



Grace Nino &lt;gracenino@cityofkyle.com&gt;

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**Fwd: Dove season**

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**Lanny Lambert** <l.lambert@cityofkyle.com>

Wed, Sep 18, 2013 at 11:19 AM

To: district4 rep &lt;district4rep@cityofkyle.com&gt;, Mayor Kyle &lt;mayor@cityofkyle.com&gt;, GRACE NINO &lt;gracenino@cityofkyle.com&gt;

grace, to the Mayor and Council, thanks, lan

----- Forwarded message -----

From: **Jeff Barnett** <jbarnett@cityofkyle.com>

Date: Wed, Sep 18, 2013 at 10:40 AM

Subject: Fwd: Dove season

To: Lanny Lambert &lt;l.lambert@cityofkyle.com&gt;

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From: **Jeff Barnett** <jbarnett@cityofkyle.com>

Date: Thu, Sep 12, 2013 at 8:27 AM

Subject: Re: Dove season

To: Jerry Hendrix &lt;jhendrix@cityofkyle.com&gt;, Samantha Bellows-LeMense &lt;samantha4kyle@gmail.com&gt;

Cc: Lanny Lambert &lt;l.lambert@cityofkyle.com&gt;, JAMES EARP &lt;jrearp@cityofkyle.com&gt;

Jerry,

Here are three state laws that apply to this situation for your review and use. Please see below.

**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.

Added by Acts 2005, 79th Leg., Ch. 18, Sec. 4, eff. May 3, 2005. (or use this link to see the law in its entirety: <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.229.htm>)

**§ 22.05. DEADLY CONDUCT.** (a) A person commits an offense if he recklessly engages in conduct that places another in imminent danger of serious bodily injury.

(b) A person commits an offense if he knowingly discharges a firearm at or in the direction of:

- (1) one or more individuals; or
- (2) a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied.

(c) Recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.

(d) For purposes of this section, "building," "habitation," and "vehicle" have the meanings assigned those terms by Section 30.01.

(e) An offense under Subsection (a) is a Class A misdemeanor. An offense under Subsection (b) is a felony of the third degree.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974.

Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

**Sec. 42.01. DISORDERLY CONDUCT.** (a) A person commits an offense if he intentionally or knowingly:

(1) uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;

(2) makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace;

(3) creates, by chemical means, a noxious and unreasonable odor in a public place;

(4) abuses or threatens a person in a public place in an obviously offensive manner;

(5) makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;

(6) fights with another in a public place;

(7) discharges a firearm in a public place other than a public road or a sport shooting range, as defined by Section 250.001, Local Government Code;

(8) displays a firearm or other deadly weapon in a public place in a manner calculated to alarm;

(9) discharges a firearm on or across a public road;

(10) exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act; or

(11) for a lewd or unlawful purpose:

(A) enters on the property of another and looks into a dwelling on the property through any window or other opening in the dwelling;

(B) while on the premises of a hotel or comparable establishment, looks into a guest room not the person's own through a window or other opening in the room; or

(C) while on the premises of a public place, looks into an area such as a restroom or

shower stall or changing or dressing room that is designed to provide privacy to a person using the area.

(b) It is a defense to prosecution under Subsection (a)(4) that the actor had significant provocation for his abusive or threatening conduct.

(c) For purposes of this section:

(1) an act is deemed to occur in a public place or near a private residence if it produces its offensive or proscribed consequences in the public place or near a private residence; and

(2) a noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.

(d) An offense under this section is a Class C misdemeanor unless committed under Subsection (a)(7) or (a)(8), in which event it is a Class B misdemeanor.

(e) It is a defense to prosecution for an offense under Subsection (a)(7) or (9) that the person who discharged the firearm had a reasonable fear of bodily injury to the person or to another by a dangerous wild animal as defined by Section 822.101, Health and Safety Code.

(f) Subsections (a)(1), (2), (3), (5), and (6) do not apply to a person who, at the time the person engaged in conduct prohibited under the applicable subdivision, was a student in the sixth grade or a lower grade level, and the prohibited conduct occurred at a public school campus during regular school hours.

On Wed, Sep 11, 2013 at 12:20 PM, Jerry Hendrix <[jhendrix@cityofkyle.com](mailto:jhendrix@cityofkyle.com)> wrote:

I'll put something together after Chief Barnett confirms what the rules are.

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**From:** Lanny Lambert <[l.lambert@cityofkyle.com](mailto:l.lambert@cityofkyle.com)>

**Date:** Wednesday, September 11, 2013 11:23 AM

**To:** Jerry Hendrix <[jhendrix@cityofkyle.com](mailto:jhendrix@cityofkyle.com)>, JAMES EARP <[jrearp@cityofkyle.com](mailto:jrearp@cityofkyle.com)>, Jeff Barnett <[jbarnett@cityofkyle.com](mailto:jbarnett@cityofkyle.com)>

**Subject:** Fwd: Dove season

Jerry?

----- Forwarded message -----

From: **Samantha LeMense** <[samantha4kyle@gmail.com](mailto:samantha4kyle@gmail.com)>

Date: Wed, Sep 11, 2013 at 11:06 AM

Subject: Dove season

To: Lanny Lambert <[l.lambert@cityofkyle.com](mailto:l.lambert@cityofkyle.com)>

Can we post something on the main website to address dove season and how people can still hunt within the city limits on land that is more than 10 acres?

Sam

Sent from my iPhone

Please forgive errors

—  
*Jeff Barnett*

Jeff Barnett

Chief of Police

Kyle Police Department

Office: (512)-268-0859

Fax: (512)-268-2330

<http://www.cityofkyle.com/police>

—  
*Jeff Barnett*

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