

CITY OF FORNEY, TEXAS

ORDINANCE NO. 21- _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORNEY, CHAPTER 8 “OFFENSES AND NUISANCES”, BY AMENDING ARTICLE 8.02 “WEAPONS”, BY REPEALING SECTION 8.02.001 “CARRYING WEAPON”; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Forney, Texas (the “City”) 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 Texas Local Government Code; and

WHEREAS, the Texas State Legislature recently passed HB 1927, known as the Firearms Carry Act of 2021, effective September 1, 2021, that amends specific provisions of the Code of Criminal Procedure and the Texas Penal Code that allows for the permitless carry of handguns with some exception; and

WHEREAS, the City Council finds it to be no longer necessary to regulate the carry of weapons by local ordinance.

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

Section 1. FINDINGS INCORPORATED

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

Section 2. AMENDMENT OF CHAPTER 8 “OFFENSES AND NUISANCES”

From and after the effective date of this Ordinance, Chapter 8 “Offenses and Nuisances” is amended by repealing Section 8.02.001 “Carrying Weapon” in its entirety.

Section 8.02.001 Carrying Weapon Reserved

It shall be unlawful for any person to intentionally, knowingly or recklessly carry on or about his person a handgun, illegal knife or club, as defined in section 46.01 of the Penal Code, within the city limits, except as follows:

- (1) In the actual discharge of his official duties as a member of the armed forces or national guard employed by a penal institution;
- (2) On his own premises or premises under his control unless he is an employee or agent of the owner of the premises and his primary responsibility is to act in the capacity of a private security guard to protect persons or property, in which he must comply with subsection (5) below;

- (3) Traveling;
- (4) Engaging in lawful hunting, fishing or other sporting activity, if the weapon is a type commonly used in the activity;
- (5) Who holds a security officer commission issued by the state private security bureau, if:
 - (A) He is engaged in the performance of his duties as a security officer or traveling to and from his place of assignment;
 - (B) He is wearing a distinctive uniform; and
 - (C) The weapon is in plain view;
- (6) Who is a peace officer; and/or
- (7) Who holds a concealed handgun permit in accordance with V.T.C.A., Government Code, section 411.171 et seq.

Section 3. SAVINGS CLAUSE

All rights and remedies of the City of Forney, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance 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 4. 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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, on this the _____ day of _____, 2021.

Amanda Lewis, Mayor

ATTEST:

Dorothy Brooks, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jon Thatcher, City Attorney