

ORDINANCE NO. 5065

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO SELL SURPLUS AND PREVIOUSLY ISSUED FIREARMS TO LICENSED PEACE OFFICERS AND OTHER AUTHORIZED CITY PERSONNEL FOLLOWING CERTAIN PROCEDURES; AND PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Texas Government Code, Title 6, Subtitle A, Chapter 614, [Subchapter D](#) allows the purchase of a firearm or uniform of honorably retired, medically discharged, or deceased Peace Officers; and

WHEREAS, when the City of Mesquite, Texas (“City”) purchases new firearms, the City would like to give its current and retired Peace Officers and other authorized City personnel the opportunity to purchase a previously issued firearm when said firearm is surplus, obsolete, worn out, or useless property; and

WHEREAS, upon full review and consideration of all matters attendant and related thereto the City Council is of the opinion this ordinance should be approved and adopted.

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

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. Authority to Sell Surplus and Previously Issued Firearms.

2.01. Police Chief and City Manager. Upon recommendation of the Police Chief and the City Manager, the Police Chief may sell to the following persons a firearm that was previously issued to the person if the firearm is surplus, obsolete, worn out, or useless property, or as otherwise required by law:

- (1) Current City Police Officers; or
- (2) Retired City Police Officers.

- 2.02. Finance Director and City Manager.** Upon recommendation of the Finance Director and the City Manager, the Finance Director may sell to the following persons a firearm that was previously issued to said persons if the firearm is surplus, obsolete, worn out, or useless property, or as otherwise required by law:
- (1) Current City Marshals; or
 - (2) Retired City Marshals; or
 - (3) Current Deputy City Marshals; or
 - (4) Retired Deputy City Marshals.
- 2.03. Fire Chief and City Manager.** Upon recommendation of the Fire Chief and the City Manager, the Fire Chief may sell to the following persons a firearm that was previously issued to said persons if the firearm is surplus, obsolete, worn out, or useless property, or as otherwise required by law:
- (1) Current Fire Investigators, who are Peace Officers, commissioned by the City; or
 - (2) Retired Fire Investigators, who were Peace Officers, commissioned by the City.
- 2.04. Chief of Police and City Manager.** Upon recommendation of the Chief of Police and the City Manager, the Police Chief may sell to current employees of the City who hold a Peace Officer's license any firearm that is surplus, obsolete, worn out, or useless property, or as otherwise required by law.
- 2.05. "Retired" defined.** A person or Officer is considered "retired" for purposes of this section when the person or Officer:
- (1) receives a disability pension; or
 - (2) has vested rights in any retirement pension and has completed 10 years of service in the City.
- 2.06. Authorized transactions.** The opportunity for current employees to purchase firearms under this ordinance is considered an authorized transaction as being a part of the employee's agreed compensation for services provided to the City.
- 2.07. Fair Market Value.** The price of a firearm sold under this section shall not exceed its fair market value as determined by the Police Chief, Finance Director, or Fire Chief, as applicable.

SECTION 3. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.


SECTION 4. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 5. Effective Date.

That this ordinance shall take effect and be in force immediately upon its adoption and it is accordingly so ordained.


DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 18th DAY OF SEPTEMBER, 2023.

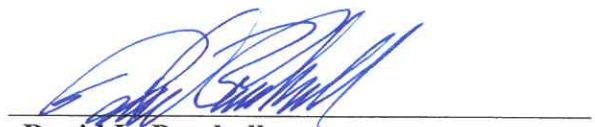


Tandy Boroughs
Mayor Pro Tem

ATTEST:

APPROVED AS TO LEGAL FORM:



Sonja Land
City Secretary

David L. Paschall
City Attorney