



Rowan County Planning Board

Committee A Draft Recommendations

Concealed Carry Amendments to Chapter 15 & 16 of the Rowan County Code of Ordinances



The accompanying amendments to Chapter 15 (Offenses) and Chapter 16 (Parks and Recreation) of the Rowan County Code of Ordinances were prepared by Staff based on recommendations from the Committee A meeting held February 11, 2014. The Committee's consideration and recommendations were prompted by House Bill 937 / Session Law 2013-369 which became effective October 1, 2013.

The amendments are incorporated within applicable excerpts of the ordinance framework; proposed deletions appear as ~~strikethrough text~~ and proposed additions appear as ***bold italicized text***.

Please review the accompanying DRAFT amendments for clarity and content. In coordination with Committee Chair Wright, another Committee A meeting will be scheduled the first or second week of March to consider the amendments and ideally finalize the recommendations for scheduling of a Planning Board courtesy hearing March 24, 2014.

Questions, comments or need for additional information should be directed to my attention via email at Ed.Muire@rowancountync.gov or phone at 704-216-8599.

Excerpts from Chapter 15 [Offenses] of the Rowan County Code of Ordinances

1 Sec. 15-1. Loitering, etc.

2 It shall be unlawful for any person to loiter, sleep or otherwise impede the flow of traffic on any steps or in any
3 passageways in any public buildings or on sidewalks, drives or streets owned by the county.

4 Sec. 15-2. Weapons prohibited on county property.

5 (a) Except as provided in subsection (b) below, all persons are prohibited from possessing concealed weapons
6 as defined in G.S. 14-269 in any building or recreational parks owned or operated by the county. ~~7~~
7 ~~excluding parking lots and campsites.~~

8 (b) This prohibition shall not apply to the following persons:

9 (1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their
10 official duties as such and acting under orders requiring them to carry weapons.

11 (2) Civil officers of the United States while in the discharge of their official duties.

12 (3) Officers and soldiers of the militia and national guard when called into actual service.

13 (4) Sworn law enforcement officers.

14 (5) Animal control officers when in discharge of their official duties as such and acting under
15 governmental policies or regulation authorizing them to carry weapons.

16 (6) ~~Any other person who has proven a specific need and has received written permission from majority~~
17 ~~vote of the county commissioners~~ **a valid concealed handgun permit issued in accordance with**
18 **Chapter 14 Article 54B of the North Carolina General Statutes or considered valid under**
19 **NCGS-14-415.24, and the person is carrying the concealed handgun in accordance with**
20 **scope of the handgun permit as set out in NCGS 14-415.11(c). This provision does not**
21 **otherwise authorize said person to carry or possess a concealed or deadly weapon(s)**
22 **itemized in NCGS 14-269(a).**

23 (7) **Any other person authorized to carry concealed weapons pursuant to NCGS 14-269(b) (as**
24 **amended).**

25 (c) A conspicuous notice shall be posted at each entrance to any property set forth in subsection (a) above
26 stating, "~~Possession of Weapon(s) or Carrying a Concealed Handgun is Prohibited.~~ **Allowed Pursuant to**
27 **Provisions of Chapter 14 Article 54B. All other Weapons Prohibited.**"

28

STAFF COMMENTARY

Propose to eliminate "excluding parking lots and campsites" as the term concealed weapons includes a variety of weapons. Those authorized to carry concealed handguns are allowed to do so in County owned parks and campsites but not to carry other concealed weapons defined by statute.

Removed provision for BoC permission and changed to reflect text from NCGS 14-269(a1)(2).

Included provision recognizing all authorized concealed carry persons referenced in NCGS 14-269.

Revised posted notice standards. May consider eliminating item (c) altogether.

