

2003-07

*County of Hidalgo*

*City Of Peñitas*

**ORDINANCE 2003-07**

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

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

WHEREAS, the City of Peñitas 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 Peñitas, 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 Peñitas except in the defense of home or person;

ORDINANCE

2003-07


- B. Duly authorized members of the police force of the City of Peñitas 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 accessed 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 accordantly.

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 ALDERMEN OF THE CITY OF PEÑITAS, TEXAS on this 27<sup>th</sup> Day of August 2003, at a Special Called Meeting of the Board of Aldermen of the City of Peñitas at which a Quorum was present.

SIGNED ON THIS THE 27<sup>th</sup> DAY OF AUGUST ,2003

City of Peñitas



Servando Ramirez, Mayor

ATTEST:

  
Minerva Garza; City Secretary