




HISTORIC
FRANKLIN
TENNESSEE

ITEM #20
WRKS 05/28/13

MEMORANDUM

May 22, 2013

TO: Board of Mayor and Alderman (BOMA)

FROM: Eric S. Stuckey, City Administrator 
Shauna Billingsley, City Attorney
David Rahinsky, Police Chief

SUBJECT: Permitted handgun/firearm carry in City Hall

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to review the existing policy prohibiting the procession of handguns/firearms within City facilities, specifically City Hall.

Background

In 2009, the Board of Mayor and Aldermen took action to prohibit handgun/firearm carry within City parks. This action was taken in response to state legislation enacted at the time that required local governments to “opt out” if they desired to prohibit handgun carry in parks. The action taken by the Board at that time also included language that referenced the long-held policy/practice of the City to prohibit handguns in City-owned facilities. Attachment A includes materials documenting the Board’s actions in 2009 related to this issue.

Earlier this year, the Board discussed the actions taken by the City to restrict handgun/firearm carry in City Facilities. Specifically, the Board inquired about the legality of posting notice relative to the prohibition of guns on City property and the cost implications of other security efforts that could be implemented in support of the existing policy.

Legality of existing signage. The City Attorney has reviewed Tennessee Law and the actions by the City related to implementation of Board policy on this matter and related signage at City facilities. Tenn. Code Ann. § 39-17-1311 allows municipalities to prohibit persons from carrying, openly or concealed, weapons on the grounds of public parks, playgrounds, civic center or other building facility, area or property owned, used or operated by the municipality. Should the municipality choose to prohibit the carrying of weapons in the places described above, Tenn. Code Ann. § 39-17-1311 (c)(1) describes the language to be used on the signs to be posted “about the public recreational property”.

On July 28, 2009, the Board of Mayor and Aldermen (“BOMA”) passed Resolution 2009-23, which used similar language from Tenn. Code Ann. § 39-17-1311, relative to the places where weapons would be prohibited. BOMA further approved language for the signage to be used at the “public recreational property” as specifically required by Tenn. Code Ann. § 39-17-1311 (c)(1). It is important to note that the BOMA was not required to specifically approve the language as the statute authorizing the prohibition specified the language that is required for posting notice.



As you are aware, the City further posts notice in City Hall that weapons are not permitted, in accordance with Tenn. Code Ann. § 39-17-1359. Tenn. Code Ann. § 39-17-1359 allows municipalities to prohibit the possession of weapons in public buildings. In order for the statute and ordinance to be enforceable, notice must be posted and the statute provides language that is required for the posting of notice. As part of Resolution 2009-23, the BOMA prohibited guns in public places, including facilities.

The notices which are posted around City Hall are proper pursuant to state law. Should the BOMA wish to allow guns to be carried in City Hall, it would need to pass a resolution stating such. Attachment B includes the referenced section of the Tennessee Code.

Additional Security costs. There have been inquiries regarding physical upgrades to City Hall and security staffing that could directly enforce the existing prohibition. Facilities/Project Manager Brad Wilson has provided cost estimates for physical improvements to City Hall to provide enhanced access control and metal detectors. Below is a summary of costs

Secure and controlled access to all City Hall entry points	\$27,400
Walk-Through Metal Detector	4,200 per unit

Staffing. The cost of staffing a location with a Police Officer would be approximately \$50,000 per year to cover full salary and benefits.

Total estimated cost to equip and staff. If the Board directed that an enhanced security approach be put in place, it is recommended that a minimum of two entry points, a metal detector and staffed by an officer be implemented. The total estimated cost to secure entry points and provide the necessary metal detectors would be \$35,800. The annual minimum cost to staff these locations with a sworn police officer would be equivalent to 2.5 full-time equivalents (FTE) or an annual cost of approximately \$125,000. As an alternative, the City could staff these locations with private security at a lesser cost.

Tennessee City survey. Previously, staff had surveyed other cities to determine their approach to the issue of allowing permitted gun carry in city facilities. This survey was updated to only provide information from Tennessee cities. Staff also sought to obtain the date these Tennessee cities enacted their current policy. Only three cities in the survey responded with this information. Attachment C includes a summary of these survey results.

Financial Impact

The cost estimates (capital and operating) would need to be incorporated into the City budget. The preliminary cost estimate for the physical improvements to secure City Hall entry/exit is \$35,800. The cost to staff two entry points with sworn police officers would be approximately \$125,000 per year (2.5 FTE's). The current proposed budget for FY2014 does not include these expenses. Some fund could possibly be re-programmed within our facilities budget to cover a portion of the costs associated with securing entry/exit points.



HISTORIC
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MEMORANDUM

Recommendation

This issue is clearly a Board policy choice and staff will work to effectively implement the direction given. Based on the review of the City Attorney, additional action by the Board is not necessary, if the desire is to continue the current and long standing policy. Should the Board desire to modify the policy, BOMA would need to adopt a resolution providing permitted handgun carry within City Hall. Finally, should the Board desire to enhance security within City Hall, a specific project would need to be implemented and funded to provide for both the physical improvements and staffing within the facility.

