contact me. I look forward to servicing your professional turfcare needs.

F.O.B.: Destination
TAXES: Quoted price does not include applicable sales and/or use taxes.
DELIVERY: 20 Days ARO
TERMS: Per Lease Agreement
WARRANTY: Manufacturers' Stated



Cordially,

Larry Snody
Territory Manager
512-993-9267

Printed Name

Date



CITY COUNCIL MEMO

DATE: January 2, 2018

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Habitat for Humanity RV Reservation fee waiver request

Summary:

Habitat for Humanity is requesting the RV reservation fees be waived for 6 sites for one month each year in February. Since they come in as a group and share meals while they are here, they are permitted to park two RV's per site plus the coordinator has a site for a total of 11 RV's at 6 sites. The cost for one month per site in February is \$450. The total cost at the adopted rate for these six sites is \$2,700. With the new reservation software a \$3.50 fee per reservation is also paid by the customers so this would be an additional \$38.20 for the 11 reservations. At this time we do not have a non-profit rate for RV sites.

Recommendation:

Consider the request from Habitat for Humanity to waive the RV reservations fees for 6 sites in February of each year.

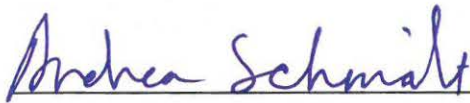
Background / Analysis:

The Parks & Recreation Department offers RV camping at 90 sites at Lady Bird Johnson Municipal Park. Our rates per site are \$450 per month, from October to March only, and \$240 per week or \$40 per night year round. Due to previous arrangements, the Habitat for Humanity Group fees were waived for 2017 and 2018. Cindy Maple, president of Habitat for Humanity of Greater Fredericksburg, has requested we

continue to waive these fees and allow them to have six adjacent sites. This group has been coming to Fredericksburg for years to build homes for Habitat families.

Attachments:

None



Department Approval



City Manager Approval



CITY COUNCIL MEMO

DATE: December 22, 2017

TO: Mayor and City Council;

FROM: Russell A. Immel, Director of Information Technology

SUBJECT: Interlocal Agreement between the City of Fredericksburg and Fredericksburg Independent School District (FISD) for the Provision of Fiber Optic Cable

Summary:

This is an Interlocal Agreement between the City of Fredericksburg and the FISD for the use of the City's fiber optic cable network for the purpose of wide area network connectivity between the District's campuses and other facilities

Recommendation:

City Staff recommends authorizing the City Manager to execute the Interlocal Agreement with the FISD

Background / Analysis:

Since 1998 the City of Fredericksburg has been providing use of its fiber optic cable network to the FISD for the purpose of wide area network connectivity between the district's campuses and other facilities. This Interlocal Agreement allows the FISD continued use of the network. The fee for use and maintenance of the fiber optic network is described in the agreement

Attachments:

Interlocal Agreement between the City of Fredericksburg and the FISD for the Provision of Fiber Optic Cable

The City of Fredericksburg



126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Department Approval

City Manager Approval

A handwritten signature in blue ink, appearing to be "JLW 7/3/14", is written over the "City Manager Approval" line.

The City of Fredericksburg

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126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

**INTERLOCAL AGREEMENT between the CITY OF
FREDERICKSBURG, TEXAS and the FREDERICKSBURG
INDEPENDENT SCHOOL DISTRICT for the PROVISION OF FIBER
OPTIC CABLE**

This Interlocal Agreement ("Agreement") is made and entered into pursuant to the Texas Interlocal Cooperation Act ("Act"), Chapter 791 of the Texas Government Code, by and between the City of Fredericksburg, Texas ("City"), a municipal home-rule corporation, and the Fredericksburg Independent School District ("District"), an independent school district located in Fredericksburg, Texas, each being organized and existing under the laws of the State of Texas.

WHEREAS, the District has multiple school and administration buildings that require fiber optic cable for data transmission; and

WHEREAS, the City owns fiber optic cable at various locations throughout the City; and

WHEREAS, the City has previously provided the District with fiber optic cable at the District's schools and administration building; and

WHEREAS, in accordance with the Act, the City and District recognize that the continued provision of fiber optic cable at the District's schools and administration building is necessary for the effective performance of governmental functions or services.

NOW THEREFORE, for and in consideration of the mutual covenants, obligations, and benefits hereunder, the parties do hereby agree as follows:

I.

The City shall place single mode fiber optic cable along the right-of ways within the City, connecting the following District locations:

- a) High School Campus
- b) Middle School Campus
- c) Elementary School Campus
- d) Central Office
- e) Agricultural Building

The City will provide 12 fibers to each District location set forth above in this Section. The District may use any fiber optic cable placed by the City under this Agreement for performance of the District's governmental functions or services. All

fiber optic cable placed by the City under this Agreement will remain the property of the City, and will be maintained by the City.

