

ORDINANCE NO. 2016-003

AN ORDINANCE AMENDING TITLE XIII (GENERAL OFFENSES), CHAPTER 130 (GENERAL OFFENSES) OF THE CITY OF WIMBERLEY'S CODE OF ORDINANCES TO ADD A NEW SECTION 130.21, PROHIBITING THE POSSESSION OF CERTAIN FIREARMS ON CITY PROPERTY; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the State of Texas has recently enacted an "open carry law" allowing an individual to openly carry a firearm in a shoulder or belt holster as defined by statute (HB 910, 2015). Said law eliminates the concealed/open carry distinction and creates a "license to carry a handgun." Said bill is to take effect on January 1, 2016; and

WHEREAS, it is the purpose and intent of the City of Wimberley to provide a safe environment for the transaction of municipal business. It is right and proper that the City of Wimberley take reasonable steps to reduce the likelihood of threatening or potentially dangerous behavior at municipal facilities where it has the ability by law to prohibit firearms; and

WHEREAS, by law the premises of any government court, the offices utilized by the court, and anywhere that public meetings are held subject to the Texas Open Meetings Act are places the City of Wimberley can prohibit firearms and handguns; and

WHEREAS, the possession of weapons in these places is contrary the safety of citizens and city employees; and

WHEREAS, based on a careful evaluation of the relevant facts and law, the City of Wimberley makes the determination that this restriction is in compliance with the Constitutions of Texas and the United States, as well as applicable law, and that this restriction is reasonable, necessary and appropriate under these circumstances;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS

Section 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendments.

A. Title XIII (General Offenses), chapter 130 (General Offenses), section 130.02 (Definitions) is hereby amended to add the following definitions:

“HANDGUN. Any firearm that is designed, made, or adapted to be fired with one hand.

FIREARM. 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.”

- B. Title XIII (General Offenses), chapter 130 (General Offenses), is hereby amended to add a new section 130.21 (Prohibition: Exceptions) of the Wimberley Code of Ordinances as follows:

“FIREARMS ON CITY PROPERTY

“§ 130.21 PROHIBITION.

- (A) A license holder authorized to carry a handgun under Texas Government Code, Chapter 411, Subchapter H, is hereby prohibited from intentionally, knowing, or recklessly carrying a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, into any public meeting of the City of Wimberley that is subject to the Texas Open Meetings Act, Chapter 551, Government Code. The city administrator or the city administrator’s designee is hereby authorized to erect the appropriate signs in compliance with the regulations contained in Texas Penal Code §§ 30.06 and 30.07, in both the English and Spanish languages.
- (B) A license holder under Texas Government Code, Chapter 411, Subchapter H, is hereby prohibited from carrying a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises of a polling place on the day of an election or while early voting is in progress.
- (C) A license holder under Texas Government Code, Chapter 411, Subchapter H, is hereby prohibited from carrying a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises of any city building in which municipal court and/or an office used by the court is situated, including, but not limited to, Wimberley City Hall.
- (D) All persons are hereby prohibited from carrying a firearm in a city park unless specifically allowed under state or federal law.”

Section 3. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect

the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

FIRST READING OF ORDINANCE PASSED AND APPROVED this 7th day of January, 2016, by 3 (Ayes) to 2 (Nays) 0 (Abstain) of the City Council of the City of Wimberley, Texas.

SECOND AND FINAL READING OF ORDINANCE PASSED AND APPROVED this 21st day of January, 2016, by 3 (Ayes) to 2 (Nays) 0 (Abstain) of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS



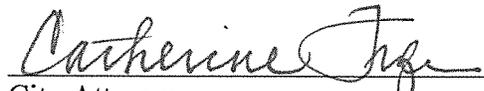
Steve Thurber, Mayor

ATTEST:



Cara McPartland, City Secretary

APPROVED AS TO FORM:



Catherine Jaze
City Attorney

