

ORDINANCE NO. 15-12-17-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 8, OFFENSES AND NUISANCES, TO AMENDING ARTICLE 8.200, FIREARMS ON CITY PREMISES, TO BRING INTO COMPLIANCE WITH STATE LAW CONCERNING OPEN CARRY AND CONCEALED HANDGUN PROVISIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

**Whereas**, the City of Lago Vista (the “City”) protects the public health, safety and welfare through the regulation of nuisances and general offenses, including use and/or discharge of various weapons; and

**Whereas**, the State legislature during the 2015 Legislative Session changed various provisions related to the carrying of concealed and openly carried handguns; and

**Whereas**, the City desires to ensure that its current provisions comply with such changes while protecting the public when allowed.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:**

**Section 1. Findings of Fact.** The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes.

**Section 2. Amendment of Chapter 8, Offenses and Nuisances, amending Article 8.200, Firearms on City Premises.** Article 8.200, Firearms on City Premises is hereby repealed in its entirety and replaced with Exhibit A, attached hereto and incorporated herein for all purposes.

**Section 3. Amendment Of Ordinances.** Article 8.200, Firearms on City Premises, is hereby amended as provided in this ordinance. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

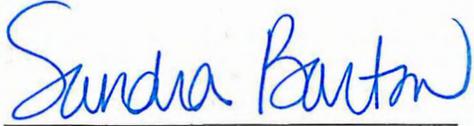
**Section 4. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**Section 5. Open Meetings.** 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 Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

**PASSED AND APPROVED** on this the 17<sup>th</sup> day of December, 2015.

ATTEST:

**THE CITY OF LAGO VISTA, TEXAS**



Sandra Barton, City Secretary



Dale Mitchell, Mayor

## EXHIBIT "A"

### ARTICLE 8.200 FIREARMS ON CITY PREMISES

#### Sec. 8.201 Definitions

The following definitions shall apply in the interpretation and the enforcement of this article:

Airgun. Means an airgun, air pistol, air rifle, or any other device using air pressure to propel a projectile through a barrel.

Airport. Means any facility owned, leased or otherwise under the control of the city and used in large part for the loading unloading, landing and taking off of aircraft.

Building. Means any enclosed structure intended for use or occupation as a habitation or for some purpose of trade, manufacture, ornament, or use.

City. Means the City of Lago Vista, Texas.

City Premises. Means a building or any portion thereof, and real property, or any portion thereof, owned, leased, occupied or controlled by the city. "City premises" does not include streets, sidewalks, or public parks owned or operated by the city.

Enter or Entry. Means the intrusion of the entire body.

Firearm. Means:

- (1) Any other device designed, made, or adapted to expel a projectile through a barrel by using energy generated by an explosion or burning substance or any device readily convertible to that use;
- (2) Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter and that is:
  - (A) an antique or curio firearm manufactured before 1899; or
  - (B) a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition.

Handgun. Means any firearm that is designed, made, or adapted to be fired with one hand.

Notice. Has the same meaning as it has in Sections 30.06 and 30.07, Texas Penal Code.

Premises. Means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

#### Sec. 8.202 Carrying Firearms

(a) Carrying handgun on City Premises. It shall be unlawful for a person who has a license to carry a handgun from the state to enter or remain on the Premises where the Municipal Court or the Court's offices are located or in session or at any meeting of a governmental entity that is

subject to the Open Meetings Act if the license holder is given written notice pursuant to Texas Penal Code Section 30.06 and/or 30.07 that carrying is prohibited;

(b) Carrying firearm on City Premises. A person commits a third degree felony if the person intentionally, knowingly, or recklessly possesses or goes with any firearm on the Premises of a polling place on the day of an election or while early voting is in progress;

(c) Carrying of a firearm or air gun by a person other than a person licensed to carry a handgun  
It shall be unlawful for a person other than a person licensed to carry a handgun to carry a firearm in a City park or at a political rally, parade, or official political meeting.

(d) The City Manager shall direct City staff to:

(1) provide notice at all City Premises when entry is forbidden to anyone carrying a firearm or handgun not permitted by this Ordinance; and

(2) provide notice to depart to anyone found carrying a firearm or handgun not permitted by this section on City Premises.

(e) A sign posted as notice under subsection (a)(1) shall include a statement, in English and Spanish, to read substantially as follows:

- “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”

- “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”.

The signs must include the exact language above in both English and Spanish, be printed in contrasting colors with block letters at least one inch in height, and be displayed in a conspicuous manner clearly visible to the public.

(f) This section does not apply to a peace officer or a commissioned security officer hired by or under contract with the City and acting within the scope of that employment, or to a peace officer of another unit of government lawfully acting within the scope of the peace officer’s duties.

(g) A person may transport, demonstrate and display a firearm for purposes of show or sale on city premises in connection with an event approved by the City manager or the City manager’s designee, and subject to such restrictions as the City manager or his designee may require.

(h) A person may carry a firearm on the premises of the airport for purposes of shipping the firearm by air or receiving a shipment of the firearm, subject to such restrictions as the City manager or his designee may require, and in compliance with applicable federal regulations.

### **Sec. 8.203 Discharge of Firearms**

(a) It shall be unlawful for any person to discharge any firearm within the City.

(b) It shall be unlawful for any person to discharge any firearm across, over, through or into any part of the City.

(c) The provisions of subsections (a) and (b) of this section shall not apply to:

(1) the discharge of a firearm at a gunsmith's establishment or a shooting facility lawfully operating pursuant to a permit issued by the city in accordance with the ordinances of the city when the firearm is discharged at an approved firing line in the direction of the targets, and such discharge is otherwise in accordance with all terms and conditions imposed as a condition of the issuance of the permit;

(2) the discharge of a firearm by any person exercising any right expressly or impliedly granted by the laws of this state or the laws of the United States, the exercise of which expressly or impliedly includes the discharging of firearms; or

(3) the discharge of an airgun within an enclosed building or shooting gallery, or within any building or shooting gallery specifically designed for such discharges, so long as no projectile discharged from the airgun leaves the building or shooting gallery.

(d) Nothing contained herein shall be deemed to prohibit the use of pneumatic nail guns or similar construction tools.

#### **Sec. 8.204 Penalties**

Any person who violates any of the provision of Section 8.203 of this article shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine in accordance with the general penalty provision set forth in Section 1.109 of this code. Each day of violation and each incident of violation of this article shall constitute a separate offense.