II.

The District shall pay to the City a monthly fee of One Thousand, Three Hundred, and Fifty dollars (\$1,350.00), as compensation to the City for the City's provision and maintenance of fiber optic cable under this Agreement.

III.

The City Manager for the City, and the District Technology Director for the District, shall be the contact persons through whom the City and District shall communicate officially and shall coordinate all actions relating to the City's and District's performance under this Agreement.

IV.

The City and District agree that each party expending funds in the performance of governmental functions or services under this Agreement shall only make payments from current revenues available to the paying party.

V.

This Agreement shall be valid for one (1) year from the date of execution by both parties. This Agreement shall automatically renew annually, subject to the availability and appropriation of budgeted funds. Either party may terminate this Agreement at any time, for any reason or no reason, upon ninety (90) days written notice to the other party.

VI.

This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any modification of this instrument shall be of no force and effect unless in writing signed by all parties. This Agreement shall bind and be for the sole and exclusive benefit of the respective parties and their legal successors. This Agreement shall be subject to and governed under the laws of the State of Texas, and venue for any legal action hereunder shall be in a court of competent jurisdiction in Gillespie County, Texas.

Each of the parties hereto has executed this Agreement, or caused the same to be executed by its duly authorized representative.

{Signature page follows}

FREDERICKSBURG INDEPENDENT SCHOOL DISTRICT

By: _____ Date: _____

Printed Name: _____ Title: _____

CITY OF FREDERICKSBURG, TEXAS

By: _____ Date: _____
Kent Myers, City Manager



CITY COUNCIL MEMO

DATE: December 22, 2017
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: New Short-Term Rental Ordinance

Summary:

The new short-term rental (STR) is being presented to the City Council for the second reading and approval.

Recommendation:

It is recommended that the attached short-term rental ordinance be approved.

Background / Analysis:

During the first reading of the short-term rental ordinance, several changes were suggested by the City Council. These changes have been made to the proposed ordinance. In addition, the ordinance includes the repeal of Section 5.402 of the City Zoning Ordinance which includes the City's current B&B permit requirements. The old B&B permits will be superseded by the new STR permit requirements.

The attached ordinance also includes an effective date of April 1, 2018. The City will begin issuing permits under the terms of the new ordinance immediately after the adoption of the ordinance. However, all initial permits issued by the City will have a start date of April 1, 2018 and expiration date of March 31, 2019.

The City of Fredericksburg

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As a reminder, the attached ordinance includes a number of important provisions that will help us balance the need for short-term rentals in our community with the need to protect our neighborhoods. It does not include any restriction on the number of STRs operating in our residential areas. If the Council wants to include this restriction as part of our zoning regulations, this would need to be included as a separate item for future consideration. The ordinance does include the following provisions:

- Definition for what constitutes a "short-term rental unit."
- Annual fee of \$150 per unit which will offset the City's costs for enforcing the new regulations and conducting annual inspections.
- Requirement to identify a local person who is available to respond to any complaints.
- Requirement for annual inspection of all STR units for compliance with building and fire codes.
- Requirement that current City ordinances covering signage, garbage, parking, payment of HOT taxes and other regulations be followed at all times.
- Stipulation for revocation of permit if certain violations continue.
- Requirement to notify STR guests of City regulations that must be followed.

I believe that we have developed a workable STR ordinance that will address current issues and concerns. I suggest that we adopt this ordinance following any final changes offered by the Council. Then in six months we can reevaluate the ordinance and determine if any additional changes are needed.

Attachments:

Proposed New Short –Term Rental Ordinance


Department Approval


City Manager Approval

The City of Fredericksburg

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, CREATING ARTICLE V. - SHORT TERM RENTALS, OF CHAPTER 23 - PLANNING - OF THE CODE OF ORDINANCES, ESTABLISHING REGULATIONS AND A PERMITTING REQUIREMENT FOR OPERATION OF A SHORT TERM RENTAL, AND PROVIDING A PENALTY CLAUSE FOR VIOLATIONS.

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

Section 1. That, ARTICLE V. - SHORT TERM RENTALS, of Chapter 23 - PLANNING, of the Code of Ordinances, is hereby created and adopted as follows:

Chapter 23 – Planning
Article V. SHORT TERM RENTALS

Sec. 23-100. Purpose.

The purpose of this Article is to establish regulations for the use of privately owned dwellings as Short Term Rentals, to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of Hotel Occupancy Tax.

Sec. 23-101. Definitions.

As used in this Article, the following terms shall have the following meanings:

- A. City - The City of Fredericksburg, Texas.
- B. Guest - The overnight occupants renting a Short Term Rental Unit for a specified period and the daytime visitors of the overnight occupants.
- C. Local Contact Person - The Owner, Operator, or person designated by the Owner or the Operator, who shall be available twenty-four (24) hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short Term Rental.
- D. Operator - The Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short Term Rental.
- E. Owner - The person or entity that holds legal or equitable title to the Short Term Rental property.
- F. Short Term Rental - A privately owned dwelling, including but not limited to, a single family dwelling, multiple family attached dwelling, apartment house, condominium,

duplex, mobile home, or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than thirty (30) consecutive days.

The following are exempt from the regulations under this Article: hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

- G. Short Term Rental Permit - A permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.
- H. Short Term Rental Unit - One or more habitable rooms forming a single habitable division within a Short Term Rental, or an entire undivided Short Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

Sec. 23-102. Short Term Rental Permit required.

It shall be unlawful for any person or entity to rent, or offer to rent, any Short Term Rental without a valid Short Term Rental Permit issued under this Article.

Sec. 23-103. Short Term Rental Permit registration fee and application.

- A. An applicant shall submit an application for a Short Term Rental Permit using a format and method promulgated by the City Manager or his/her designee. The application form shall require, at a minimum, the following information from applicants:
 - 1. The name, address, email and telephone number of the Owner of the Short Term Rental.
 - 2. The name, address, email and telephone number of the Operator of the Short Term Rental.
 - 3. The name, address, email and twenty-four (24) hour telephone number of the Local Contact Person.
 - 4. The name and address of the Short Term Rental.
 - 5. The number of bedrooms and the proposed overnight and daytime occupancy limit of the Short Term Rental.
 - 6. A diagram showing the proposed layout of the property use and any on-site parking available for the Short Term Rental.

7. A general description of any food service to be offered to Guests of the Short Term Rental.
- B. An applicant for a Short Term Rental Permit shall pay to the City a permit fee of one hundred fifty dollars (\$150.00).
- C. A separate Short Term Rental Permit application and permit fee must be submitted for each individual Short Term Rental Unit. Each individual Short Term Rental Unit shall be assigned a unique permit number upon permit issuance by the City.
- D. Prior to issuance of a Short Term Rental Permit, the Operator shall allow an on-site inspection of the Short Term Rental Unit by a City Code Enforcement officer, to ensure compliance with the following:
 1. The requirements set forth in Section 23-104(A) of this Article; and
 2. The requirements set forth in Sections 23-104(B)1 through 23-104(B)3 of this Article.
- E. A Short Term Rental Permit issued under this Article shall be valid for a period of one calendar year from the date of issuance. The Short Term Rental Permit shall expire immediately upon any change in Owner of the Short Term Rental Unit.
- F. The Owner has a duty to notify the City within twenty (20) calendar days, in writing, of any changes to information submitted as part of a Short Term Rental Permit application under this Article.
- G. An application for Short Term Rental Permit may be denied if the Owner has had a Short Term Rental Permit suspended or revoked during the previous 365 calendar days.

Sec. 23-104. Short Term Rental operational requirements.

- A. The Operator shall post the following information in a prominent location within the Short Term Rental Unit, using a form promulgated by the City:
 1. The unique Short Term Rental Permit number assigned to the Short Term Rental Unit;
 2. Operator name and number;
 3. Local Contact Person name and number;
 4. The location of any on-site and off-site parking spaces available for Guests;
 5. The overnight and daytime occupancy limits;
 6. Instructions to Guests concerning disposal of garbage and handling of garbage containers;
 7. Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental, and that Guests may be fined by the City for violations of this Article; and

8. Notification that all functions such as weddings, parties or other gatherings are prohibited at the Short Term Rental, excepting Short Term Rentals located in the Commercial Zoning District.
- B. The Operator shall operate a Short Term Rental in compliance with the following:
1. Zoning regulations prescribed for the zoning district in which such Short Term Rental is located, set forth in Appendix B of the Code of Ordinances.
 2. City of Fredericksburg Sign Ordinance, as applicable, set forth in Chapter 29 of the Code of Ordinances.
 3. Maximum occupancy limits prescribed by the City Fire Marshall, pursuant to the International Fire Code as adopted in Chapter 17 of this Code of Ordinances.
 4. City of Fredericksburg Hotel Occupancy Tax Ordinance, set forth in Chapter 41 of this Code of Ordinances.
 5. City of Fredericksburg Noise and Sound Level Regulation Ordinance, set forth in Chapter 20 of this Code of Ordinances.
 6. City of Fredericksburg Garbage Collection Ordinance, set forth in Chapter 32 of this Code of Ordinances.
 7. During any period when a Short Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available twenty-four (24) hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short Term Rental. The Local Contact Person shall respond within sixty (60) minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of Guests of the Short Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.
- C. Any advertisement that promotes the availability of a Short Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City.

Sec. 23-105. Notification of complaints.

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office.

Sec. 23-106. Compliance with other law.

The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Article, regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.