It is my recommendation that the current policy prohibiting handguns in all City facilities be continued. There is a difficult balance to strike in providing a secure environment for the public and City employees to do their work and the openness/access that the public should expect when coming to City Hall. Along with continuing this policy, I would ask the Franklin Police Department to enhance their presence in and around City Hall. Recent, enhanced walking patrol in downtown could also incorporate this increase presence in and around City Hall.

Attachment A:

Resolution 2009-23 and other
document related to its adoption

RESOLUTION NO. 2009-23

A RESOLUTION TO PROHIBIT HANDGUNS IN PUBLIC MUNICIPAL PARKS, NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS, FORESTS, GREENWAYS, WATERWAYS, OR OTHER SIMILAR PUBLIC PLACES

WHEREAS, prior to September 1, 2009, *Tennessee Code Annotated* § 39-17-1311, essentially made carrying weapons in municipally owned parks, playgrounds, civic centers, or other building facilities a Class A misdemeanor; and

WHEREAS, Public Chapter No. 428 (House Bill 716 and Senate Bill 976) of the 106th General Assembly, as adopted, removed the above mentioned prohibitions in public parks for persons authorized to carry handguns pursuant to *Tennessee Code Annotated* § 39-17-1351; and

WHEREAS, Public Chapter No. 428 of the 106th General Assembly permits municipal and county governments to prohibit, by resolution, the carrying of handguns while within a public park that is owned or operated by a county, a municipality, or their instrumentalities; and

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin, Tennessee desires to continue prohibiting the carrying of handguns in municipal parks; now, therefore:

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE THAT:

SECTION 1. Any person authorizedⁱ to carry a handgun under *Tennessee Code Annotated* § 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, forest, greenway, waterway, or other similar public place, including facilities, that is owned or operated by the City of Franklin, Tennessee or any of its instrumentalities. This prohibition of handguns within any municipal park applies to the entire park, notwithstanding the provisions of T.C.A. § 39-17-1311(b)(1)(I).ⁱⁱ However, this resolution does not prohibit lawful possession of any handgun in accordance with T.C.A. § 39-17-1311(b)(1)(A)-(H).ⁱⁱⁱ


SECTION 2. The City of Franklin, Tennessee shall display signs in prominent locations about the public recreational property, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

SECTION 3. If a part of this Resolution is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Resolution is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

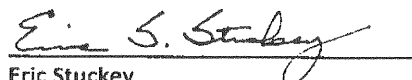
SECTION 4. This resolution takes effect from and after its passage, the welfare of the City of Franklin, Tennessee requiring it.

Adopted: July 28, 2009



John Schroer
Mayor

Attest:



Eric Stuckey
City Recorder

i Any person who is not authorized to carry a handgun under state law and who possesses a handgun in a park or other public area with the intent to go armed would be in possible violation of T.C.A. § 39-17-1307, which is a Class E felony.

ii The state statute requires the prohibition of handguns to apply to the entire park. The statute does not mention the other recreational areas in this proviso.

iii The state statute allows for the lawful possession of handguns in numerous circumstances, including but not limited to military personnel, civil officers, reserve officer training corps pupils and law enforcement officers in discharge of their official duties; private police employed by the municipality; persons who are either hunting on municipal land designated as open to hunting, traversing municipal property to gain access to hunting lands, conducting or attending a gun show, picking up or delivering passengers who do not use the weapon in any way, or a person permitted to sport or target shoot; or a security guard who meets the requirements of T.C.A. Title 62, Chapter 35.



HISTORIC
FRANKLIN
TENNESSEE

July 6, 2009

TO: Board of Mayor and Alderman

FROM: Lisa R. Clayton, Parks Director
Vernon Gerth, ACA Community & Economic Development
Jackie Moore, Police Chief
Eric Stuckey, City Administrator

SUBJECT: Handguns in Parks

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Alderman (BOMA) a resolution to prohibit handguns in all City of Franklin public parks, natural areas, historic parks, nature trails, forests, greenways, waterways, or other similar public places.

Background

On May 26, 2009, the Tennessee State Legislature passed House Bill 716/Senate Bill 976 which put in place Public Chapter No. 428 authorizing handgun carry permit holders to lawfully possess handguns in federal, state and local parks (Attachment A). The new law goes into effect on September 1, 2009. Recognizing the different needs and concerns of various communities across the state, the law includes an "opt out" provision through which cities and counties may exclude their parks by passing a resolution and other compliance procedures. A legal analysis from the University of Tennessee Municipal Technical Advisory Service (MTAS) is attached to this memorandum (Attachment B). Under the legislation, the City could elect to prohibit handguns in specific parks while allowing them in other. The prohibition does not need to be throughout the City's park system. Should a city elect to prohibit handguns in their local parks, the prohibition must apply to the entire park. The City is not able to apply permit handguns in some portion of a park and not others.

