

ORDINANCE NO. 2022-09-12 (8B)

AN ORDINANCE AMENDING CHAPTER 4 BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCKDALE, TEXAS, BY ADDING ARTICLE 4.08, ESTABLISHING REGULATIONS FOR THE ISSUANCE OF PERMITS FOR THE OPERATION OF SHOOTING RANGES AND AUTHORIZING THE DISCHARGE OF FIREARMS AT AN APPROVED SHOOTING FACILITY; AMENDING CHAPTER 3 BUILDING REGULATIONS, BY ADDING ARTICLE 3.13, ESTABLISHING RANGE DESIGN CRITERIA; AMENDING CHAPTER 14 ZONING, BY AMENDING SECTION 14.02.072 ALLOWED USE TABLE; AMENDING APPENDIX A "FEE SCHEDULE," BY ADDING SECTION A3.007(i); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council ("Council") is the governing body for the City of Rockdale, Texas, and therefore, it must bear the initial responsibility for the integrity of governance; and

WHEREAS, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits, for inspection and completion of construction, plumbing, electrical work and buildings within the City of Rockdale, Texas; and

WHEREAS, the City desires to adopt zoning and/or building codes pertaining to shooting ranges and the design thereof and provide for permitting of such shooting ranges which will allow firearms to be discharged at such a facility; and

WHEREAS, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKDALE, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Adoption of Article 4.08 Shooting Ranges. Article 4.08 Shooting Ranges is hereby adopted as follows:

Section 4.08.01 – Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

Building official means the chief building official or his designee. The city manager may delegate duties and obligations of the building official pursuant to this section to the chief of police, the fire chief, or such other city official as the city manager may, in his sole discretion, determine to be capable of exercising some or all of the authority, duties, and obligations of the building official acting pursuant to this article.

Firearm means a weapon capable of discharging a projectile by means of an explosive charge, including without limitation a rifle, pistol, shotgun or any other type of gun; but not including an air

pistol or air rifle incapable of discharging a projectile at a muzzle speed in excess of 300 feet per second.

Firing line means a designated area at a shooting facility designed and intended for use as the location from which persons may discharge firearms in the direction of a target.

Shooting facility means an area, either enclosed or out of doors, at which firearms are discharged at targets and which is designed so that projectiles fired from firearms at targets are prevented, by means of backstops or other barriers, from going beyond the boundaries of the area.

Range Design Criteria means the document promulgated by the U.S. Department of Energy Office of Health, Safety, and Security that provides design criteria for live-fire ranges, as amended from time to time, and available at <http://energy.gov> or <http://www.energy.gov/sites/default/files/2013/05/f1/RangeDesignCriteria.pdf>.

Section 4.08.02 – Permit required

It shall be unlawful for any person to establish, construct, conduct or operate, or to allow to be established, constructed, conducted or operated, on property under his ownership or control, a shooting facility unless such shooting facility is established, constructed, conducted and operated in accordance with a permit issued pursuant to this article.

Section 4.08.03 – Application for permit.

- (a) Any person wishing to operate or conduct a shooting facility shall file a written application for a permit to do so with the building official upon forms provided by the building official which shall include the following:
- (1) The name, mailing address, and telephone number of the applicant for the permit if the shooting facility is to be operated by a sole proprietor. If the applicant is a general partnership, limited partnership, limited liability partnership, a limited liability company, or corporation, include the names, addresses, and telephone numbers of all partners, owners, officers, and directors, and a copy of the most current operating agreement.
 - (2) The business name, address, and telephone number of the proposed shooting facility.
 - (3) Plans drawn to scale and showing the location and dimensions of all improvements existing or to be constructed, specifically showing the location and dimensions of proposed firing lines and target areas and the location, design, and materials for the construction of backstops, baffles, and all other surfaces downrange from a firing line, including an air ventilation system that is in compliance with OSHA Lead Standard requirements and the Range Design Criteria.
 - (4) Applications for all building permits required to construct any structures to be used in connection with the shooting facility;
 - (5) For any shooting facility not located entirely inside a building, a site plan showing the existing and proposed topography of the land and all existing structures and uses of property located within:
 - a. 1,200 yards downrange and a 20-degree outward angle from either end of a firing line for any firearms other than shotguns, or 300 yards downrange and a 20-degree outward angle from either end of a firing line for firearms other than shotguns on a baffled range;
 - b. 300 yards downrange and 180 degrees on either side of any skeet launching facility at a skeet range for the exclusive use of shotguns; and
 - c. 300 yards downrange and 110 degrees on either side of any trap launching facility at a trap range for the exclusive use of shotguns;
 - d. Compliant with OSHA Lead Standard requirements and the Range Design Criteria.
 - (6) A complete and true copy of the proposed rules and regulations and operating procedures governing the use of such shooting facility and the proposed hours of operation;
 - (7) A certificate of insurance in compliance with the insurance requirement imposed by

