

ORDINANCE NO. 041513

AN ORDINANCE OF THE CITY OF POTH, TEXAS TO PROTECT AND DEFEND THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS; PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a government of, by and for the people has long been a cherished American value and the foundation of our freedom; and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the U.S. Constitution and the Declaration of Independence; and

WHEREAS, the Second Amendment to the United States Constitution provides: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."; and

WHEREAS, the Fourth Amendment to the United States Constitution provides: "The right of the people to secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized"; and

WHEREAS, the Ninth Amendment to the United States Constitution provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."; and

WHEREAS, the Tenth Amendment to the United States Constitution provides: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, the Texas Constitution, Article I, Section 23a declares: "Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State"; and

WHEREAS, the citizens of the City of Poth, Texas recognize their duty as law-abiding citizens to act in accordance with the United States Constitution and the Texas Constitution, and agree that the right to keep and bear arms shall not be infringed upon by any government or organization, political or otherwise.

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

Section 1. The citizens' representatives, City Council and Mayor of the City of Poth, Texas hereby call upon our state legislators and elected officials to join with us in the affirmation of the rights of our citizens under the Second Amendment to the United States Constitution.

Section 2. All federal acts, laws, executive orders, agency orders, and rules or regulations of all kinds with purpose, intent, or effect of confiscating any firearm, banning any firearm, limiting the size of a magazine for any firearm, imposing any limit on the ammunition that may be purchased for any firearm, taxing any firearm or ammunition therefore, or requiring the registration of any firearm or ammunition therefore, infringes upon Texans' right to bear arms in direct violation of the Second Amendment to the Constitution of the United States, and therefore, any such law is not made in pursuance of the Constitution, is not authorized by the Constitution, and thus, is not the supreme law of the land, and consequently, is invalid in the State of Texas and shall be further considered null and void and of no effect in this City.

Section 3. That all agencies of the City of Poth are instructed to refuse requests or directives by federal agencies acting under unconstitutional powers enumerated in Section 2 above that would infringe upon our residents' second, fourth, ninth, and tenth amendment rights, or other inalienable rights not here explicitly enumerated.

Section 4. Unless otherwise prohibited or directed by a superior law or authority, an employee of the City of Poth, Texas shall not, acting under color of the person's office or employment with the City of Poth, enforce or attempt to enforce any law which violates the Second Amendment to the United States Constitution or Article I, Section 23a of the Texas Constitution.

Section 5. The City of Poth, State of Texas call on other communities and jurisdictions to join with us in this action by passing similar ordinances.

Section 6. That copies of this Ordinance be immediately transmitted to the President of the United States; the President of the United States Senate; the Speaker of the House of Representatives; each member of Congress from the State of Texas; the Justices of the United States Supreme Court; the Attorney General of the State of Texas; the President of the Senate and the Speaker of the House of Representatives of Texas' legislature; each individual legislator that represents our district in the State of Texas; and the Sheriff of Wilson County.

This Ordinance is effective immediately upon passage.

PASSED AND APPROVED THIS 15TH DAY OF APRIL, 2013.

/s/ Mayor, Travis Pruski

ATTEST:

/s/City Secretary – Rose Huizar

