ORDINANCE NO. 46

AN ORDINANCE PERMITTING THE POSTING OF SIGNS TO PROHIBIT THE CARRYING OF CONCEALED HANDGUNS ON CERTAIN COUNTY PROPERTY

WHEREAS, Chapter 398 of the 1995 Session Laws changes prior law by establishing a system that will allow private citizens to obtain permits to carry concealed handguns; and

WHEREAS, this change in the law will significantly increase the number of individuals who may legally carry concealed handguns; and

WHEREAS, the Board of Commissioners is concerned about the increased presence of concealed handguns on County property and about the threat that such increased presence will pose to the health, safety, and general welfare of the community; and

WHEREAS, North Carolina General Statute 14-415.23 authorizes Counties to adopt ordinances to permit the posting of a prohibition against carrying a concealed handgun, in accordance with North Carolina General Statute 14-415.11(c), in County buildings, their appurtenant premises, and park; and

WHEREAS, it is the intent of this Ordinance to permit the posting of County property such that the carrying of concealed handguns on the posted premises will constitute a violation of North Carolina General Statute Chapter 14, Article 54B.

NOW, THEREFORE, BE IT ORDAINED by the Caswell County Board of Commissioners that:

Section 1. Posting of Signs Required. The County Manager is hereby ordered to post appropriate signage on each park, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Caswell County, as well as the appurtenant premises to such buildings, indicating that concealed handguns are prohibited therein.

Section 2. Location of Signs. Said signs shall be visibly posted on the exterior of each entrance by which the general public can access the building, appurtenant premise, or park. The County Manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building, appurtenant premise, or park.

Section 3. Effective Date. This ordinance shall be effective on and after December 1, 1995.

ADOPTED THIS THE 16th DAY OF OCTOBER, 1995.

Jeremiah Jefferies

Jeremiah Jefferies, Chairman
Caswell County Board of Commissioners

ATTEST:

Wanda P. Smith

Wanda P. Smith
Clerk to the Board

CASWELL COUNTY BOARD OF COMMISSIONERS

A RESOLUTION ADOPTING AN ORDINANCE PROHIBITING THE CARRYING OF WEAPONS ON CERTAIN COUNTY PROPERTY

WHEREAS, Caswell County (the "County"), has the authority to prohibit the carrying of weapons, concealed or non-concealed, on certain County-owned and operated property; and

WHEREAS, Board of Commissioners believes it is in the best interest of the citizens and residents of Caswell County to prohibit the carrying of weapons on certain County-owned and operated property; and

WHEREAS, the five members of the Board of Commissioners present at the April 6, 2015 regular meeting of the County Board of Commissioners voted to approve the revised ordinance attached hereto and incorporated herein to prohibit the carrying of weapons on certain County-owned and operated property (the "Ordinance"); and

WHEREAS, two members of the Board were absent from the April 6, 2015 regular meeting; and

WHEREAS, pursuant to NC General Statute § 153A-45, the Ordinance was again considered at the next regular meeting of the County Board of Commissioners held on April 20, 2015.

THEREFORE BE IT RESOLVED that the Board of Commissioners of the County of Caswell, hereby adopts the Ordinance attached hereto and incorporated herein to prohibit the carrying of weapons on certain County-owned and operated property.

This Ordinance shall be effective upon adoption.

Adopted by the Caswell County Board of Commissioners this 20th day of April, 2015.

Kenneth Travis

Kenneth Travis
Chairman, Board of Commissioners

Attest:

Paula P. Seamster

Paula Seamster, Clerk to the Board

[SEAL]

AN ORDINANCE
PROHIBITING THE CARRYING OF WEAPONS ON CERTAIN PROPERTY OF CASWELL COUNTY, NORTH CAROLINA

Section 1.1 Definitions

For purposes of this Ordinance, the following terms are hereby defined:

Section 1.1.1 *Ordinary Pocket Knife* means a small knife, designed for carrying in a pocket or purse, that has its cutting edge and point entirely enclosed by its handle, and that may not be opened by a throwing, explosive, or spring action.

Section 1.1.2 *Recreational Facilities* means only the following: An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the County office responsible for operation of the park or recreational area. A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool. A facility used for athletic events, including, but not limited to, a gymnasium. For the purposes of this subsection, the term "recreational facilities" does not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for such use, open areas or fields where athletic events may occur unless the area qualifies as an "athletic field" pursuant to this subsection, and any other area that is not specifically described in this subsection.

Section 1.1.3 *Weapon* includes, but is not limited to, any handgun, gun, rifle, shotgun, crossbow, knife, bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other deadly weapon of like kind other than an Ordinary Pocket Knife.

Section 2.1 Prohibition on Carrying Concealed & Non-Concealed Weapons in County Buildings

It is unlawful for any person to possess or carry a concealed or non-concealed Weapon in any building and its appurtenant premises owned or operated by the County.

