

GUN SAFETY TASKFORCE

Local Government Code
§ 229.001

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LOCAL GOVERNMENT CODE § 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.

■ Tex. Loc. Gov't Code Ann. § 229.001(a)

SUBSECTION B OF CHAPTER 229.001

(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;

- Tex. Loc. Gov't Code Ann. § 229.001(b)(1-3)

SUBSECTION B OF CHAPTER 229.001

- (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.

■ Tex. Loc. Gov't Code Ann. § 229.001(b)(4-8)

SUBSECTIONS (C-F) OF CHAPTER 229.001

(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.

- Tex. Loc. Gov't Code Ann. § 229.001(c-f)

COURT CASES

- There is no court case in which a Texas municipal fire code, zoning ordinance, or land use ordinance has been invalidated because it conflicts with Section 229.001.
- Recent case law also confirms that there is also no federal constitutional right to operate a gun store in a particular location. In that case, a federal appellate court upheld a 500 ft. gun-free zone established in California. Teixeira v. County of Alameda, 873 F. 3d 670 (9th Cir. 2017)