



Rowan County Planning and Development Department

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Concealed Carry Considerations

MEMORANDUM

TO: Chairman Kersey and Planning Board Members
FROM: Ed Muire, Planning Director
RE: Concealed Carry Text Amendments & Personnel Policy
DATE: July 7, 2014

BACKGROUND

Staff discussion with the County Attorney following the March 24, 2014 Courtesy Hearing for the concealed carry amendments focused on a concern raised by Board member Larry Jones during the hearing.

Specifically, Mr. Jones questioned if the absence of signage in County-owned buildings authorizing concealed carry of handguns would provide an impression that open carry was also allowed. As such, Staff has included a suggested modification on page 1 of the accompanying text for clarification; reference **Attachment A**.

SUGGESTED BOARD ACTIONS

- Receive Staff Report
- Discuss Ordinance Clarification
- Provide Recommendation to BoC
- Discuss Personnel Policy Considerations
- Provide Recommendation to BoC

In a related matter, a group of the County's department directors reviewed the concealed carry topic for implications to customer service and employee practices resulting from allowing the concealed carry of handguns in County-owned buildings. The accompanying memorandum summarizes the directors' recommendations for implementing a concealed carry program (**Attachment B**).

RECOMMENDATIONS

Given the Planning Board has previously conducted a Courtesy Hearing on the proposed text amendments, another is not necessary since no substantive changes to the text have been proposed. Rather, the suggested modification to the text is a clarification of the intent by Committee A and the Planning Board to not authorize "open carry" in County-owned buildings. Should a majority of the Planning Board approve the modification, it will be included with the text amendment document for consideration by the Commission.

The content of the personnel recommendations are not an amendment of County policy per se, but are intended to offer the Commission recommendations and considerations prior to authorizing citizens and employees to carry concealed handguns in and on County-owned property. The Planning Board should consider the directors' implementation framework and provide a recommendation on its appropriateness. In keeping with the advisory role of the Planning Board, its recommendation may include any suggestion(s) the majority deem relevant for the Commission to make an informed decision.

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.~~

27 **A conspicuous notice shall be posted at each entrance to any**

28 **County-owned property set forth in subsection (a) above stating,**

County Attorney recommends stating that open carry is not allowed when ambiguity exists in the absence of signs or notice. Consider the proposed revision by Staff in text at right

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.

Rather than revised notices authorizing concealed carry of handguns, delete section.

1 **“Possession of a Concealed Handgun is Allowed Pursuant to NCGS 14-54B. All other Weapons**
 2 **Prohibited.”**
 3

4 (c) (d) Penalties:

5 (1) Any person in violation of this ~~section~~ **section** shall be guilty of a misdemeanor and upon conviction
 6 shall be fined five hundred dollars (\$500.00) or imprisoned for six (6) months or both.

7 (2) Weapons possessed in violation of this section are hereby declared to be contraband. The sheriff or
 8 his designee shall hold such weapon for disposal pursuant to court order. In the absence of any
 9 court order, the weapon shall be destroyed **may be disposed of in a manner authorized by NCGS**
 10 **14-269.1.**

11 (3) Should any provision of this section be declared invalid or unconstitutional by any court of competent
 12 jurisdiction, such declaration shall not affect the validity of the section as a whole or any part thereof
 13 which is not specifically declared to be invalid or unconstitutional.

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

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

17 (1) *Registered sex offender.* An individual who is registered by a state or federal agency as a sex
 18 offender and whose name is published on any state or federal registered sex offender listing,
 19 including, but not limited to, the sex offender registry established in Chapter 14, Article 27.1 of the
 20 North Carolina General Statutes.

21 (2) *Rowan County parks, recreation areas, fairgrounds, public libraries.* Any county owned, leased,
 22 operated or maintained land which is designated by the County of Rowan as a park, recreation
 23 facility, fairground, or library and any parks, recreation facilities, fairgrounds, or libraries in the
 24 unincorporated areas of Rowan County and designated by resolution by the Rowan County Board of
 25 Commissioners with support and approval of the Rowan County Sheriff.