Nothing in this Article shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Article shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Article.

Sec. 23-107. Compliance and Penalty provision.

- A. It shall be unlawful for any person or entity to violate any provision of this Article. Proof that a violation of this Article occurred at a Short Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.
- B. Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-6 of this Code of Ordinances.
- C. Prosecution under this Article shall not require the pleading or proving of any culpable mental state.
- D. Penalties provided for in this Article are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

Sec. 23-108. Permit suspension or revocation; Appeal.

Upon conviction for a violation of this Article, the City Manager may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Manager shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Manager within ten (10) business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension or revocation under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within five (5) business days following the date of the City Manager's final decision.

{End of code text}

Section 2. That, Section 5.402. Bed and breakfast compliance use permit - of Appendix B, ZONING ORDINANCE, of the Code of Ordinances, is hereby repealed and deleted in its entirety.

Section 3. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 4. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Penalty. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-6 of the Code of Ordinances.

Section 6. Effective Date. This ordinance shall be effective on and after April 1, 2018.

PASSED AND APPROVED on this the ____ day of _____, 20____.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING SECTION SEC. 20-1. - DISCHARGE OF FIREARMS, OF CHAPTER 20 - OFFENSES AND MISCELLANEOUS PROVISIONS - OF THE CODE OF ORDINANCES, AND PROVIDING A PENALTY CLAUSE FOR VIOLATIONS.

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

Section 1. That, Section 20-1 “Discharge of firearms”, of the Code of Ordinances, is deleted in its entirety and a replacement Section 20-1 is adopted as follows:

Sec. 20-1. - Discharge of firearms.

(a) In this Section:

(1) “firearm” means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

(2) “air gun” means any gun that discharges a pellet, BB, or similar projectile by means of compressed air, gas propellant, or a spring.

(3) “sport shooting range” means a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

(b) It shall be unlawful to discharge any firearm or air gun in the city limits.

(c) This Section shall not apply to:

(1) the discharge of a firearm in performance of official duties by:

(i) a licensed peace officer;

(ii) an animal control officer; or

(iii) a person acting under direct orders of a licensed peace officer or animal control officer.

(2) the discharge of firearms or air guns at a sport shooting range.

(3) the discharge of blank cartridges for a show or theatrical production, for signal or ceremonial purposes in athletics or sports, or by military organizations.

(4) the discharge of a firearm or air gun when lawfully defending a person or property.

(5) the discharge of an air gun by a person that is 18 years of age or older, or under the direct supervision of a person that is 18 years of age or older, while discharged on the person's own property or with permission of the owner of

the property, and with permission of the owner of each property crossed by the projectile.

- (6) the discharge of a firearm or air gun at locations and times approved in advance, in writing, by the chief of police or his/her designee.
- (d) Nothing in this Section shall be construed to relieve any person of any other applicable requirements of federal, state, or local laws, rules, or regulations, including laws and regulations for the taking of any game or nongame species.

State Law reference— Authority of municipality to regulate firearms and explosives, Texas Local Government Code § 229.001.

{End of Code Text}

Section 2. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 3. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Penalty. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-6 of the Code of Ordinances. Each calendar day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PASSED AND APPROVED on this the ____ day of _____, 2017.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney



CITY COUNCIL MEMO

DATE: November 28, 2017
TO: Mayor and City Council
FROM: Steven Wetz, Chief of Police
SUBJECT: Discharge of Firearms Ordinance

Summary:

After discussion by City Council at two previous meetings, the attached draft and revisions are presented.

Recommendation:

You will find in the attached revision with changes removing the discharge of any firearm with the exception of air rifles. Until clear direction from council can be reached, it is my opinion that the ability to discharge firearms by civilians should be removed or the ordinances remain the same. It is my opinion that attempting to stipulate certain weapons to be allowed would confuse the public and make investigation of fire arms discharges lengthier.

Background / Analysis:

I have attached copies of ordinances from surrounding cities for you to read, as well as the State Local Government code that deals with the discharge of firearms in municipalities.

Attachments:

Copy of the draft revision of the ordinance
Local Government code Title 7
Copy of Boerne Ordinance
Copy of Llano Ordinance
Copy of Marble Falls Ordinance .

Department Approval


City Manager Approval

The City of Fredericksburg

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING SECTION SEC. 20-1. - DISCHARGE OF FIREARMS, OF CHAPTER 20 - OFFENSES AND MISCELLANEOUS PROVISIONS - OF THE CODE OF ORDINANCES, AND PROVIDING A PENALTY CLAUSE FOR VIOLATIONS.

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

Section 1. That, Section 20-1 "Discharge of firearms", of the Code of Ordinances, is deleted in its entirety and a replacement Section 20-1 is adopted as follows:

Sec. 20-1. - Discharge of firearms.

