

**AN ORDINANCE REGULATING THE POSSESSION OF WEAPONS ON
COUNTY PROPERTY**

WHEREAS, the McDowell County Board of Commissioners adopted AN ORDINANCE PERMITTING THE POSTING OF SIGNS TO PROHIBIT THE CARRYING OF CONCEALED HANDGUNS ON CERTAIN COUNTY PROPERTY on November 8, 1995 in accordance with North Carolina General Statutes 14-415.23; and

WHEREAS, the North Carolina General Assembly passed Session Law 2011-268 which revised several concealed weapons laws, including N.C.G.S. 14-415.23; and

WHEREAS, the McDowell County Board of Commissioners wishes to amend the above named ordinance in order for it to comply with the changes to law that will go into effect on December 1, 2011.

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

Section 1. Posting of Signs Required

The County shall post appropriate signage on each recreational facility, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by McDowell 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 shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building, appurtenant premise, or recreational facility.

Section 3. Exemptions

This ordinance shall not apply to the following:

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. Civil officers of the United States while in the discharge of their official duties;
3. Officers and soldiers of the militia and the National Guard when called into actual service;
4. Sworn law enforcement officers;

5. A concealed handgun permittee may secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle while on the premises of a county building or recreational facility;
6. County official and activities approved by the Board of Commissioners.

Section 4. Recreational Facilities Defined

The following properties, including all buildings, parking lots, internal driveways and walkways and any other improvements associated with the listed properties, but excluding areas within public rights of way as designated as recreational facilities as referenced in N.C.G.S. 14-415.23:

1. McDowell County Parks and Recreation Center including the main building, swimming pool, skate park, playground area, and the athletic field, and being more accurately described as the property conveyed to the County on August 18, 1977 and recorded in Deed Book 265 and Page 480.
2. McDowell County Sports Complex (also known as Maple Leaf Sports Complex) including the athletic fields, and being more accurately described as the property originally conveyed to the County on November 4, 2004 and recorded in Deed Book 801 and Page 805.
3. Glenwood Park including the athletic fields, and being more accurately described as the property originally conveyed to the County on September 6, 1986 and recorded in Deed Book 358 and Page 230.
4. Sandy Andrews Park including the athletic fields, and being more accurately described as the property originally conveyed to the County on December 5, 1991 and recorded in Deed Book 432 and Page 581.
5. Old Fort facilities including the athletic fields and swimming pool, and being more accurately described as the property leased to the County in April 2008.

Section 5. Open Carry Prohibited

As allowed by N.C.G.S. 153A-129 and 153A-121, the County hereby prohibits the open carry and display of weapons on county property, including county buildings, parks, and recreational facilities. As used in this section, "weapon" shall mean a rifle, pistol, bowie knife, dirk, dagger, sling shot, loaded cane, metallic knuckles, razor, stun gun, or other dangerous or deadly item of like kind. The exemptions found in Section 3 apply to this Section.

Section 6. Violations

Violations of this ordinance shall be a Class 3 Misdemeanor as defined by N.C.G.S. 14.4.

Section 7. Effective Date

This ordinance shall become effective on November 15, 2011.

s/David N. Walker
Chairman of the
Board of Commissioners
McDowell County, NC

s/Carrie Padgett
Clerk to the Board of
Commissioners
McDowell County, NC