26 (b) No registered sex offender shall enter into or upon any Rowan County parks, recreation area, fairgrounds,
 27 or public libraries operated by the County of Rowan. Each entry into such areas, regardless of the time
 28 period between such entries, shall constitute a separate offense under this section. An exception is

Corrected spelling error.

Rather than mandating a
 weapon be destroyed, this
 statutory cite provides a variety
 of options for disposal
 including sale, transfer to law
 enforcement, etc.

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 provided when such facility, if used as a polling place for an election, the registered sex offender may enter
2 for the limited purpose of voting if he/she qualifies to do so at that polling place.

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

6 (d) Anyone who is found in violation of this section shall be guilty of a Class 3 misdemeanor and shall be fined
7 not more than five hundred dollars (\$500.00) per offense and/or thirty (30) days in jail as set forth in G.S.
8 14-4, or as such statute may be amended from time to time.

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

11 **Secs. 15-4—15-25. Reserved.**

12
13 **Excerpts from Chapter 16 [Parks and Recreation] of the Rowan County Code of Ordinances**

14 **Sec. 16-26. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **(b) *Concealed Carry of Handguns.* No person, except those authorized by Section 15-2(b)(6) of the**
5 ***Rowan County Code or NCGS 14-269, may possess a concealed handgun in a Rowan County Park,***
6 ***recreation facility or building and appurtenant premises. Rowan County Parks and Recreation***
7 ***Facilities include:***

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

13
14 ***Notwithstanding this provision, each of the County parks referenced herein may have a scheduled***
15 ***or an occasional extracurricular activity sponsored by the Rowan-Salisbury School System or other***
16 ***similar educational entity that may render all or some designated areas as “educational property”***
17 ***defined in NCGS 14-269.2(a)(1). In these instances, possession of a concealed weapon, handgun or***
18 ***otherwise, in the park or designated areas during these activities may constitute a misdemeanor or***
19 ***felony as provided in NCGS 14-269.2. Conspicuous notice of the extracurricular activity and its***
20 ***duration shall be posted at the entrance to the park the day of the event by the Parks and Recreation***
21 ***Department.***

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

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

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

Provision allowing for
concealed carry of handguns in
County parks.

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

To prevent potential snares for
concealed carry permittees in
parks during school-related
activities, Parks and Rec will
post signs at park entrance as
general notice of the event.

Weapons other than concealed
carry of handguns are still
prohibited.

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

DRAFT

MEMORANDUM

TO: Chair Kersey and Planning Board Members
FROM: Ed Muire, Planning Director
RE: Concealed Carry Policy
DATE: July 7, 2014

INTENT of CONSIDERATION

Given the anticipated amendment of local ordinances by the County Commission allowing concealed carry of handguns on County-owned property and in County buildings, a group of department directors were assembled to provide some personnel policy recommendations for Commission consideration that could be applied concurrent with ordinance adoption. Directors selected included:

DIRECTOR	DEPARTMENT
Kevin Auten	Sheriff
Darlene Boling	Human Resources
Donna Fayko	DSS
Yvonne Moebs	Risk Management
Ed Muire	Planning
Gary Page	County Manager

As typical, current policies were reviewed and identified as noted in **Attachment B¹**. Surrounding counties were surveyed and a broader search employing listservs managed by the NC School of Government to obtain additional information and resources was conducted. The extent of the responses received suggests three (3) NC counties allow concealed carry of handguns on County-owned property and in their related buildings – Alamance, Cabarrus and Cherokee. However, personnel policies in these counties were not available or do not exist at present.

While the majority of directors understand the notion to allow concealed carry of handguns by the general public and County employees on property and in buildings owned by the County, the directors are concerned about the lack of policies, training, procedures and enforcement should the ordinances be amended without the former concerns being satisfactorily addressed. In particular, these concerns are heightened for an agency such as DSS where employees routinely interact with abusive and neglectful caregivers and policy appropriateness should be considered prior to blanket adoption.

As it relates to this issue, the directors desire to balance the safety and liabilities of employees and the general public with their constitutional rights and freedoms. To that end, the directors offer these recommendations for Commission consideration:

IMMEDIATE ACTIONS

- 1) As mandated by HB 937 / SL 2013-369, allow for concealed carry of handguns in County owned parks, by amending Chapter 16 of the Rowan County Code of Ordinances.
- 2) Acquire the services of a law firm specializing in personnel policy and firearms-related considerations to develop a comprehensive policy that accommodates employees and the general public while also advising of liability concerns.

