

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 95-12-14; ESTABLISHING NEW REGULATIONS PROHIBITING THE CARRYING OF FIREARMS IN CITY BUILDINGS BY THE PUBLIC WITH LIMITED EXCEPTIONS FOR LICENSED HANDGUN HOLDERS; RESTRICTING ALL PERSONS FROM OPENLY CARRYING HANDGUNS AT GOVERNMENTAL MEETINGS AND EXCEPTING CERTAIN EMPLOYEES FROM THIS PROHIBITION; PROHIBITING THE DISCHARGE OF FIREARMS WITHIN THE CITY AS ALLOWED BY LAW; EXCEPTING CERTAIN PARK REGULATIONS FROM APPLICATION FOR CARRYING, DISCHARGING CERTAIN FIREARMS AND OTHER DEVICES; PROVIDING DEFINITIONS; PROVIDING PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco") to repeal Ordinance No. 95-12-14 in its entirety, and replace it with this Ordinance, as set forth below; and

WHEREAS, the Legislature of the State of Texas has amended Subchapter H of Chapter 411 of the Texas Government Code and certain provisions of the Texas Penal Code, which set forth regulations for carrying handguns by license handgun holders and allows such licensees to openly carry handguns in public places; and

WHEREAS, the City Council has determined that it is necessary to modify certain requirements for the carrying of handguns as a result of the new laws; and

WHEREAS, the City Council wishes to limit firearms in city buildings except by peace officers and employees who are authorized to utilize a firearm as part of their job duties, and to prohibit the open carry of handguns at government meetings; and

WHEREAS, state law further places limitations on the City's ability to regulate the discharge of firearms, and the Council wishes to adopt regulations that are consistent with this limitation and to continue to allow restrictions of certain firearms and other devices in public parks; and

WHEREAS, the City Council further finds that it is necessary for the protection and safety of the employees of Frisco and for the citizens to adopt regulations relating to carrying firearms on City premises and discharging firearms in the City limits, and that those regulations are in the best interest of the citizens of Frisco.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Ordinance No. 95-12-14 Repealed. Ordinance No. 95-12-14 is hereby repealed in its entirety. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 95-12-14 occurring before the effective date of this Ordinance.

SECTION 3. Sections 54-56 and 54-57 of Article III. Firearms, Chapter 54 Offenses and Miscellaneous Provisions of Frisco's Code of Ordinances, are adopted as follows:

“Section 54-56. Carrying firearms in City buildings.

- (a) It shall be unlawful for any person to carry a firearm in any city building except a duly licensed person may carry a handgun on those city premises where allowed by state law and this ordinance.
- (b) It is unlawful for any person, except for a licensed handgun holder who has a concealed handgun, to have any other firearm, including an openly carried handgun, at any governmental meeting that is posted in accordance with the Texas Open Meetings Act.
- (c) These restrictions shall not apply to a peace officer or to a City Employee who has written authorization from the City Manager or his authorized designee to carry a firearm as part of the City Employee's official duties.
- (d) The terms “city building” and “city premises”, as used in this section, have the same meaning as the term “premises,” as that term is defined in Section 46.035(f) of the Texas Penal Code, as the same may be amended.
- (e) The term “firearm”, as used in this section, has the same meaning as in Section 46.01(3) of the Texas Penal Code, as the same may be amended.
- (f) The term “handgun”, as used in this section, has the same meaning as in Section 46.01 (5) of the Texas Penal Code, as the same may be amended.
- (g) The term “concealed the handgun”, as used in this section, shall mean that its presence is not openly discernible to the ordinary observation of a reasonable person.
- (h) The term “possession”, as used in this section, means on the person or the person has access thereto, except where storage of a firearm is allowed by law.
- (i) Signs shall be posted in accordance with the law notifying persons of the restrictions provided in this section.

Section 54-57 Discharge of firearms in City limits.

- (a) (1) It shall be unlawful for a person to discharge a firearm within the City limits except within a sport shooting range or on property zoned for such use. This provision shall not apply if the discharge of a firearm is on property that was annexed after September 1, 1981 or is in the City's extraterritorial jurisdiction and meets the exceptions from regulation contained in Section 229.002 of the LOC. GOV'T CODE, as the same may be amended.
- (2) This provision shall not supersede the restrictions on carrying or discharging firearms and other devices as set out in Chapter 58 (Parks and Recreation), Section 58-92 (18) b of Frisco Code of Ordinances.
- (b) This section shall not be construed to prohibit a peace officer from discharging a firearm in the performance of his duty or to prohibit any citizen from discharging a firearm when lawfully defending himself, another person, or property, or when he is otherwise allowed by law to discharge a firearm.
- (c) The term "firearm," as used in this section, shall mean all percussion weapons, but shall not include air guns, air pistols, air rifles, and all other firearms using air pressure, propellant, or a spring to propel a projectile."

SECTION 4: Penalty. Any person, firm, corporation or entity violating Section 54-56 (a) or (b) of this Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding TWO HUNDRED AND NO/100 DOLLARS (\$200.00). Any person violating Section 54-57 (a)(1) shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding FIVE HUNDRED and NO/100 DOLLARS. Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent prosecution from being commenced for any violation occurring prior to the repeal of the ordinance. Any remaining portions of conflicting ordinances shall remain in full force and effect.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full

force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this _____ day of _____, 2016.

Maher Maso, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

APPROVED AS TO FORM:

Jenny Page, City Secretary

Abernathy, Roeder, Boyd & Hullett, P.C.
Diane Wetherbee, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*