

To the Mayor and Members of the City Council

September 23, 2014

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**SUBJECT: HUNTING REGULATIONS WITHIN THE CITY LIMITS**

The Texas Legislature passed an act in 2005 and again in 2011 that prohibits the City of Fort Worth from outlawing the discharge of firearms in certain open land areas provided the hunter stays an adequate distance from dwellings.

Specifically, if the property was annexed after August, 1981, Section 229.002 of the Texas Local Government Code prohibits a city from regulating the discharge of weapons if the requirements of the statute are met. A city cannot prohibit the discharge of a *shotgun, air rifle or pistol, BB gun, or bow and arrow* if the discharge happens on 10 acres or more and more than 150 feet from a residence or occupied building located on another property. If the weapon is a *center fire or rim fire rifle or pistol*, the tract must be a minimum of 50 acres in size and more than 300 feet from a residence or occupied building located on another property. In both cases, the firearm must be discharged in a manner not reasonably expected to cause the projectile to cross the property line.

**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.

If the property was annexed prior to September, 1981, Section 229.004 of the Texas Local Government Code, adopted in 2011, prohibits a city from regulating the discharge of weapons if the requirements of the statute are met. A city cannot prohibit the discharge of a *shotgun, air rifle or pistol, BB gun, or bow and arrow* if the discharge happens on 100 acres or more and more than 150 feet from a residence or occupied building located on another property. If the weapon is a *center fire or rim fire rifle or pistol*, the tract must be a minimum of 100 acres in size and more than 300 feet from a residence or occupied building located on another property. In both cases, the firearm must be discharged in a manner not reasonably expected to cause the projectile to cross the property line.

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**SUBJECT: HUNTING REGULATIONS WITHIN THE CITY LIMITS****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.

While a City of Fort Worth Police Officer can enforce and write citations for violations, primary enforcement of the statutes is the responsibility of Texas Parks and Wildlife game wardens. The Police Department maintains a list of contact names and numbers for these officers. Fort Worth police officers respond several times each year to concerns in this regard, but the great majority of the time no violations are found. When violations of this nature are found, contact is usually made with the game warden(s) for appropriate enforcement action

If you have any questions, please call Chief Halstead at 817-392-4213 or Sarah Fullenwider at 817-392-7606 or Gerald Pruitt at 817-392-7616 in the City Attorney's Office.

**David Cooke**  
**City Manager**