SHORT TERM ACTIONS [4-6 months]

- 1) Delay implementation of concealed carry amendments that permit employees and the general public to carry concealed on County properties until item 2 is finalized and adopted.
- 2) Provide appropriate signage acknowledging status of concealed carry and other weapons.
- 3) Provide funding for Human Resources and Risk Manager to acquire material and resources for workplace violence training, self-defense training, and recognition of potential threats.
- 4) Provide directors and supervisors the option to acquire law enforcement officers for employee dismissals and disciplinary hearings.

LONG TERM ACTIONS [12 -24 + months]

- 1) Provide funding for metal detectors in all County-owned buildings. This allows for valid concealed carry permittees to carry legally and other weapons to be prevented from entering buildings.
- 2) Provide law enforcement officers at metal detector stations.

Property damage is any intentional damage to property owned by the County, employees, citizens, visitors or vendors.

10.03 POSSESSION OF WEAPONS

Employees are prohibited from the unauthorized possession of a firearm, with or without a concealed carry permit, knife, or any other deadly weapon on County property or in County owned or leased vehicles. Employees who are required to possess a weapon as a part of their job duties are exempt from this provision.

Employees with a concealed handgun permit may, nevertheless, secure their handgun on County property in a locked, private vehicle within a trunk, glove box, or other enclosed compartment or area within their private vehicle.

For purposes of this policy, unauthorized possession of a firearm or other deadly weapon shall mean not specifically authorized by the County or is not a sworn law enforcement officer performing the functions of the job. Status as a sworn officer does not authorize an employee to possess a firearm unless it is a requirement and function of an employee's position.

10.04 WORKPLACE VIOLENCE PREVENTION

It is important for all employees to be alert to the possibility of violence by employees, volunteers, former employees, clients and citizens. Safety should be the highest concern. While County employees are not expected to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to immediately inform their supervisor and director if any employee or individual exhibits behavior which could be a sign of a potentially dangerous situation. Supervisors and directors that receive such information should investigate the incident and initiate appropriate action. The Risk Manager and Human Resources Director should be notified of the incident and/or the potential for violence along with written documentation and the completion of the Rowan County Workplace Violence Incident Report.

Employees should promptly inform their supervisor or director of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are also encouraged to report safety concerns with regard to intimate partner violence. The County is committed to supporting victims of violence and will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. The Employee Assistance Program is available for employees who feel a need for counseling or other types of assistance.

Supervisors and the Director, with the assistance of the Risk Manager, will be responsible for developing a response plan for actions to be taken to potential immediate violent incidents for department employees. The action plan will determine direct exit routes for groups of employees in different locations of the building(s), possible hiding places, methods to alert other employees, meeting places outside of the building, and the need to contact local law enforcement.

Training for front-line supervisors and directors is essential and will be provided as they have the closest contact with employees and so are in the best position to identify anyone who may be potentially violent. Warning signs of a potentially violent employee include emotional difficulties, moodiness, tardiness or absenteeism, contempt for coworkers or supervisors, obsession with firearms, paranoia, making threats, pushing or shoving, fighting, or having financial problems.

10.05 WORKPLACE VIOLENCE RESPONSE

If anyone commits a violent act or makes a direct threat while on County property, the person will be asked to leave by a supervisor. Should the person refuse to leave, local law enforcement should be contacted to assist in removing the person.

Employees should not attempt to handle a violent or potentially violent incident. When facing an imminent threat or act of violence, an employee should first secure his/her own safety, contact local law enforcement and, if possible, alert persons in the immediate area. Employees threatened, assaulted or attacked, while on official duty in the field, shall immediately report such incidents to local law enforcement and their supervisor.

Employees who encounter or are confronted by an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

10.06 RIGHT TO SEARCH

As part of the County's efforts to prevent workplace violence, the County reserves the right to search County vehicles, County work spaces, offices and other County property. Any illegal object found will be turned over to law enforcement authorities.

(Rev. 11/19/12)