



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date: 1-13-2014
AGENDA #9

TO: Roger L. Stancil, Town Manager

FROM: Tiffanie Sneed, Senior Legal Advisor

SUBJECT: Discussion and Consideration of Code Revisions Required to Comply with Amended NC General Statute 14-415.23: State Wide Uniformity

DATE: January 13, 2014

Recommended Council Action

- That the Council adopt the proposed Code revisions.

Context with Key Issues

- On July 29, 2013, Governor McCrory approved and signed House Bill 937 (now Session Law 2013-369).
- Session Law 2013-369 amended several state firearm laws and clarified where individuals can lawfully carry concealed handguns.
- This law also made several changes in the enabling legislation that authorizes municipalities to regulate the carrying of concealed handguns.
- The legislation limits the Town's ability to prohibit persons from lawfully carrying concealed handguns to the following:
 - Town owned buildings and surrounding property;
 - Recreational facilities:
 - Athletic fields
 - Swimming pools
 - Facilities used for athletic events (including gyms)
- The NC General Assembly struck the term "playground" from the statute so the Town can no longer prohibit the use of lawfully concealed handguns on playgrounds
- No prohibitions are allowed on local greenways or Town owned vehicles (i.e. buses)
- These changes became effective on October 1, 2013.

Explanation of Recommendation

- The Town's authority to create ordinances and the areas that can be regulated by the Town are derived from the State. In this case, the State has limited the Town's authority to create ordinances regulating the use of firearms and the Town's current ordinances must be modified in order to comply with the new enabling legislation.
- The proposed ordinance text amendments comply with the powers granted in the enabling legislation.

Fiscal Note

- Not adopting the proposed revisions would leave the Town of Chapel Hill vulnerable to legal challenges, which could include the payment of attorneys' fees in addition to any other monetary awards that might be awarded by a Court.
- The current signage posted at our playgrounds and other affected properties would have to be modified in order to comply with the current legislation.

Attachments

- Proposed Ordinance with revisions
- Copy of Session Law 2013-369