Section 2.2 Prohibition of Carrying Weapons on County Property.

2.2.1 It is unlawful for any person to possess or carry a non-concealed Weapon on any property owned or operated by the County.

2.2.2 It is unlawful for any person to possess or carry a concealed Weapon on any property owned or operated by the County unless the Weapon is a concealed handgun carried by a person who has a concealed handgun permit as provided in Article 54B of Chapter 14 of the North Carolina General Statutes or considered valid under G.S. 14-415.24, and the carrying of the concealed handgun does not otherwise violate any provision of this Ordinance.

2.2.3 It is unlawful for any person to carry a concealed Weapon, specifically including a concealed handgun, in any Recreational Facility specifically identified below:

2.2.3.1 Those certain Recreational Facilities located 228 County Park Road, Yanceyville, North Carolina 27379.

Section 2.3 Exceptions

The prohibitions contained in Sections 2.1 and 2.2 shall not apply to the following persons:

2.3.1 Officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and Weapons.

2.3.2 Civil and law enforcement officers of the United States.

2.3.3. Officers and soldiers of the militia and the National Guard when called into actual service.

2.3.4 Officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties.

2.3.5 Any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued in accordance with Article 54B of Chapter 14 of the North Carolina General Statutes or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while in a courtroom or while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The district attorney, assistant district attorney, or investigator shall secure the weapon in a locked compartment when the weapon is not on the person of the district attorney, assistant district attorney, or investigator;

2.3.6 Any person who is a qualified retired law enforcement officer as defined in G.S. 14-415.10 and meets any one of the following conditions: a)Is the holder of a concealed handgun permit in accordance with Article 54B of Chapter 14 of the North Carolina General Statutes. B) Is exempt from obtaining a permit pursuant to G.S. 14-415.25. c) Is certified by the North Carolina Criminal Justice Education and Training Standards Commission pursuant to G.S. 14-415.26;

2.3.7 Detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, provided that: (i) the firearm is in a closed compartment or container within the locked vehicle, or (ii) the firearm is in a locked container securely affixed to the vehicle;

2.3.8 Any person who is a North Carolina district court judge, North Carolina superior court judge, or a North Carolina magistrate and who has a concealed handgun permit issued in accordance with Article 54B of Chapter 14 of the North Carolina General Statutes or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The judge or magistrate shall secure the weapon in a locked compartment when the weapon is not on the person of the judge or magistrate;

2.3.9 Any person who is serving as a clerk of court or as a register of deeds and who has a concealed handgun permit issued in accordance with Article 54B of Chapter 14 of the North Carolina General Statutes or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The clerk of court or register of deeds shall secure the weapon in a locked compartment when the weapon is not on the person of

the clerk of court or register of deeds. This subdivision does not apply to assistants, deputies, or other employees of the clerk of court or register of deeds;

2.3.10 Sworn law-enforcement officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body;

2.3.11 State probation or parole certified officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.

2.3.12 Persons carrying or discharge of guns or muskets on outdoor County facilities for ceremonial or battle re-enactment purposes where such activities have been granted approval and written permission by the County Manage or his or her designee. However, in no event shall live ammunition be discharged.

2.3.13 Persons storing a firearm or lawfully possessed Weapon within a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle. Persons storing an unloaded shogun, rifle or other long gun within the cab of a locked truck. A person may unlock the vehicle to enter or exit the vehicle, provided the Weapon remains in the closed compartment or truck cab at all times and the vehicle is locked immediately following the entrance or exit.

Section 3.1 Notices & Signage

Except as otherwise provided herein, the County Manager or his or her designee is authorized and directed to post in conspicuous locations on County-owned or operated property notices regarding the prohibitions contained in this Ordinance.

Section 4. Severability

It is declared to be the intention of the County Board of Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable; and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity 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 Board of Commissioners without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 5. Enforcement and Penalties.

Section 5.1 Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Ordinance shall be guilty of a Class 3 misdemeanor and punished by a fine not to exceed $500.00, or shall be imprisoned for not more than 30 days, for each offense.

Section 5.2 This Ordinance may be enforced by an appropriate legal remedy issuing from a court of competent jurisdiction. It shall not be a defense to the application of the county for equitable relief that there is an adequate remedy at law.

Section 5.3 Each day that any breach or violation of or any failure to comply with any provision or requirement of any section or subsection of this Ordinance continues, or is allowed to continue, shall constitute a separate and distinct offense; but nothing contained in this section or this Ordinance shall be construed to relieve, or shall have the effect of relieving, any offender of any fine, imprisonment or penalty for repeated violations on any one day of this Ordinance.

Section 5.4 Any provision of this Ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123.