

ORDINANCE NO. 3063

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS PROHIBITING THE CARRYING OF A CONCEALED HANDGUN IN CITY BUILDINGS; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS; the 74th Legislature of the State of Texas amended Title 70 of the Revised Statutes by adding Article 4413 (29ee), commonly known as the "Texas Concealed Weapons Act", which became effective September 1, 1995, and which establishes eligibility, procedures and regulations relating to licensing of persons to carry a concealed handgun, including the right of public and private employers to prohibit persons licensed under Article 4413 (29ee) from carrying a concealed handgun on the premises of the business, and

WHEREAS; the City Council of the City of Mesquite has determined that it is in the best interest of the City and its' citizens to prohibit persons licensed under Article 4413 (29ee) from carrying concealed handguns in City buildings;

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

SECTION 1. That regulations relating to persons licensed to carry concealed handguns pursuant to Article 4413 (29ee) are hereby adopted as follows:

**Definitions.**

In this Ordinance:

*City building* means any building or portion of a building owned, occupied leased or controlled by the City of Mesquite, Texas and used for City operations and/or activities. The term does not include any public or private driveway, street, sidewalk or parking lot or parking area.

*Concealed handgun* means a handgun, the presence of which is not openly discernable to the ordinary observation of a reasonable person.

*Firearm* means any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

*Handgun* means any firearm that is designed, made, or adapted to be fired with one hand.

*Notice* means a sign or signs posted in or at the entrance to a City Building likely to come to the attention of persons entering the building, or oral communication by a peace officer or other person in apparent authority.

*Peace Officer* means any individual as set forth in Article 2.12 of the Code of Criminal Procedure

**Prohibition.**

When notice is given, it shall be unlawful for any person licensed by the State of Texas to carry a concealed handgun, under Article 4413 (29ee), to carry a concealed handgun in any City building.

**Peace Officers.**


The prohibition set forth herein shall not be construed to prohibit the carrying of a handgun by any peace officer.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.


SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.

SECTION 4. That the present ordinances of the City of Mesquite are inadequate to regulate the carrying of concealed weapons into City buildings creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 23rd day of October, 1995.

  
Cathye Ray  
Mayor

ATTEST:

  
Lynn Prugel  
City Secretary

APPROVED:

  
B.J. Smith  
City Attorney