

AN ORDINANCE AMENDING SECTIONS OF THE TOWN CODE REGULATING THE CARRYING OF CONCEALED HANDGUNS (2014-01-13/O-2)

WHEREAS, Session Law 2013-369 has both been ratified by the North Carolina General Assembly and approved and signed into law by Governor McCrory on July 29, 2013; and

WHEREAS, Session Law 2013-369 further restricts municipalities ability to enact ordinances regulating the lawful carrying of concealed handguns on certain premises; and

WHEREAS, Council of the Town of Chapel Hill has considered the proposed amendments to the Town Code of Ordinances; and

WHEREAS, the Council finds that the amendment is required in order to comport with the Session Law 2013-369.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Sections 11-15 and 11-16 of the Town Code are hereby revised to read as follows:

“Sec. 11-15. Prohibition on possession of weapons on town property.

No person shall carry, possess or use any firearm or other dangerous weapon within any town-owned building and their appurtenant premises, in any town-owned building that is leased by the town for town purposes or upon any municipal recreational facility.

For the purpose of this section, a municipal recreational facility is defined as: a playground, an athletic field, a swimming pool, or an athletic facility. The following recreational facilities are specifically identified by the Town of Chapel Hill in compliance with North Carolina General Statute § 14-415.11(c):

- (1) ~~Craig Gomains Public Housing Community.~~
- (2) ~~Lindsay Street Public Housing Community Playground.~~
- (3) ~~Pritchard Park Public Housing Community Playground.~~
- (4) ~~Trinity Court Public Housing Community Playground.~~
- (5) ~~Colony Woods West Public Housing Community Playground.~~
- (6) ~~Oakwood Public Housing Community Playground.~~
- (7) ~~Eastwood Public Housing Community Playground.~~
- (8) ~~South Estes Drive Public Housing Community Playground.~~
- (9) ~~Burlington Park Playground, including the play area and an area fifteen (15) feet wide surrounding the play area fall surface.~~
- (10) Burlington Park Soccer Practice Area, including the graded, grassed, and cleared area north of the parking lot suitable for soccer practice.

- (11) Cedar Falls Park Athletic Field Complex, including an area comprised of the park's three (3) ballfields and the single multi-purpose field. The area includes all spaces between the fields and a fifteen-foot area surrounding the outside of the fields.
- (12) Cedar Falls Park Tennis Courts, including all area inside the tennis court fence and all adjacent seating areas.
- (13) ~~Cedar Falls Park Playground, including the play area and a fifteen-foot area surrounding the play area fall surface.~~
- (14) ~~Community Center Park Playground, including adjacent sidewalks, seating, picnic tables, art feature retaining wall, and manmade hill used as a play feature.~~
- (15) Community Center Park Volleyball Court, including a fifteen-foot sideline area completely surrounding the sand play area.
- (16) Community Center Park Outdoor Basketball Court, including a fifteen-foot sideline area completely surrounding the concrete court.
- (17) Ephesus Park Tennis Courts, including all area within the tennis court fence and an area fifteen (15) feet wide surrounding the tennis court fence.
- (18) Hargraves Park Outdoor Basketball Court, including a fifteen-foot sideline area completely surrounding the court.
- (19) ~~Hargraves Park Playground, including all areas south of the play area fall surface to the park property line and a fifteen-foot area surrounding the north, east and west sides of the play area fall surface.~~
- (20) Hargraves Park Ballfield, including all areas inside the ballfield fence, adjacent bleachers, and a fifteen-foot area surrounding the ballfield fence.
- (21) Hargraves Park Tennis Courts, including all areas inside the tennis court fence and seating areas adjacent to the tennis court fence.
- (22) Homestead Park's Chapel Hill Skate Park, including all areas inside the skate park fence and a fifteen-foot area surrounding the Skate Park fence.
- (23) ~~Homestead Park Playground, including all areas with fall surface and an area fifteen (15) feet around the outside perimeter of the playground fall surface.~~
- (24) Homestead Park Ballfields (2), including all sitting and bleacher areas, all space between the ballfields, and an area fifteen (15) feet wide surrounding the outside of the two (2) ballfields.
- (25) Homestead Park Soccer Fields (2), including all area within the soccer field fence and an area fifteen (15) feet wide surrounding the soccer field fence.
- (26) Homestead Park Batting Cage, including all areas inside the batting cage fence and a fifteen-foot wide area surrounding the batting cage fence.
- (27) ~~North Forest Hills Park Playground, including all areas within the play area and an area fifteen (15) feet wide surrounding the play area fall surface.~~