(d) Penalties:

- (1) Any person in violation of this ~~section~~ **section** shall be guilty of a misdemeanor and upon conviction shall be fined five hundred dollars (\$500.00) or imprisoned for six (6) months or both.
- (2) Weapons possessed in violation of this section are hereby declared to be contraband. The sheriff or his designee shall hold such weapon for disposal pursuant to court order. In the absence of any court order, the weapon shall be destroyed.
- (3) Should any provision of this section be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the section as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Sec. 15-3. Registered sex offenders prohibited from entering Rowan County parks, recreation areas, fairgrounds and public libraries.

(a) For purposes of this **subsection**, the following definitions shall apply:

- (1) *Registered sex offender.* An individual who is registered by a state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to, the sex offender registry established in Chapter 14, Article 27.1 of the North Carolina General Statutes.
- (2) *Rowan County parks, recreation areas, fairgrounds, public libraries.* Any county owned, leased, operated or maintained land which is designated by the County of Rowan as a park, recreation facility, fairground, or library and any parks, recreation facilities, fairgrounds, or libraries in the unincorporated areas of Rowan County and designated by resolution by the Rowan County Board of Commissioners with support and approval of the Rowan County Sheriff.

(b) No registered sex offender shall enter into or upon any Rowan County parks, recreation area, fairgrounds, or public libraries operated by the County of Rowan. Each entry into such areas, regardless of the time period between such entries, shall constitute a separate offense under this section. An exception is provided when such facility, if used as a polling place for an election, the registered sex offender may enter for the limited purpose of voting if he/she qualifies to do so at that polling place.

Corrected spelling error.

Inserted "sub" to indicate the definitions apply specifically to the sex offender section only. The terms 'recreation area and recreation facility' in item 15-3(a)(2) have a specific meaning as related to concealed carry. Reference NCGS 14-415.23(c)(1-3) and (d).

1 (c) This section shall be enforced by the Rowan County Sheriff's Department or other law enforcement agency
2 with jurisdiction pursuant to any mutual aid agreement then in place providing for such enforcement
3 responsibility.

4 (d) Anyone who is found in violation of this section shall be guilty of a Class 3 misdemeanor and shall be fined
5 not more than five hundred dollars (\$500.00) per offense and/or thirty (30) days in jail as set forth in G.S.
6 14-4, or as such statute may be amended from time to time.

7 (e) The county manager or his designee shall post this regulation at the main entrance of each park, recreation
8 area, fairground and public library within thirty (30) days of passage of this section.

9 **Secs. 15-4—15-25. Reserved.**

10
11 **Excerpts from Chapter 16 [Parks and Recreation] of the Rowan County Code of Ordinances**

12 **Sec. 16-26. Definitions.**

13 Whenever used in this article or in any Rowan County park or recreation center regulation, the following
14 respective terms, unless otherwise therein expressly defined, shall mean and include each of the meanings
15 herein respectively set forth.

16 *Bathing area* means any beach or water area designated by the commission as a bathing area.

17 *Bridle path or trail* means any path or trail maintained for persons riding on horseback.

18 *Commission* means the county parks and recreation commission.

19 *Foot path or trail* means any path or trail maintained for pedestrians.

20 *Owner* means any person owning, leasing, operating or having the exclusive use of a vehicle, animal or
21 any other property under a lease or otherwise.

22 *Park* means, unless specifically limited *herein*, includes all designated parks, parkways, sites and other
23 recreational areas under the jurisdiction of the county parks and recreation commission.

Insertion of 'herein' suggests that NCGS definition of recreation facility inserted in this section is more specific than term for park.

1 *Permits* means any written license issued by or under authority of the commission, permitting the
 2 performance of a specified act or acts.

3 *Person* means any natural person, corporation, company, association, joint stock association, firm or
 4 copartnership.

