

TOWN OF HIGHLANDS
HIGHLANDS, NORTH CAROLINA

~ Adopted September 20, 2011

Code of Highlands – Chapters 6.5-1, 6.5-37, 8-11 & 9: Weapons Offenses

ORDINANCE AMENDMENTS

Pursuant to an affirmative vote of 5 to 0 by the Board of Commissioners of the Town of Highlands at its regular meeting on the 20th day of September, 2011, and an affirmative vote of ___ to ___ by the Board of Commissioners at its regular meeting on the ___ day of _____ 2011 (if necessary) the following ordinances are hereby

AMENDED:

EXISTING CODE SECTIONS, FOLLOWED BY *PROPOSED NEW SECTION (IN ITALICS)*

Chapter 6.5 MISCELLANEOUS PROVISIONS

Art. I. In General, §§ 6.5-1--6.5-30

Art. II. Recreational Activities on Lake Sequoyah, §§ 6.5-31--6.5-41

ARTICLE I. IN GENERAL

Sec. 6.5-1. Carrying concealed weapons on certain municipal property; location of signs.

(a) *Posting of signs required.* The chief of police is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within the following municipal property, indicating that carrying a concealed handgun is prohibited therein, as well as on the premises thereof:

- (1) The Highlands Recreation Park.
- (2) The Highlands Ball Park.
- (3) The Highlands Conference Center.
- (3) The Town Hall.
- (4) The Highlands Police Station.
- (5) The Highlands Playhouse.
- (5) The Highlands ABC store.
- (6) The water treatment plant.
- (7) The wastewater treatment plant.

(b) *Location of signs.* Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The chief of police shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

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(Ord. of 11-15-95(1), §§ 1, 2)

Secs. 6.5-2--6.5-30. Reserved.

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Sec. 6.5-37. General regulations.

(a) It shall be unlawful for any person to possess a firearm, air rifle, air pistol, pump gun, spear gun, or other similar weapon of any kind in or upon the waters of Lake Sequoyah or its environs. This section shall not apply to officers of the town's police department or other duly authorized law enforcement officials while carrying out their official duties.

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Sec. 8-11. Firearms and pellet guns.

(a) No person may discharge any firearm, pellet gun, or any other mechanism or device designed or used to project a missile by compressed air or mechanical action at any time or place within the town except when used in the following specific circumstances:

- (1) In defense of person or property;
- (2) To destroy any rabid or marauding animal; or
- (3) Pursuant to the lawful directions of any member of the town police department.

(b) This section shall not be construed to preclude the discharge of firearms, pellet rifles, or other similar devices pursuant to a competition or match conducted by any bona fide civic group, organization, or sponsoring entity provided always, however, that such organization shall first secure from the chief of police permission to conduct such competition or match and shall further assume all liability for all personal injury or property damage or both arising out of such meet.

(c) Any person violating this section shall be guilty of a misdemeanor and shall be subject to the punishment provided by section 1-5.

(Code 1982, § 11.28)

State Law References: Authority to regulate discharge of firearms, G.S. § 160A-189; authority to regulate possession and use of pellet guns, G.S. § 160A-190.

Code Sections 6.5-1, 6.5-37 and 8-11 are hereby repealed.

The Code of Highlands, North Carolina, is hereby amended by dividing Chapter 9 into two articles, the first to be entitled "Miscellaneous Offenses," which will contain the existing provisions of Chapter 9 (9-1 through 9-6), and the second to be entitled "Weapons Offenses," which shall read as follows:

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ARTICLE II. WEAPONS OFFENSES

Sec. 9-7. Definitions. *The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section:*

*(a) **Town's Recreational Facilities** shall mean 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 the State or Town public rights of way:*

(1) The "Rec Park", including Houston House, the swimming pool, playgrounds, gymnasium, and all other athletic facilities, and being more particularly described as the property conveyed to the Town by deed dated January 26, 1970 and recorded in Book J-8 Page 304, and the deed recorded on August 8, 2005 in Book L-29, Page 1 of the Macon County Registry;

(2) The Highlands Ball Park, including the ballfield, and all other playgrounds and other athletic facilities, and being more particularly described as the property conveyed to the Town by deed dated December 22, 1927 and recorded in Book P-4 Page 520 of the Macon County Registry;