- (28) North Forest Hills Park Basketball Court, including an area fifteen (15) feet wide surrounding the play area surface.
- (29) Oakwood Park Tennis Court, including all area inside the tennis court fence and an area fifteen-foot wide around the entire tennis court fence.
- (30) ~~Oakwood Park Playground, including the area within the playground area fence and the area between the playground fence and the paved area of Berkley Road and Oakwood Drive.~~
- (31) Southern Community Park Disk Golf Course, including all fairways.
- (32) Southern Community Park Soccer Field Complex, including all area within the soccer complex fence and an area fifteen (15) feet wide surrounding the entire soccer field fence.
- (33) ~~Southern Community Park Playground, including all areas within the play area fence and an area fifteen (15) feet wide surrounding the fence.~~
- (34) Southern Community Park Basketball Court, including all area within the basketball court fence and an area fifteen-foot wide surrounding the entire basketball court fence.
- (35) Southern Community Park Inline Hockey Court, including all area within the hockey court fence and an area fifteen-foot wide surrounding the entire hockey court fence.
- (36) ~~Umstead Park Playground, including all areas within the play area and an area fifteen (15) feet wide surrounding the play area fall surface.~~
- (37) ~~Westwood Park Playground, including an area fifteen (15) feet wide surrounding the play area fall surface.~~

Nothing in this section shall preclude the holder of a concealed handgun permit holder from securing a handgun in a locked vehicle, within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle at the recreation facilities above.

This section shall not apply to law enforcement or other government personnel acting within the scope of their employment or to the possession of a firearm or other weapon on residential property, leased by the town, by the resident of said property, provided said possession is within the resident's own dwelling unit.

Violation of this section shall be a misdemeanor and shall be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

Sec. 11-16. Prohibition on possession of weapons on public streets temporarily closed to regular traffic for street fairs and other special events.

No person shall carry, possess or use any ~~firearm or other~~ dangerous weapon within any public right-of-way or street while such right-of-way or street is temporarily closed for a street fair, concert, art display, bicycle race or other special event. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment. This section shall not apply to persons lawfully carrying concealed firearms in accordance with North Carolina law. This section shall not apply to any person who obtains a permit to carry a weapon at such an event from the Chapel Hill Police Department where the carrying of such weapon is part of the display, program or event for which the street or right-of-way is temporarily closed.

Violation of this section shall be a misdemeanor and shall be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.”

Section 2. Sec. 11-74 of the Town Code is hereby revised to read as follows:

“Sec. 11-74. Restrictions authorized.

During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:

- (1) Prohibit or regulate the possession off one's own premises of explosives, ~~any firearm or~~ dangerous weapons of any kind except firearms, and prohibit the purchase, sale, transfer or other disposition thereof;
- (2) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind or narcotics except by prescription and their possession or consumption off one's own premises;
- (3) Prohibit or regulate any demonstration, parade, march vigil, or participation therein from taking place on any of the public ways or upon any public property;
- (4) Prohibit or regulate the sale or transportation of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances;
- (5) Prohibit or regulate travel upon any public street, alley or roadway or sidewalk or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves, their families or some member thereof; and
- (6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.”

Section 3. Sec. 11-84 of the Town Code is hereby revised to read as follows:

“Sec. 11-84. Prohibition on possession of weapons on town buses.

No person shall carry, possess or use any ~~firearm or other~~ dangerous weapon while aboard a bus operated by the town. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment or to persons lawfully carrying concealed firearms in accordance with North Carolina law.“

Violation of this section shall be a misdemeanor and shall be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

Section 4. Section 12-3 (m) of the Town Code is hereby revised to read as follows:

“(m) No person shall openly carry or use any ~~firearm or other~~ dangerous weapon within any town owned park, greenway or open space area. This section does not apply to persons lawfully carrying firearms in accordance with North Carolina law.”

Section 5. Section 20-5 of the Town Code is hereby revised to read as follows:

“Sec. 20-5 Prohibition on possession of weapons in taxis and limousines.

No person shall carry, possess or use any ~~firearm or other~~ dangerous weapon while aboard any taxi or limousine or other means of public conveyance. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment or to individuals who are authorized to carry concealed weapons under North Carolina Law.”

Violation of this section shall be a misdemeanor and be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

Section 6. This Ordinance shall be effective upon enactment.

This the 13th day of January, 2014.