(a) In this Section:

(1) "firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

(2) "air gun" means any gun that discharges a pellet, BB, or similar projectile by means of compressed air, gas propellant, or a spring.

(3) "sport shooting range" means a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

(b) It shall be unlawful to discharge any firearm or air gun in the city limits.

(c) This Section shall not apply to:

(1) the discharge of a firearm in performance of official duties by:

(i) a licensed peace officer;

(ii) an animal control officer; or

(iii) a person acting under direct orders of a licensed peace officer or animal control officer.

(2) the discharge of firearms or air guns at a sport shooting range.

(3) the discharge of blank cartridges for a show or theatrical production, for signal or ceremonial purposes in athletics or sports, or by military organizations.

(4) the discharge of a firearm or air gun when lawfully defending a person or property.

(5) the discharge of an air gun by a person that is 18 years of age or older, or under the direct supervision of a person that is 18 years of age or older, while discharged on the person's own property or with permission of the owner of

the property, and with permission of the owner of each property crossed by the projectile.

(6) the discharge of a firearm or air gun at locations and times approved in advance, in writing, by the chief of police or his/her designee.

(d) Nothing in this Section shall be construed to relieve any person of any other applicable requirements of federal, state, or local laws, rules, or regulations, including laws and regulations for the taking of any game or nongame species.

State Law reference— Authority of municipality to regulate firearms and explosives, Texas Local Government Code § 229.001.

{End of Code Text}

Section 2. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 3. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Penalty. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-6 of the Code of Ordinances. Each calendar day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PASSED AND APPROVED on this the ____ day of _____, 2017.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED
ACTIVITIES

SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY

CHAPTER 229. MISCELLANEOUS REGULATORY AUTHORITY OF MUNICIPALITIES

SUBCHAPTER A. REGULATION OF FIREARMS, KNIVES, AND EXPLOSIVES

Sec. 229.001. FIREARMS; AIR GUNS; KNIVES; EXPLOSIVES. (a) Notwithstanding any other law, including Section 43.002 of this code and Chapter 251, Agriculture Code, a municipality may not adopt regulations relating to:

(1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies; or

(2) the discharge of a firearm or air gun at a sport shooting range.

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range;

(3) regulate the use of property, the location of a business, or uses at a business under the municipality's fire code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the intent of Subsection (a) or Subdivision (5) of this subsection;

(4) regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;

(5) regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of

black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation;

(6) regulate the carrying of a firearm or air gun by a person other than a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, at a:

(A) public park;

(B) public meeting of a municipality, county, or other governmental body;

(C) political rally, parade, or official political meeting; or

(D) nonfirearms-related school, college, or professional athletic event;

(7) regulate the hours of operation of a sport shooting range, except that the hours of operation may not be more limited than the least limited hours of operation of any other business in the municipality other than a business permitted or licensed to sell or serve alcoholic beverages for on-premises consumption; or

(8) regulate the carrying of an air gun by a minor on:

(A) public property; or

(B) private property without consent of the property owner.

(c) The exception provided by Subsection (b)(6) does not apply if the firearm or air gun is in or is carried to or from an area designated for use in a lawful hunting, fishing, or other sporting event and the firearm or air gun is of the type commonly used in the activity.

(d) The exception provided by Subsection (b)(4) does not authorize the seizure or confiscation of any firearm, air gun, knife, or ammunition from an individual who is lawfully carrying or possessing the firearm, air gun, knife, or ammunition.

(e) In this section:

(1) "Air gun" means any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring.

(2) "Knife" has the meaning assigned by Section 46.01, Penal Code.

(3) "Sport shooting range" has the meaning assigned by Section 250.001.

(f) The attorney general may bring an action in the name of the state to obtain a temporary or permanent injunction against a municipality adopting a regulation in violation of this section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 229, Sec. 7, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 165, Sec. 10.07, eff. Sept. 1, 1997. Renumbered from Sec. 215.001 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.002(10), eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 18 (S.B. 112), Sec. 5, eff. April 27, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 624 (S.B. 766), Sec. 5, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 598 (S.B. 987), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1210 (S.B. 1400), Sec. 1, eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 34, eff. January 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 700 (H.B. 905), Sec. 2, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 700 (H.B. 905), Sec. 3, eff. September 1, 2015.

Sec. 229.002. REGULATION OF DISCHARGE OF WEAPON. A

municipality may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

(1) a shotgun, air rifle or pistol, BB gun, or bow and arrow 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; or

(2) a center fire or rim fire rifle or pistol of any caliber discharged:

(A) on a tract of land of 50 acres or more and more than 300 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.

Added by Acts 2005, 79th Leg., Ch. 18 (S.B. 734), Sec. 4, eff. May 3, 2005.