(3) Kelsey Hutchinson Park, including all playgrounds, and being more particularly described as the property conveyed to the Town by deed dated October 24, 2007 and recorded in Book B-32 Page 1812 of the Macon County Registry;

*(b) **Town's Buildings or Public Property** shall mean 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 the State or Town public rights of way.*

(1) The Conference Center, being more particularly described as the property conveyed to the Town by deed dated December 22, 1927 and recorded in Book P-4 Page 520 of the Macon County Registry;

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(2) *Town Hall, including the Highlands Playhouse and being more particularly described as the property conveyed to the Town by deed dated November 12, 1951 and recorded in Book A-6 Page 311, of the Macon County Registry;*

(3) *Kelsey Hutchinson Park being more particularly described as the property conveyed to the Town by deed dated October 24, 2007 and recorded in Book B-32 Page 1812 of the Macon County Registry;*

(4) *The Performing Arts Center, being more particularly described as the property conveyed to the Town by deed dated January 11, 2002 and recorded in Book J-25 Page 1005 of the Macon County Registry;*

Sec. 9-8. Discharge of Firearms and Other Mechanisms Within Corporate Limits Prohibited.

As allowed by N.C.G.S. 160A-189 and 190, the Town prohibits the discharge of any firearm, pellet gun, paintball gun, or any other mechanism or device designed or used to project a missile by compressed air or mechanical action at any time or place within the corporate limits of the Town except when used in the following specific circumstances:

(a) In defense of person or property;

(b) To destroy any rabid or marauding animal; or

(c) When the mechanism is a nail gun or similar tool being used for its intended purpose.

Sec. 9-9. Concealed Handguns. *As allowed by N.C.G.S. § 14-415.23, the Town prohibits the carrying of concealed handguns as follows:*

(a) It is prohibited, and not within the scope of any concealed handgun permit, for any person to possess or carry a concealed handgun in or upon the Town's Buildings and appurtenant premises.

(b) It is prohibited, and not within the scope of any concealed handgun permit, for any person to possess or carry a concealed handgun in or upon the Town's Recreational Facilities as specifically described herein above.

(c) State law (presently N.C.G.S. § 14-269(b) provides that certain persons are not subject to the prohibition against carrying concealed weapons. Such persons are also exempt from the prohibitions in this ordinance.

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(d) State law (presently N.C.G.S. §14-415.23) provides that notwithstanding local ordinances forbidding concealed handguns on recreational facilities, handgun permittees are allowed to secure a handgun “in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle.” Therefore, handguns stored in such areas shall not be in violation of this section.

Sec. 9-10. Open Weapons on Town’s Recreational Facilities and Town’s Public Property. *As allowed by N.C.G.S. § 160A-189, it shall be unlawful for any person to display weapons (unconcealed) on the Town’s Recreational Facilities as defined herein above and on the Town’s Public Property as defined herein above. As used in this section, “weapon” shall mean a rifle, pistol, bowie knife, dirk, dagger, sling shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other dangerous or deadly item of like kind.*

Sec. 9-11. Seizure of Weapons. *The Chief of Police or any member of the Police Department is hereby authorized to seize and hold any firearm or mechanism involved in a violation of this Article, and to hold such property, subject to release only upon an order of a court of appropriate jurisdiction.*

Sec. 9-12. Punishment. *Any person who violates any provision of this Article shall be guilty of a misdemeanor and shall be punished in accordance with section 1-5 of the Highlands Code.*

Sec. 9-13. Exception. *Notwithstanding any other provision of this Article, the Chief of Police may, in his discretion, issue a permit authorizing the display and discharge of certain weapons in connection with organized training and certification programs, or competitions conducted by bona fide civic groups or entities. All such permits must be in writing, with such terms and conditions as the Chief of Police may require, provided that all permits must contain provisions that clearly absolve and release the Town from any and all liability related to the event.*

General statutory reference and authority:

N.C. Gen. Stat. 14-409.40 “Statewide uniformity of local regulation”

N.C. Gen. Stat. 14-415.11 “Permit to carry concealed handgun; scope of permit”

N.C. Gen. Stat. 14-415.23 “Statewide uniformity”

N.C. Gen. Stat. 160A-189 “Firearms”

N.C. Gen. Stat. 160A-190 “Pellet Guns”

N.C. Gen. Stat. 14-269 “Carrying concealed weapons”