

County of Hidalgo

City Of Penitas

ORDINANCE 2001-07

ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS WITHIN THE CORPORATE LIMITS OF THE CITY OF PENITAS; PROHIBITING CONCEALED HANDGUNS ON CITY OWNED PREMISES, AND PROVIDING FOR OTHER REGULATIONS, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Penitas is a General Law City operating under the general laws of the State of Texas;

WHEREAS, the United States Constitution recognizes its citizens right to bear arms;

WHEREAS, the Texas Constitution permits municipalities to regulate the use and possession of firearms where not preempted by State Statute;

WHEREAS, The City of Penitas acknowledges the right of its citizens to bear arms, for their own personal protection, recreational and sport use;

WHEREAS, the City of Penitas in enactment of this Ordinance intends to protect the welfare, health, peace and public safety of its citizens;

WHEREAS, the State of Texas, permits the carrying of a concealed handgun;

WHEREAS, the Board of Aldermen wish to prohibit the carrying of a concealed handgun on all city owned premises;

THEREFORE Be it Resolved And Ordained by The Board of Aldermen of the City of Penitas, to wit:

1. The Board of Aldermen find that all requirements of law have been met in the passing of this Ordinance;
2. All terms in this Ordinance shall have the same meaning and effect and contained and as defined under Texas Local Government Code Section 215.001 and Texas Penal Code Section 42.01(a)(9);
 - A. It shall be unlawful for any person to discharge or shoot any gun, pistol or other firearm within the city limits of the City of Penitas except in the defense of home or person;
 - B. Duly authorized members of the police force of the City of Penitas and all county, state and federal peace officers legal authorize to carry firearms while in the lawful discharge of their duties, are hereby expressly exempt from the terms and provisions of this ordinance.

- C. Any person who shall unlawfully discharge or shoot any gun, pistol or firearm within the city limits shall be assessed a fine not to exceed \$ 250.00.
- D. It shall be unlawful for any person to carry concealed handgun in violation of the Provisions of Section E.
- E. This Section is intended to be interpreted liberally so as to prohibit handguns on any and all city property that State Law allows municipalities to regulate.
- F. The City Administrator is hereby authorized to post notice of this prohibition at the entrance of all city premises. Any person carrying a concealed handgun in violation of ordinance shall be considered to be entering the premises of the city in violation of Texas Penal Code Section 30.05, Criminal Trespass and shall be fined accordingly.

Shall any phrase, word, sentence, paragraph or portion of this Ordinance be found void or voidable or unconstitutional, the remaining portion shall remain in full force and effect.

PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PENITAS, TEXAS on this _____ Day of _____, 2001, at a Regular and Duly Called Meeting of the Board of Aldermen of the City of Penitas at which a Quorum was present.

SIGNED ON THIS THE _____ DAY OF _____, 2001

City of Penitas

Mayor Servando Ramirez

ATTEST:

Melissa Garza, City Secretary