Sec. 229.003. REGULATION OF DISCHARGE OF WEAPON BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality located wholly or partly in a county:

(1) with a population of 750,000 or more;

(2) in which all or part of a municipality with a population of one million or more is located; and

(3) that is located adjacent to a county with a population of two million or more.

(b) Notwithstanding Section 229.002, a municipality may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

(1) a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged:

(A) on a tract of land of 10 acres or more and:

(i) more than 1,000 feet from:

(a) the property line of a public tract of land, generally accessible by the public, that is routinely used for organized sporting or recreational activities or that has permanent recreational facilities or equipment; and

(b) the property line of a school, hospital, or commercial day-care facility;

(ii) more than 600 feet from:

(a) the property line of a residential subdivision; and

(b) the property line of a multifamily residential complex; and

(iii) 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) a center fire or rim fire rifle or pistol of any caliber discharged:

(A) on a tract of land of 50 acres or more and:

(i) more than 1,000 feet from:

(a) the property line of a public tract of land, generally accessible by the public, that is routinely used for organized sporting or recreational activities or that has permanent recreational facilities or equipment; and

(b) the property line of a school, hospital, or commercial day-care facility;

(ii) more than 600 feet from:

(a) the property line of a residential subdivision; and

(b) the property line of a multifamily residential complex; and

(iii) more than 300 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; or

(3) discharged at a sport shooting range, as defined by Section 250.001, in a manner not reasonably expected to cause a projectile to cross the boundary of a tract of land.

Added by Acts 2009, 81st Leg., R.S., Ch. 1230 (S.B. 1742), Sec. 1, eff. June 19, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 81, eff. September 1, 2011.

Sec. 229.004. REGULATION OF DISCHARGE OF WEAPON BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality

located in a county in which the majority of the population of two or more municipalities with a population of 300,000 or more are located.

(b) Notwithstanding Section 229.002, a municipality may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality on or before September 1, 1981, if the firearm or other weapon is:

(1) a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged:

(A) on a tract of land of 100 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; or

(2) a center fire or rim fire rifle or pistol of any caliber discharged:

(A) on a tract of land of 100 acres or more and more than 300 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.

Added by Acts 2011, 82nd Leg., R.S., Ch. 306 (H.B. 2127), Sec. 1, eff. June 17, 2011.

SUBCHAPTER B. REGULATION OF OUTDOOR LIGHTING

Sec. 229.051. DEFINITIONS. In this subchapter, "major astronomical observatory" and "outdoor lighting" have the meanings assigned by Section 240.031.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1166 (H.B. 2857), Sec. 1, eff. January 1, 2012.

Sec. 229.052. APPLICABILITY. (a) This subchapter applies to a municipality located in a county any part of which is located within 57 miles of a major astronomical observatory at the McDonald Observatory.

(b) This subchapter does not apply to:

(1) outdoor lighting in existence or under construction on January 1, 2012; or

(2) the installation, maintenance, repair, or replacement of outdoor lighting owned or operated by an electric utility as defined by Section 31.002, Utilities Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1166 (H.B. 2857), Sec. 1, eff. January 1, 2012.

Sec. 229.053. REGULATION OF OUTDOOR LIGHTING. (a) The governing body of a municipality by ordinance shall regulate the installation and use of outdoor lighting.

(b) An ordinance adopted under this section must be designed to protect against the use of outdoor lighting in a way that interferes with scientific astronomical research of an observatory.

(c) In the ordinance, the governing body may:

(1) require that a permit be obtained from the municipality before the installation and use of certain types of outdoor lighting in a regulated area;

(2) establish a fee in an amount to cover the costs of administering the issuance of the permit;

(3) prohibit the use of a type of outdoor lighting that is incompatible with the effective use of an observatory;

(4) establish requirements for the shielding of outdoor lighting; and

(5) regulate the times during which certain types of outdoor lighting may be used.

(d) The governing body may apply more stringent standards for areas in which the use of outdoor lighting has a greater impact on observatory activities.

(e) The governing body may adopt an ordinance under this section only after conducting a public hearing on the proposed ordinance. The governing body shall give at least two weeks' public notice of the hearing.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1166 (H.B. 2857), Sec. 1, eff. January 1, 2012.

Sec. 229.054. REGULATION OF SUBDIVISIONS. (a) The governing body of a municipality by ordinance shall establish standards relating to proposed subdivisions to minimize the interference with observatory activities caused by outdoor lighting.

(b) The governing body may not approve a subdivision plat unless the plat provides that outdoor lighting will comply with standards adopted under this section.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1166 (H.B. 2857), Sec. 1, eff. January 1, 2012.

Sec. 229.055. ENFORCEMENT; PENALTY. (a) A municipality may sue in any court to enjoin a violation of this subchapter.