subsection 4.08.04(b)(6)

- (8) The name and address of every property owner of land located within 300 feet of the boundaries of the tract of land on which the shooting facility will be operated; and
 - (9) Any other information reasonably required by the building official to determine the safety of the shooting facility.
- (b) Upon the receipt of any application filed pursuant to subsection (a) of this section, the building official shall mail notice that such application has been filed by the applicant to the owners of all real property located within 300 feet of the boundaries of the tract of land on which the shooting facility will be operated. The applicant shall post notice in a form and at locations approved by the building official reasonably sufficient, in the discretion of the building official, to advise the public that an application has been filed pursuant to this article.

Section 4.08.04 – Issuance of permit.

- (a) If the building official determines from the information provided in the application that the shooting facility will satisfy the specific requirements of subsection (b) of this section, the building official shall conditionally approve the permit for the shooting facility, subject to the completion of any improvements shown on the application in accordance with the approved plans and specifications. After inspecting the completed improvement and certifying that the criteria of subsection (b) of this section have been satisfied, the building official shall issue the permit. Conditional approval of a permit under this section shall not be deemed or construed to constitute approval of any building or other permit required pursuant to the applicable ordinances of the city.
- (b) The application for a permit for a shooting facility shall demonstrate compliance with the following specific criteria:
- (1) Any shooting facility shall be designed and operated in a manner to prevent any bullet or other projectile from traveling beyond the boundaries of such shooting facility and in compliance with the Range Design Criteria. In reviewing the design of a shooting facility, the building official may consider range development guidelines promulgated by the National Rifle Association.
 - (2) Any outdoor shooting facility at which firearms other than shotguns will be discharged shall be designed to prevent any projectile fired from the firing line from initially striking any surface not designed to completely stop the projectile or prevent the occurrence of potentially dangerous ricochets.
 - (3) The rules and regulations for the shooting facility shall be posted and maintained in a visible location at the shooting facility.
 - (4) The rules and regulations for the shooting facility shall prohibit the possession or use of alcoholic beverages by persons on the firing line or the discharge of firearms by any person under the influence of alcohol.
 - (5) The operating procedures for the shooting facility shall prohibit the use of any firing line at the facility except when the permit holder is present and supervising at such firing line to ensure compliance with the approved rules and regulations.
 - (6) The applicant for a permit issued pursuant to this article shall obtain and maintain in effect during the operation of the shooting facility liability insurance coverage in a minimum amount of \$1,000,000.00 per person and \$1,000,000.00 per occurrence.
 - (7) Noise level may not exceed 65 decibels at the property line.
 - (8) Current City Zoning Ordinances.
- (c) Permits which are issued under this article shall recite that the issuance thereof does not constitute any assurance by the city, its employees, officers, or agents, that injury may not result from the operation or use of the approved shooting facility. Permits shall be valid for a one-year period, and may contain such restrictions as to types of firearms and ammunition permitted to be discharged at a shooting facility, maintenance of improvements and safety equipment, rules and regulations governing the use of such facility, limitations on the times of operation, and other terms and conditions relating to the use and operation of the shooting facility as the building official may deem reasonably necessary to ensure the safety and welfare of the public,

neighboring property owners, and persons using the shooting facility.

Section 4.08.05 – Right of appeal.

