

## ORDINANCE NO. 1392

~~AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 12.16 – PARK AND RECREATION AREA USE REGULATIONS OF THE BENBROOK MUNICIPAL CODE (1985) BY UPDATING THE PROHIBITION OF FIREARMS IN THE PARKS AND REQUIRING APPROVAL TO USE BOWS AND ARROWS IN THE PARKS; PROVIDING A PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.~~

**WHEREAS**, the City of Benbrook is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the Texas Legislature passed multiple bills in the 84th legislative session relating to open carry firearm regulations; and

**WHEREAS**, the Benbrook City Council now deems it necessary to amend the firearm prohibitions in the Benbrook Municipal Code to comply with State of Texas statutory changes; and

**WHEREAS**, the Benbrook City Council deems it necessary to clarify the use of bows and arrows in City parks.

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

### SECTION I

That Chapter 12.16 – Park and Recreation Area Use Regulations, Section 12.16.010 – Rules and Regulations of the Benbrook Municipal Code (1985 as amended) by amending subsection 12.16.010.P to read as follows:

“P. It is unlawful to have in possession a loaded firearm, ammunition, projectile-firing devices, crossbow and explosives of any kind. This section does not prevent a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, from carrying a loaded handgun on the premises. It is unlawful to possess bows and arrows except for organized archery events as approved by the Public Services Director.”

### SECTION II PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this ordinance shall be fined not more than Two Hundred Dollars (\$200.00) for all violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

### **SECTION III CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION IV SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION V SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or subdivisions which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

### **SECTION VI PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the productive thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

### **SECTION VII ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION VIII  
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION IX  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED this 7<sup>th</sup> day of January, 2016.

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Jerry B. Dittrich, Mayor

**ATTEST:**

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Joanna King, City Secretary