

Office of the City Manager

City of Richland Hills, Texas

## Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council  
From: Eric Strong, City Manager  
Date: February 16th, 2016  
Subject: Weapons in Parks

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### **Council Action Requested:**

Approval of Ordinance updating the rules regarding weapons and alcohol in parks and public places.

### **Background Information:**

Based on changes that occurred in the last legislative session, one of our ordinances no longer complies with state law. Currently, we have a restriction on weapons in parks, which reads:

“Alcohol, illegal drugs, firearms, knives and weapons of any kind, are strictly forbidden anywhere in the city parks and other city recreational facilities (70-162 – i).”

We cannot restrict these items in parks or recreational facilities, based on the legislature. As such, the new wording which will replace the old language is as follows:

“Illegal drugs, firearms, illegal knives, clubs, and other prohibited weapons listed in Texas Penal Code Ch. 46 are strictly forbidden anywhere in city parks and other city recreational facilities. However, this section does not prohibit a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, from carrying a handgun in city parks and other city recreational facilities, unless

entry on the premises with a handgun is prohibited under Texas Penal Code Sec. 46.03 or 46.035.”

This new language will bring us into compliance with state law.

**Attachments:** Ordinance

**Board/Citizen Input:** N/A

**Financial Impact:** N/A

**Staff Contacts:**

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City Manager  
[estrong@richlandhills.com](mailto:estrong@richlandhills.com)

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 70 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES” BY AMENDING ARTICLE IV. “PARKS AND RECREATION AREAS”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Richland Hills 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 Local Government Code; and

**WHEREAS**, the Richland Hills City Council has determined that in order to comport with state law, the following changes are necessary; and

**WHEREAS**, the City Council finds that this ordinance is in the best interests of the citizens of the City of Richland Hills.

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS;

**SECTION 1**

Section 70-162 (i), is hereby repealed in its entirety and replaced with the following:

“Illegal drugs, firearms, illegal knives, clubs, and other prohibited weapons listed in Texas Penal Code Ch. 46 are strictly forbidden anywhere in city parks and other city recreational facilities. However, this section does not prohibit a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, from carrying a handgun in city parks and other city recreational facilities, unless entry on the premises with a handgun is prohibited under Texas Penal Code Sec. 46.03 or 46.035. .”

**SECTION 2  
PROVISIONS CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of the is ordinance are in direct conflict with the provisions of such ordinances and such Code are hereby repealed.

**SECTION 3**

**PROVISIONS SEVERABLE**

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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4  
PUBLICATION**

The City Secretary of the City of Richland Hills is hereby directed to publish this ordinance to the extent required by law.

**SECTION 5  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
THE HONORABLE MAYOR BILL AGAN

ATTEST:

\_\_\_\_\_  
CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
BETSY ELAM, CITY ATTORNEY