Any party aggrieved by a decision of the building official pursuant to this article may appeal that decision to the city council by filing a written notice of the appeal specifically alleging the error of the building official with the city secretary. The filing of an appeal shall not stay the action or determination of the building official which is appealed. The city council shall schedule a public hearing on the appeal within 30 days following the date such appeal is filed and may uphold, reverse, or modify the decision of the building official at the conclusion of such public hearing.

Section 4.08.06 – Permits for government agencies.

Notwithstanding anything in this article to the contrary, a permit to operate a shooting facility shall be issued to any federal, state or local governmental agency upon receipt of a certification from an authorized official of such agency that the shooting facility is under the control and management of the agency and is operated for the exclusive use of governmental employees.

Section 4.08.07 – Applicability to existing shooting facilities.

Any shooting facility otherwise in compliance with applicable ordinances as of the effective date of the ordinance from which this article is derived, and any lawfully existing shooting facility annexed into the city subsequent to the effective date of the ordinance from which this article is derived, may operate without the permit required by this section for a period of 45 days. If application for the permit required by this article is filed within such 45-day period, the shooting facility may continue operating without a permit for an additional 45-day period pending processing and conditional approval of a permit. If a permit is conditionally approved within such 45-day period and with the construction of improvements necessary to satisfy the requirements, the shooting facility may continue operating without the issuance of a permit for an additional 90 days. The building official may grant a single extension of up to 60 days if the applicant is unable, with diligent effort, to complete the improvements within the initial 90-day period. Notwithstanding any other provision of this Code and without the issuance of a building, site development, or other permit which may otherwise be required, the building official may authorize the construction of improvements and site development on an existing shooting facility for the sole purpose of meeting the requirements imposed by subsection 4.08.04(b).

Section 3. Adoption of Article 3.13 Shooting Ranges. Chapter 3 Building Regulations is hereby amended by adding Article 3.13 “Shooting Ranges” as follows:

Division 1. Generally

Section 3.13.001 Definitions.

For the purposes of this Article, certain terms, words, and phrases shall have the meaning hereinafter ascribed thereto:

Shooting Ranges. A facility possessing a permit from the City allowing the discharge of a firearm on the premises.

Firearm. A device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosive or burning substance.

Section 3.13.002 Range Design Criteria adopted.

The City adopts the *Range Design Criteria* as promulgated by the U.S. Department of Energy Office of Health, Safety, and Security that provides design criteria for live-fire ranges, as amended from time to time, and available at <http://energy.gov> or <http://www.energy.gov/sites/default/files/2013/05/f1/RangeDesignCriteria.pdf>.

Section 3.13.003 Prohibited

It shall be unlawful to operate a Shooting Range that is has not been permitted by the City nor in conformity with the Range Design Criteria.

Section 4. Amendment of Section 14.02.072 Allowed Use Table. Chapter 14 Zoning Ordinance, Section 14.02.072 Allowed Use Table is hereby amended as follows:

Section 14.02.072 Allowed Use Table.

See "Exhibit A" for Allowed Use Table – revised to allow for Shooting Ranges.

Section 5. Amending Appendix A entitled "Fee Schedule". Appendix A, entitled "Fee Schedule," Article A3.000 Other Fees, of the Rockdale Code of Ordinances is hereby amended to add the following line items to Section A3.007 entitled "Business & Commerce," which shall read as follows:

Section A3.007 Business & Commerce

- (i) Shooting Ranges
 - (1) Initial application fee \$ 500
 - (2) Annual renewal fee Actual cost of inspection by City inspector

Section 6. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provision of this ordinance shall govern.

Section 7. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable, or unconstitutional, the same shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 8. Savings Clause. All rights and remedies of the City of Rockdale are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning and all other codes affected hereby including permit issuance, or vendor registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 9. Penalty. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Section 14.02.242[BH1] of the Code of Ordinances of the City of Rockdale each day a violation exists shall be a separate offense.

Section 10. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.

Section 11. Open Meeting Act. It is officially found and determine that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED on first reading on this the 13th day of June, 2022.


PASSED AND APPROVED on second reading on this the 12 day of September 2022.

THE CITY OF ROCKDALE, TEXAS



Brett M. Boren, Mayor

ATTEST:



Shanna Johnson,
City Secretary

EXHIBIT A

“ALLOWED USE TABLE”