(b) A person who violates an ordinance adopted under this subchapter commits an offense. An offense under this section is a Class C misdemeanor.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1166 (H.B. 2857), Sec. 1, eff. January 1, 2012.

Sec. 15-1. - Discharge of firearms, pellet guns and explosive cartridges.

- (a) *Firearms, discharge of.* It shall hereafter be unlawful for any person to discharge or cause to be discharged any gun, pistol, rifle, shotgun or firearm of any kind designed for the purpose of discharging a shell or cartridge which is capable of propelling a bullet, pellet or missile, at any place within the corporate limits of the city; however, nothing contained in this section shall prohibit or interfere with duly qualified and commissioned peace officers in the performance of the official duties of their office or with the protection of a person's private person or property in or about his home from discharging firearms.
- (b) *Compressed air and spring guns, firing of.* It shall be unlawful for any person to fire any gun or weapon which discharges a bullet, pellet or missile by means of compressed air or compressed gas, or to fire any gun or weapon capable of propelling or discharging a bullet, pellet, or missile by means of a spring. This section shall not prohibit the firing of BB guns by adults or minors under direct adult supervision who are on private property owned or occupied by the supervisor. For purposes of this section, a minor is a person younger than sixteen (16) years of age.
- (c) *Exceptions.* Nothing herein shall be construed to apply to the use of firearms in exhibitions of charitable contests conducted under conditions and supervision approved by the city council after application has been made to the city and a permit has been issued.
- (d) *Penalty.* Any person violating any of the provisions of this section or failing to observe any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not more than two hundred dollars (\$200.00); and each violation shall be a separate offense.

(Ord. of 12-11-67, § 1; Ord. No. 90-14, §§ 1—4, 8-28-90)

State Law reference— Regulation of firearms by municipalities, V.T.C.A., Local Government Code § 215.001.

Sec. 70-10. - Discharge of firearms, air rifles, etc., prohibited; exceptions, limited permits.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Air gun means any device designed, made or adapted to expel a projectile through a barrel by using the energy or force generated by the release of a spring, compressed gases or air. The term "air gun" includes, but is not limited to, pellet guns, air pistols, and BB guns.

Bow, crossbow, compound bow means a weapon for shooting arrows, typically made of a curved piece of wood whose ends are joined by a taut string. A compound bow is a modern bow that uses a levering system, usually of cables and pulleys, to bend the limbs.

City means the city and encompasses the territory situated within the corporate boundaries of the city, including any and all public watercourses, rivers, streams, lakes and other state waters, and any and all banks, beds, courses, or other property comprising a part of said public watercourses, rivers, streams, lakes and other state waters.

Firearm means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance, or gas- or air-powered substance.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, parks, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, public waterway, or public utility easement.

Shotgun means a firearm designed, made, or adapted and intended to be fired from the shoulder and designed, made, or adapted to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

- (b)

Discharge of firearm, bow, crossbow and compound bows. Except as otherwise provided in this section, it shall be unlawful and an offense for any person to fire or shoot or cause to be fired or shot any firearm, bow, crossbow, and compound bow, rifle, shotgun, automatic rifle, revolver, pistol, or any other weapon designed for the purpose of discharging a projectile, 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.

- (c) *Discharge of air gun, pellet gun, bow, crossbow or compound bow, etc.* It shall be unlawful and an offense for any person to discharge a projectile from an air gun, pellet gun, bow, crossbow, compound bow or other instrument or by other means within the corporate limits of the city.
- (d) *Exceptions.* This section shall not be construed to prohibit the following:
- (1) Any peace officer or animal control officer from discharging a firearm, bow, crossbow, and compound bow in the lawful performance of his duties.
 - (2) Any citizen from discharging a firearm, bow, crossbow, and compound bow when lawfully defending persons or property.
 - (3) The use by workers in the construction business of any mechanism designed to propel nails, bolts, screws, rivets or other fasteners, provided such mechanism is being used in the manner for which it was intended.
 - (4) The use of blank cartridges for a military ceremony, theatrical production, or sporting event sponsored by an education institution.
 - (5) The lawful, safe, and authorized use of the Llano Gun Range located at the Llano Recycling Center located on Highway 16 north of the city.
 - (6) The discharge of firearm, bow, crossbow, and compound bows in an approved indoor firing range.
 - (7) Destroying predatory animals on one's own property or with the written permission of the owner of the property.
 - (8) The discharge of a projectile from a bow, crossbow or compound bow into a target designed specifically to stop the projectile and the target is placed in an area that will maintain the projectile within ten feet of the target, and the target is not placed in an area that will allow the projectile to accidentally be discharged towards a residence or inhabited area, including air guns and pellet guns.