5 ***Recreation facility, as defined in NCGS 14-415.23 (c) and (d) regarding carry of a concealed***
 6 ***handgun, includes only the following:***

7 ***(1) An athletic field, including any appurtenant facilities such as restrooms, during an organized***
 8 ***athletic event if the field had been scheduled for use with the Rowan County Parks and***
 9 ***Recreation Department.***

10 ***(2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal***
 11 ***items, or other uses relating to the swimming pool.***

12 ***(3) A facility used for athletic events, including, but not limited to a gymnasium.***

13 ***NOTE: The term recreation facility does not include any greenway, designated biking or walking***
 14 ***path, an area that is customarily used as a walkway or bike path although not specifically***
 15 ***designated for such use, open areas or fields where athletic events may occur unless the area***
 16 ***qualifies as an “athletic field” pursuant to item (1) of this definition, and any other area not***
 17 ***specifically described in this definition for recreation facility.***

18 *Regulation* means any regulation duly adopted by the county parks and recreation commission and
 19 posted as a county parks and recreation center regulation.

20 *Unnecessary stopping* means bringing a vehicle to a complete stop at a point other than in a parking
 21 place, or other than in conformity with traffic regulations and other than because of a defect in such vehicle.

22 **Sec. 16-42. Firearms, explosives, fires, etc.**

23 (a) *Firearms.* No person except employees or officers of the county parks shall carry or possess firearms of
 24 any description or airguns within any park.

Definition for recreation facility
 obtained from NCGS 14-415.23
 (c)(1) thru (3).

Ancillary note obtained from
 NCGS 14-415.23(d).

1 **(b) Concealed Carry of Handguns. No person, except those authorized by Section 15-2(b)(6) of the**
2 **Rowan County Code or NCGS 14-269, may possess a concealed handgun in a Rowan County Park,**
3 **recreation facility or building and appurtenant premises. Notwithstanding this provision, each of**
4 **the County parks referenced herein may have extracurricular activities sponsored by the Rowan-**
5 **Salisbury School System or other similar educational entities that may render all or some**
6 **designated areas as “educational property” defined in NCGS 14-269.2(a)(1). In these instances,**
7 **possession of a concealed weapon, handgun or otherwise, in the park or designated areas during**
8 **these activities may constitute a misdemeanor or felony as provided in NCGS 14-269.2.**

9
10 **Rowan County Parks and Recreation Facilities include:**

- 11 • **Dan Nicholas Park** 6800 Bringle Ferry Road Salisbury, NC
- 12 • **Dunn’s Mountain Nature Preserve** 1740 Dunns Mountain Road Salisbury, NC
- 13 • **Eagle Pointe Nature Preserve** 665 Black Road Salisbury, NC
- 14 • **Ellis Park** 3541 Old Mocksville Road Salisbury, NC
- 15 • **Sloan Park** 550 Sloan Road Mt. Ulla, NC

16
17 ~~(b)~~ **(c) Concealed or Deadly Weapons. No person may possess or carry concealed or deadly weapons**
18 **as defined in NCGS 14-269(a) in a Rowan County Park.**

19 ~~(c)~~ **(d) Explosives.** No person shall bring into or have in any park any explosive or explosive substance

20 ~~(d)~~ **(e) Fires, lighted cigarettes, etc.** No person shall kindle, build, maintain or use a fire other than in places
21 provided or designated for such purposes except by special permit. Any fire shall be continuously under the
22 care and direction of a competent person over sixteen (16) years of age from the time it is kindled until it is
23 extinguished. No person within the confines of any park shall throw away or discard any lighted match,
24 cigarette, cigar or other burning object. Any lighted match, cigarette, cigar or other burning object must be
25 entirely extinguished before being thrown away or discarded.

26 **(f) Smoking.** No person shall smoke in any structure or place in any park where smoking is prohibited.
27 Smoking may be forbidden by the commission or its authorized agent in any part of any park when it is
28 deemed the fire hazard makes such action advisable.
29

Provision allowing for
concealed carry of handguns in
County parks

List of current County parks
where concealed carry of
handguns will be allowed.

Weapons other than concealed
carry of handguns is still
prohibited.