

ORDINANCE # 011416-04

AN ORDINANCE ADDING ARTICLE III OF CHAPTER 46 TO THE CODE OF ORDINANCES TO PROHIBIT POSSESSION OF A CONCEALED HANDGUN OR OF AN OPEN CARRY HANDGUN (A) IN THE CITY COUNCIL CHAMBERS OF THE CITY OF SELMA, TEXAS, AND AT OTHER PLACES AT SELMA CITY HALL WHEN SUCH CITY COUNCIL CHAMBERS OR OTHER PLACES ARE BEING USED FOR A MEETING SUBJECT TO THE TEXAS OPEN MEETINGS ACT, AS THE MUNICIPAL COURTROOM FOR THE CITY, OR AS A POLLING PLACE FOR ELECTIONS (INCLUDING EARLY VOTING), AND (B) IN ANY OFFICE OF THE MUNICIPAL COURT AND SETTING OUT THE PENALTY FOR VIOLATION

WHEREAS, Section 46.03 of the Texas Penal Code provides that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(c) of the Texas Penal Code, (a) on the premises of a polling place on the day of an election or while early voting is in progress; (b) on the premises of any government court or offices utilized by the court unless pursuant to written regulations of the court; and

WHEREAS, Section 46.035 of the Texas Penal Code provides that a person who is licensed to carry a handgun under Subchapter H of Chapter 411 of the Texas Government Code commits an offense if such person intentionally, knowingly, or recklessly carries a handgun under such licensed authority, regardless of whether the handgun is concealed, at any meeting of a governmental entity; and

WHEREAS, the City Council of the City of Selma, Texas, finds that the City Council Chambers of the City of Selma and other places at Selma City Hall are used for City Council meetings, Planning and Zoning Commission meetings, and other meetings which are subject to the Texas Open Meetings Act, as well as the Municipal Courtroom for the City of Selma and as a polling place for elections (including early voting); and

WHEREAS, the City Council of the City of Selma, Texas, believes that no persons other than licensed peace officers should be permitted to possess a concealed handgun or open carry handgun in the City Council Chambers of the City of Selma or other places at Selma City Hall when such chambers or places are being used for a City Council meeting, a Planning and Zoning Commission meeting, or another meeting that is subject to the Texas Open Meetings Act or when such chambers or other places are used as the Selma Municipal Courtroom or as a polling place for elections (including early voting); and

WHEREAS, the City Council of the City of Selma, Texas, believes that no persons other than licensed peace officers should possess a concealed handgun or an open carry handgun in any office of the Municipal Court of the City of Selma.

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

Article III of Chapter 46 is hereby added to the Code of Ordinances of the City of Selma, Texas, to read as follows:

ARTICLE III. PLACES WHERE POSSESSION OF A HANDGUN IS PROHIBITED

Sec. 46-83. Areas where a concealed handgun and an open carry handgun are prohibited.

(a) No person other than a licensed peace officer may possess a concealed handgun or an open carry handgun in the City Council Chambers of the City of Selma, Texas, or other places at Selma City Hall when such chambers or other places are being used for a City Council meeting, a Planning and Zoning Commission meeting, or another meeting that is subject to the Texas Open Meetings Act or when such City Council Chambers or other places are used as the Selma Municipal Courtroom or as the polling place for elections (including early voting).

(b) No person other than a licensed peace officer may possess a concealed handgun or an open carry handgun in any office of the Selma Municipal Court.

(c) A violation of this Ordinance shall be punishable in accordance with the provisions of the Texas Penal Code.

2. This Ordinance shall be effective one day after publication of the caption of this Ordinance in the official newspaper of the City of Selma, Texas.

PASSED AND ADOPTED this 14th day of January, 2016.

Tom Daly, Mayor

ATTEST:

Johnny Casias, City Secretary

