Chapter 46 MISCELLANEOUS OFFENSES

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ARTICLE I. IN GENERAL

Secs. 46-1 – 46-30. Reserved.

ARTICLE II. DISCHARGE OF FIREARMS

Sec. 46-31. Firing certain guns.

It shall be unlawful for any person to fire or shoot or cause to be fired or shot any firearm, rifle, shotgun, automatic rifle, revolver, pistol or any other weapon designed for the purpose of firing or discharging a shell or cartridge, whether such shell or cartridge is blank or live ammunition, at any place within the corporate limits of the city, except for the protection of life or private property, and except peace officers while in the performance of their official duties or by authorized city representatives in the engagement of their official duties. This section shall prohibit the firing of BB guns and pellet guns.

Code 1987 § 9.30

Sec 46-32 Regulation Hunting with a Bow and Arrow

Definitions and Parameters

HUNT is defined as capture, trap, take, kill, or attempting to capture, trap, take, or kill and as defined in Texas Parks and Wildlife Code § 1.101 (1) as amended.

BOW means a weapon for shooting a projectile, including but not limited to an arrow, typically made of a curved piece of wood whose ends are joined by a taut string.

Arrow means a projectile with a shaft sharpened at the front, often in the shape of an arrow.

1. It shall be unlawful for any person to hunt with a bow and arrow or any other projectile on any parcel of land within the incorporated limits of the City of East Tawakoni that is less than 100 acres.
2. It shall be unlawful for any person to hunt with a bow and arrow closer than 300 ft from any Dwelling or other occupied structures
3. All Federal, State and local ordinances and Laws regarding hunting, discharge of a weapon or projectile and safety while hunting

Adopted 2021

Sec 46-33 – 46-60 Reserved

ARTICLE III MINORS

DIVISION 1. GENERALLY

SEC. 46-61 – 46-80 Reserved

DIVISION 2. CURFEW

Sec. 46-81. Definitions.

The following words, terms and phrases, when used in this division. Shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curfew hours means:

1. 10:00 pm on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 am of the following day
2. 11:00 pm until 6:00 am on any Friday or Saturday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to a fire, a natural disaster, and automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately owned place of business operated for a profit to which the public is invited, during its hours of operation including but not limited to any place of amusement, concession or entertainment

Guardian means:

1. A person who, under court order, is the guardian of the person of a minor; or
2. A public or private agency with whom a minor has been placed by a court.

Minor means any person under 17 years of age.

Operator means any individual. firm, association, partnership or corporation operating, managing or conducting business at any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parents means a person who is:

1. A natural parent, adoptive parent or step parent of another person; or
2. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

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

Remain means to:

1. Linger or stay; or
2. Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Ord of 9-19-1995 § 9.59

Sec 46-82 Offenses.

1. A minor commits an offense if he remains in any public place or on the premises of any establishment during curfew hours.
2. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment during curfew hours
3. The owner, operator or any employee f an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Ord. of 9-19-1995 § 9.59

Sec. 46-83 exceptions.

(a)

1. It is an exception to section 46-82 if the minor was:
2. On an errand at the direction of the minor’s parent or guardian, without any detour or stop;
3. In a motor vehicle involved in interstate travel;
4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
5. Involved in an emergency;
6. In the driveway or yard of the minor’s residence or the driveway or yard abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor’s presence;
7. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor;
8. Exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech, and the right of assembly; or
9. Married or had been married or had disabilities of minority removed in accordance with V.T.C.A, family Code ch 31.

(b)It is an exception to section 46-82 that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(c) It is an exception to section 46-82 that the minor is attending an event or activity with the consent of the minor’s parent or guardian, which event or activity is confined to the premises of the sponsoring entity and the minor attending the activity or event is prohibited and prevented from entering or leaving the premises during curfew hours; and the activity or event is supervised by adults.

Ord. of 9-19-1995 § 9.59

Sec 46-84 ENFORCEMENT

Before taking any enforcement action under this division, a police officer shall ask the apparent offender’s age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred ant that, based on any response and other – circumstances, no exception in section 46-83 is present.

Ord. 9-19-1995 §9.59

Sec 46-85. Penalties

1. A person who violates a prevision of this division is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense upon conviction, is punishable by a fine not to exceed $500.00.
2. When required by V.T.C.A . , Family Code 51.08, the municipal court shall waive original jurisdiction over a minor who violates section 46-82 and shall refer the minor to juvenile court or to juvenile probation department.
3. Ord of 9-19-1995 §9.59