

AN ORDINANCE AMENDING SECTION 36-87 OF THE CODE OF ORDINANCES RESPECTING WEAPONS ON CITY-OWNED OR CITY-MAINTAINED PROPERTY

WHEREAS, the City of Hendersonville City Council has, pursuant to statute, determined who should be permitted to carry certain weapons on City-owned and City-maintained property, and

WHEREAS the City Council deems it desirable to add City Council members to the list of those excepted from the restrictions contained in City Code Section 36-87,

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

SECTION 1. Section 36-87 of the Hendersonville Code of is hereby amended to read as follows

Sec. 36-87. - Weapons on city-owned or city-maintained property.

(a) Carry of certain weapons prohibited.

(1) Prohibited acts. Except as provided in subsection (b) of this section, all persons are prohibited from possessing firearms as defined in G.S. 14-269 14-415.10 in city-owned and/or maintained nonresidential buildings and property as defined in G.S. 14-54©, their appurtenant premises and parks City of Hendersonville government buildings and their appurtenant premises.

(2) Where posted, the carrying of a concealed handgun on City of Hendersonville government recreational facilities identified specifically as follows is hereby prohibited:

- a. Berkeley Park Baseball Field including any appurtenant facilities such as restrooms, during an organized athletic event, if the field has been scheduled for use with the Hendersonville Department of Public Works;
- b. Patton Park Athletic Fields including any appurtenant facilities such as restrooms, during an organized athletic event, if the fields have been scheduled for use with the Hendersonville Department of Public Works;
- c. Patton Park Swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool;
- d. Boyd Park and Patton Park Tennis Courts during organized athletic events, if the courts have been scheduled for use with the Hendersonville Department of Public Works;
- e. William H. King Park Baseball Field including any appurtenant facilities such as restrooms, during an organized athletic event, if the field has been scheduled for use with the Hendersonville Department of Public Works;
- f. Sullivan Park Basketball Facility including appurtenant facilities such as restrooms, during an organized athletic event, if the facility has been scheduled for use with the Hendersonville Department of Public Works;
- g. Whitmire Activity Center Shuffleboard Courts including appurtenant facilities such as restrooms, during an organized athletic event, if the courts have been scheduled for use with the Hendersonville Department of Public Works.

(b) Exceptions. This prohibition of subsection (a) of this section shall not apply to the following persons:

- (1) Officers and enlisted personnel of the armed forces of the United States when discharging 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 national guard when called into actual service;
- (4) Sworn law enforcement officers;
- (5) County animal control officers while in the discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
- (6) Employees of the city, a utility company, or a contractor to the city, may possess tools approved by their employer so long as such tools are not used as a weapon; and
- (7) Persons possessing a written permit from the chief of police to possess weapons for ceremonial purposes or funerals.
- (8) City of Hendersonville employees with a valid North Carolina Concealed Carry Permit and prior approval which may be granted by the City Manager in consultation with the Chief of Police in such places and under such circumstances as the City Manager may from time to time designate. The City Manager is hereby authorized and directed to draw up and keep current from time to time such policies for the carrying of concealed weapons as the City Manager, in consultation with the Chief of Police, may determine is in the interest of the health, safety and welfare of the City of Hendersonville.

SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted the fourth day of February 2016.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney