

Chapter 12

**OFFENSES AND MISCELLANEOUS PROVISIONS\***

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**\*State law references**—Preemption of criminal offenses by Penal Code, V.T.C.A., Penal Code § 1.08; municipal public health powers, V.T.C.A., Health and Safety Code § 122.006; abatement of health nuisances, V.T.C.A., Health and Safety Code § 341.011 et seq.



**Sec. 12-1. Possession of B-B guns, air rifles by minors restricted.**

(a) No person under 21 years of age shall carry an air rifle, B-B gun, pellet gun, or CO<sub>2</sub> rifle on or about his person while upon the streets, alleyways, or other public place within the corporate limits of the city unless accompanied by his parent or legal guardian.

(b) No person under 21 years of age shall carry an air rifle, B-B gun, pellet gun, or CO<sub>2</sub> rifle on or about his person while upon private property unless he has obtained the permission of the owner of the private property.

(c) Violation of any provision of this section shall be punishable in accordance with section 1-14.

(Ord. of 4-12-73)

**Sec. 12-2. Discharge of firearms prohibited; exceptions.**

(a) It shall be unlawful for any person to fire or discharge any gun, pistol, rifle or other firearm of any description within the corporate limits of the city.

(b) Subsection (a) of this section shall not apply when such firing is done in the necessary and lawful protection of one's person, premises or property, unless such firing be recklessly or negligently done.

(c) It shall be unlawful for any person to shoot or discharge any air gun or air rifle of any description in, on, across or near to any public place, park, street or alley within the corporate limits of the city.

(d) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with section 1-14.

(Ord. of 3-23-42, § 4)

**Sec. 12-3. Burning or throwing paper, trash, etc., on or near public square prohibited.**

It shall be unlawful for any person to allow or permit the burning or throwing of paper, trash or rubbish on the public square in the city or within one block in each direction therefrom.

(Ord. of 9-18-39, § 1)

**Sec. 12-4. Noise restricted.**

(a) It shall be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify, amplify or reproduce the human voice, or any other sound, on any public street within the city.

(b) It shall be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify, amplify or reproduce the human voice, or to produce, reproduce, intensify or amplify any other sound, in any building or on any premises in the city whereby the sound therefrom is cast directly upon

the public streets or places or where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public, or which is so placed or operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any streets or public place, or of persons in neighboring premises.

(c) The purpose of this section is to prevent any noise in or near any public street which is reasonably calculated to disturb the peace and good order of the neighborhood or of persons owning, using or occupying property adjacent to such public streets.

(d) Every person convicted of the violation of the provisions of this section shall be punished in accordance with section 1-14.

(Ord. of 9-21-43, § 4)

#### **Sec. 12-5. Fireworks.**

(a) No person shall cast, throw or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind in the city.

(b) No person shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the city, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind in the city, provided, however, that this section shall not apply to the sale of such articles at wholesale to merchants conducting business entirely without the city, or to the sale by wholesalers for private or public demonstration as hereinafter provided.

(c) Nothing in this section shall be construed to apply to the sale, storage or use of railroad track torpedoes, or other signalling devices used by railroads, nor to the sale, storage or use of flashlight composition by photographers or dealers in photographic supplies or prevent any public or private demonstration or display of fireworks of any kind if conducted under proper supervision by the city for such demonstration. The permit shall not be granted unless such demonstration or display shall be of such a character, and so located, discharged or fired, as in the opinion of the chief of the fire department after proper inspection, shall not be hazardous to property or endanger any person.

(d) Any person who shall violate any of the provisions of this section, or suffer or allow the same to be violated, shall upon conviction thereof be punished in accordance with section 1-14.

(Ord. of 1-1-47, § 4)

**Cross reference**—Fire prevention and protection, ch. 5.

#### **Sec. 12-6. Posting signs on utility poles prohibited.**

Any person who shall post or otherwise place a sign upon any utility pole shall be guilty of a misdemeanor.

(Ord. No. 01-08-77, § 1, 8-9-77)

**Sec. 12-7. Consumption or possession of alcoholic beverages on public property prohibited.**

It shall be unlawful for any person to consume or possess any alcoholic beverage in or on any public property including any parking areas which are used generally by the public.  
(Ord. No. 01-08-74, 8-8-74)