- (9) For hunting, provided the discharge of the firearm, bow, crossbow, and compound bow complies with all of the following conditions:
- a. Shotguns only.
 - b. Can only be discharged only during legal hunting season by a person properly licensed for hunting in the state.
 - c. Can only be discharged after the landowner, the landowner's agent or a lessee of the land has registered at least four hours prior to the hunt with the chief of police. The sole purpose of such registration is to ensure that law enforcement has prior knowledge of the planned hunt. Registration shall include:
 1. Number of hunters.
 2. Hunter's full name.
 3. Hunter's state hunting license number.
 - d. May not be discharged prior to 12:00 noon nor after sunset.
 - e. Must be fired by an adult, or a minor under direct visual supervision of an adult.
 - f. Must be discharged from property owned or legally occupied by the adult hunter or the adult supervisor of the minor hunter.
 - g. The property on which the discharge occurs must be no less than 15 acres in size, adjacent to an unincorporated area and not within the incorporated area of the Llano River bed.
 - h. Must be discharged from a location on the property at least 300 feet from adjoining city property, a public road, public right-of-way, public place, dwelling (unless the dwelling is owned or legally occupied by the person discharging the shotgun), and boundary line of the property.
 - i. The shot or projectile discharged shall not exit the boundaries of the property described in subsection (d)(9)g. of this section.
- (10) Discharging from outside city limits into the city limits. Except as otherwise provided in this section, it shall be unlawful for any person to discharge or cause to be discharged any firearm, bow, crossbow, and compound bow from or on real property situated outside the corporate limits of the city

such that a projectile discharged from said firearm, bow, crossbow, and compound bow enters into or upon real property situated within the corporate limits of the city.

- (11) Except as otherwise provided in this section, it shall be unlawful for any person to discharge or cause to be discharged any firearm, bow, crossbow, and compound bow from or on real property situated outside the corporate limits of the city such that a projectile discharged from said firearm, bow, crossbow, and compound bow enters into or upon real property situated within the corporate limits of the city.

(e) *Penalty.*

- (1) Each occurrence of a violation of this section shall constitute a separate offense.
- (2) Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed \$500.00 for each offense.

(Ord. No. 854, §§ 1—3, 10-16-2000; Ord. No. 926, § 1(1—6(a)), 9-3-2003; Ord. No. 1282, 7-7-2014)

Cross reference— Discharge of firearms, fireworks or air rifles prohibited in parks, § 74-100.

State Law reference— Discharging firearm in a public place, V.T.C.A., Penal Code § 42.01.

Sec. 14-4. - Discharge of firearms.

It shall be unlawful for any person to discharge any firearm in the city except in defense of life or property.

Cross reference— Display of firearms in city parks, § 15-19.



CITY COUNCIL MEMO

DATE: December 22, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: TXDOT Agreement-Relief Route Study

Summary:

TXDOT requires approval of an Advance Funding Agreement in order to confirm our contribution of \$50,000 for the Relief Route study currently underway.

Recommendation:

It is recommended that the attached Advance Funding Agreement with TXDOT for our contributions in the fixed amount of \$50,000 for the Relief Route Study be approved. The funds are included in the 2018 City Budget.

Background / Analysis:

TXDOT has retained a consultant to prepare a comprehensive study on the future Relief Route. An initial meeting with the consultant will take place in early-January. Both the City and the County pledged \$50,000 as local contributions to this study. The attached agreement confirms this contribution as part of the public outreach efforts that are important in this study. Gillespie County will be considering this same agreement at their next County Commissioners meeting.

Attachments:

The City of Fredericksburg

(39)

TXDOT Advance Funding Agreement



Department Approval



City Manager Approval

The City of Fredericksburg

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126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861



CITY COUNCIL MEMO

DATE: December 22, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Discussion on Sports Park

Summary:

The City Council indicated that you would like to share some initial thoughts regarding the Sports Park. You also might want to discuss the format for the special Council meeting on January 8 at 5:00 p.m.

Recommendation:

None

Background / Analysis:

None

Attachments:

None


Department Approval


City Manager Approval

The City of Fredericksburg

(41)

CITY COUNCIL MEETING DATES & FUTURE 2017 AGENDA ITEMS - updated 12-28
MON 1/8/18 (Special)
1. Future Development of Sports Park
MON 1/15/18 (Regular)
1. HOT Applications
2. Noise Ordinance Report - Steve
3. Art Guild Building
4. Sign Ordinance Amendment Affecting Historic Properties
5. Landmark Designation - 502 E Main St
6. Affordable Housing Report
7. Consider Contract Proposal for Historic Survey
8. Tree Trimming Contract - LCRA
FUTURE AGENDA ITEMS
1. 2018 Annexations
2. Hotel Conference Center Agreement
3. Moratorium on Alcohol Related Businesses
4. Sports Park
5. Changes to City Lighting Ordinance
6. New Storm Water Fees
7. Attainable Housing Strategies
8. Ft Martin Scott Trails
9. Rotary Basketball Agreement