

ORDINANCE NO. 3106

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CITY OF MESQUITE ORDINANCE NO. 3063 AND ADDING SECTION 10-8 TO ARTICLE I OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY PROHIBITING THE CARRYING OF WEAPONS, INCLUDING A CONCEALED HANDGUN, IN CITY BUILDINGS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS; on October 23, 1995 by Ordinance No. 3063, The City Council of the City of Mesquite, Texas adopted regulations prohibiting the carrying of concealed handguns in city buildings pursuant to Article 4413 (29ee), of the Texas Revised Statutes, 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 all persons other than peace officers from carrying certain types of weapons in city buildings in addition to prohibiting those 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 Ordinance No. 3063 duly passed and approved by the City Council of the City of Mesquite, Texas on October 23, 1995 is hereby amended and codified as Section 10-8 in Article I of Chapter 10 of the Code of Ordinances of the City of Mesquite, Texas to read in its entirety as follows:

Sec. 10-8. Carrying weapons in city buildings prohibited.

(a) *Definitions.* For the purpose of this section the following definitions are adopted:

- (1) *City building* means any building or portion of a building owned, occupied, leased or controlled by the city 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.
- (2) *Concealed handgun* means a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.

- (3) *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.
- (4) *Handgun* means any firearm that is designed, made, or adapted to be fired with one hand.
- (5) *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.
- (6) *Peace Officer* means any individual as set forth in Article 2.12 of the Texas Code of Criminal Procedure.
- (7) *Weapon* means any instrument listed in the definitions found in Chapter 46 of the Texas Penal Code.

(b) *Prohibition.* When notice is given, it shall be unlawful for any person, including a person licensed by the State of Texas to carry a concealed handgun under Article 4413 (29ee) of the Texas Revised Statutes, to carry in any city building any type of weapon listed in subsection (a)(7) herein.

(c) *Peace Officers.* The prohibition set forth herein shall not be construed to prohibit the carrying of a firearm by any peace officer.

SECTION 2. That all provisions of the ordinances of the City of Mesquite, codified or uncodified, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Mesquite, codified or uncodified, not in conflict with the provisions of this ordinance, shall remain in full force and effect.

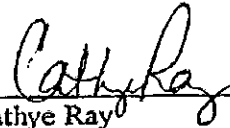
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. 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 5. That the present ordinances of the City of Mesquite are inadequate to regulate the carrying of weapons into city buildings which creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this

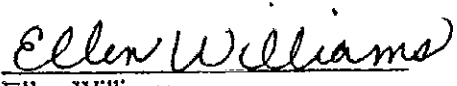
ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of August, 1996.




Cathye Ray
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

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