

**CITY OF SEABROOK  
ORDINANCE NO. 2016-04**

**REVISION TO PERSONNEL POLICY  
PROHIBITING CARRY OF FIREARMS/DANGEROUS WEAPONS  
EXCEPT BY LAW ENFORCEMENT OFFICERS**

**AN ORDINANCE OF THE CITY OF SEABROOK, TEXAS, AMENDING THE CITY OF SEABROOK "PERSONNEL POLICIES", CHAPTER 7 "BEHAVIOR AND CONDUCT," BY ADDING A NEW SECTION "FIREARMS AND WEAPONS " TO DISALLOW LICENSED CARRY OF FIREARMS AND WEAPONS BY NON-PEACE OFFICER EMPLOYEES ON CITY PREMISES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.**

**WHEREAS**, House Bill 910, effective as of January 1, 2016, modified the current law relating to licensed open carry of handguns; and

**WHEREAS**, State law now allows the licensed open carry of firearms by non-peace officers; and

**WHEREAS**, Section 411.203 of the Texas Government Code allows public employers to prohibit persons licensed to carry a handgun on the "premises", as such term is defined under Section 46.035(f)(3) of the Texas Penal Code to mean "... *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*"; and

**WHEREAS**, the City Manager is charged under Section 3.04 of the City Charter to be responsible to the City Council for the administration of all City affairs, specifically including to direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by Charter or by law and accordingly has issued an Administrative Directive on Weapons, attached hereto as Exhibit "A", pending City Council review; and

**WHEREAS**, the City Charter, Section 4.06 "Personnel System" provides that the City Manager shall prepare personnel rules which may be adopted, with or without amendment, by Ordinance of City Council; and

**WHEREAS**, the City of Seabrook "Personnel Policies" requires updates and amendments to address the possession of firearms and related dangerous weapons; and

**WHEREAS**, the City desires to disallow employees who are not law enforcement officers from the possession and use of firearms and related dangerous weapons on City "premises" and/or in the City's service, including while in city vehicles, including the possession of licensed open or concealed handguns as provided for by Texas Government Code 411.203; and

**WHEREAS**, the City Council of the City of Seabrook, Texas deems it in the public interest to accept the amendment proposed and adoption of the Personnel Policies with this revision;

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

**SECTION 1. FINDINGS.**

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.**

The "Personnel Policies" of the City of Seabrook, attached hereto as Exhibit "B", are hereby adopted, including the revision to Chapter 7 "Behavior and Conduct," by adding a new Section 19 "Weapons and Firearms" to disallow the licensed carry of firearms and related dangerous weapons by City employees who are not certified peace officers and shall read and provide as follows:

**"Chapter 7. Behavior and Conduct**

\* \* \* \* \*

Section 19. Firearms and Weapons

The possession of firearms or other dangerous weapons (specifically including illegal knife, club, or prohibited weapon listed in Section 46.05 of the Texas Penal Code), by City of Seabrook employees is strictly prohibited on City "premises" (including inside any City owned, operated or controlled facility or vehicle). A dangerous weapon is any object or device designed or intended to be used in attack or defense to inflict serious injury upon persons or property. "Premises" as provided by Texas Penal Code 46.035(f)(4) 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".

Law enforcement officers in the performance of their duties are exempt from this directive. Having a handgun license does not release one from this directive."

**SECTION 3. SEVERABILITY.**

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 4. NOTICE**

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

**PASSED AND APPROVED** on first reading this 2<sup>nd</sup> day of February, 2016.

**PASSED, APPROVED, AND ADOPTED** on second and final reading this 16<sup>th</sup> day of February, 2016.

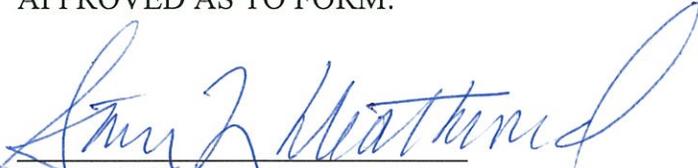
By:   
Glenn Royal  
Mayor

ATTEST:

By:   
Robin Hicks, TRMC  
City Secretary



APPROVED AS TO FORM:

  
Steven L. Weathered  
City Attorney