

ORDINANCE NO. 21-05-18

AN ORDINANCE OF THE CITY OF SAVOY, TEXAS, PROHIBITING THE CARRYING OF A HANDGUN INTO THE ROOM OR ROOMS IN WHICH ANY MEETING OF THE CITY COUNCIL OR ANY OTHER CITY BOARD OR COMMISSION THAT IS SUBJECT TO CHAPTER 551, TEXAS GOVERNMENT CODE (OPEN MEETINGS ACT) IS MEETING; PROVIDING OPEN MEETING, SEVERABILITY, PENALTY AND RELATED CLAUSES.

WHEREAS, Texas Penal Code Section 46.035(c) makes it an offense for a handgun license holder to intentionally, knowingly, or recklessly carry a handgun under the authority of Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code (Open Meetings Act), and the entity provides notice as required by that chapter; and

WHEREAS, Texas Penal Code Section 46.035(i) provides that the prohibition in Section 46.035(c) does not apply unless the license holder is given effective notice under Penal Code Sections 30.06 and 30.07; and

WHEREAS, Texas Penal Code Section 30.06 requires that signage created in accordance with that section be “displayed in a conspicuous manner clearly visible to the public”; and

WHEREAS, Penal Code Section 30.07 adds language that requires that signage be “displayed in a conspicuous manner clearly visible to the public *at each entrance to the property*”; and

WHEREAS, the best interpretation of that conflicting language is to display the signage at the entrance to the meeting room; and

WHEREAS, it may be difficult for a license holder, without notice provided by signage, to definitively know where he or she can lawfully carry a handgun; and

WHEREAS, the city council of the City of Savoy, Texas finds that the most appropriate way to protect the attendees of meetings of the city council or any other board or commission that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is to prohibit the carrying of a handgun by a license holder in those meetings.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAVOY, TEXAS, that:

**A. Firearms Prohibited.**

1. Pursuant to Section 46.035(c), Texas Penal Code, the concealed or open carry of any firearm by a person licensed under Chapter 411, Subchapter H (Handgun Licensing Law), into the room or rooms in which any meeting of the city council or any other board or commission that is subject to Chapter 551, Texas Government Code (Open

Meetings Act), or other person that may be prohibited by law, is prohibited.

2. Pursuant to Section 46.035(i), Texas Penal Code, city staff is directed to prepare signage in accordance with Texas Penal Code Sections 30.06 and 30.07.
3. City staff is directed to post such signage outside the door to the room or rooms in which any meeting of the city council or any other board or commission that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is taking place prior to the meeting, and to remove the signage upon the conclusion of the meeting.

**B. Amendment of Ordinances.** Ordinance No. 96-03-28B is repealed. All prior ordinances of the City or parts thereof conflicting or inconsistent with the provisions of this Ordinance, 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 the more stringent ordinance shall govern. Nothing in this ordinance is intended to lessen any requirement, restriction or regulation existing in state law.

**C. Severability.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**D. Effective Date.** This Ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

**E. Open Meetings.** That 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, Chapter 551, Tex. Gov't. Code.


**F. Penalty.** Any person violating a provision of this Ordinance shall be guilty of an

offense, and upon conviction, shall be subject to a fine and/or penalty as set out in law.

PASSED AND APPROVED this 18 day of May, 2021.

  
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Mayor Pro-Tem



ATTEST:  
  
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City Secretary