



REQUEST FOR BOARD ACTION

ITEM No. 5

DATE OF MEETING: March 13, 2012

REQUESTED BY: Dee Turner, Planner II, Planning and Community Development

SHORT TITLE: Public Hearing and Resolution to Amend the Pender County Park Ordinance; Sections 11-60 and 11-64

BACKGROUND: The proposed amendment addresses a legislative change in the General Statute regarding possession of concealed weapons in parks and allowing dogs in Millers Pond Park.

Under House Bill 650, it is the intent of the General Assembly to prescribe a uniform system for the regulation of legally carrying a concealed handgun. To insure uniformity, no political subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal corporation, town, township, village, nor any department or agency thereof, may enact ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of local government may adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government buildings, their appurtenant premises, and parks, buildings and their appurtenant premises. A unit of local government may adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local government. If a unit of local government adopts such an ordinance with regard to recreational facilities, then the concealed handgun permittee may, nevertheless, secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle. For purposes of this section, the term "recreational facilities" includes only the following: a playground, an athletic field, a swimming pool, and an athletic facility." As permitted under House Bill 650, the proposed text amendment for Park Ordinance Sec. 11.60 would prohibit the possession or carry of concealed handguns within the County's current allowable "recreational facilities."

Since the opening of Millers Pond Park, the desire for dogs to be allowed at that park has been expressed by citizens and other county departments' staff. Due to the nature of the park, Planning staff suggests that dogs on a leash should be allowed. Staff presented this text amendment to the Pender County Parks and Recreation Advisory Board February 15, 2012 in which they voted unanimously to recommend approval of the request.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider a resolution to amend the Pender County Park Ordinance, Sections 11-60 and 11-64.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED that on March 19, 2012, the Pender County Board of Commissioners (approved, modifies, denied) a text amendment request described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown _____ Tate _____ Rivenbark _____ Ward _____ Williams _____

George R. Brown, Chairman

3/19/12
Date

ATTEST

Date

Sec. 11-60. Firearms and weapons.

It shall be unlawful for any person, except those exempted under N.C.G.S. 14-269(b) and in accordance with N.C.G.S. 14-415.11(c) to carry, possess or discharge any type of firearm, explosive device, air guns of any description (BB guns, paintball guns, pellet guns etc.), or bowie knife, dirk, dagger, sling shot, leaded cane, switchblade knife, blackjack, metallic knuckles, razor, shurkin, stun gun, bow and arrow or other deadly weapon as defined in Article 35 of Chapter 14 of the North Carolina General Statutes within any park. ~~This prohibition shall not apply to a weapon which is in a motor vehicle so long as the weapon is not brandished.~~ However, in accordance with N.C.G.S. 14-415.23, it shall be unlawful to possess or carry a concealed handgun, with or without a permit, on or in any county athletic facility, athletic field, or playground provided that this prohibition shall be noticed by prominent posting of each such athletic facility, athletic field or playground. Nevertheless, the concealed handgun permittee may secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle. This prohibition shall not apply to an authorized event, such as an archery demonstration/program.

Sec. 11-64. Pets/Horses/Animals.

- (a) It is shall be unlawful to bring pets/horses/animals in the park except for service animals. Dogs shall be allowed at Millers Pond Park if restrained by a leash not exceeding six (6) feet in length. Dog owners must promptly remove and dispose of any fecal matter discharged by the dog within an appropriate manner.
- (b) It shall be unlawful to dispose of or release waterfowl, deer, rabbits, or other pets/animals in the park.