Currently, the City of Franklin prohibits guns within the entire park system. The prohibition of handguns in parks has been the City policy since at least 1970. It has been the philosophy in the past that allowing the public to carry weapons in the parks could jeopardize the safety of visitors and the many children that participate in sports/activities on any given day. Given the highly active nature of our parks and the heavy usage by children and families, it has been the judgment of the City that prohibition of handguns was appropriate.

In examining this issue, information has been collected regarding criminal offenses and police calls generated in City park facilities. Attachment C provides a summary of incidents within City parks over the past three years.

Financial Impact

No direct financial impact is anticipated as a result of this new legislation. An "opt out" action prohibiting handguns would represent no change from the City's current operations. Should handguns be permitted, park and public safety operations could be impacted in some situations. Depending on the size of any special event, it is possible that the presence of law enforcement officers may be required more often than during past events, i.e. bike officers or segways during baseball tournaments.



HISTORIC
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Options

BOMA may vote to continue the prohibition of handguns in City parks by “opting out” of the new state law or allow permit holders to carry handguns in City parks by taking no action. The law authorizing handgun carry permit holders to lawfully possess handguns in federal, state and local parks in Tennessee goes into effect on September 1, 2009. Attachment D is a draft resolution opting out of the state law allowing permit holders to carry handguns in City parks.

Recommendation

It is recommended that the City continue its longstanding policy of prohibiting handguns in City parks and “opt-out” of the newly passed state law. This judgment is based on the highly active nature of our parks and on the heavy usage of City parks for youth sports, children’s activities, and family events. In addition, statistics compiled by the Franklin Police Department do not show a history of violent crime in City parks to support the need for visitors to carry handguns. The law anticipated that local governments should be able to exercise this sort of judgment based on their community needs and the nature and character of their parks system. Staff recommends that the prohibition be applied to all City of Franklin parks and that the policy not be piecemealed among various park properties.

Attachment A:

House Bill No. 716/Senate Bill No. 976
Establishing Public Chapter 428

STATE OF TENNESSEE
PUBLIC CHAPTER NO. 428
HOUSE BILL NO. 716

**By Representatives Niceley, Fincher, Watson, Curtis Johnson, Dean, Rich,
Jim Cobb, Evans, Carr, Hill, Todd, Faulkner, Lollar, Campfield, Bell, Kelsey,
Swafford, Hensley, Bass, McCormick, Weaver**

Substituted for: Senate Bill No. 976

By Senators Beavers, Faulk, Crowe, Gresham

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13 and Title 70, relative to firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1311(b)(1), is amended by adding the following new subdivisions thereto:

(I) Persons possessing a handgun, who are authorized to carry such handgun pursuant to § 39-17-1351, while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof, except as otherwise provided in subsection (d);

(J) Persons possessing a handgun, who are authorized to carry such handgun pursuant to § 39-17-1351, while within or on property designated by the federal government as a national park, forest, preserve, historic park, military park, trail, or recreation area, to the extent permitted by federal law.

SECTION 2. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting subsection (d) in its entirety and substituting instead the following new subsections:

(d) Notwithstanding the provisions of subdivision (b)(1)(I), any municipality or county may prohibit, by resolution adopted by a majority vote of its legislative body, persons authorized to carry a handgun pursuant to § 39-17-1351, from possessing such handgun while within or on a public park that is owned or operated by a county, a municipality or instrumentality thereof. If a legislative body elects to prohibit the possession of handguns within a park, the prohibition shall apply to the entire park, notwithstanding the provisions of § 39-17-1311(b)(1)(I). If such area is jointly owned or operated by municipalities or counties, then a resolution adopted by a majority vote of all affected legislative bodies, voting individually, is necessary for such municipalities or counties to prohibit persons authorized to carry a handgun pursuant to § 39-17-1351, from possessing such handgun while within such park.

(e)

(1) Because signage prohibiting the possessing of firearms while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, or instrumentality thereof, and posted pursuant to § 39-17-1311, prior to July 1, 2009, remains necessary for visitors who are not authorized to carry a firearm pursuant to subsection (b), the department shall not replace or change any existing signs that prohibit firearms or erect any new signs at existing state areas relative to firearms. However, the department may replace or repair signs that have been damaged or are scheduled for replacement in accordance with the park's regular replacement schedule.

(2) If a municipality or county elects to prohibit persons authorized to carry a handgun pursuant to § 39-17-1351, from possessing such handgun while within or on a public park, it shall display in prominent locations the sign authorized by § 39-17-1311(c)(1), to give notice that handguns are not permitted in the park.

(f) A violation of subsection (a) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-1314, is amended by deleting the first sentence of subsection (a) and substituting instead the following:

Except as provided in § 39-17-1311(d), which allows counties and municipalities to prohibit the possession of handguns while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by a county, a municipality or instrumentality thereof, no city, county, or metropolitan government shall occupy any part of the field of regulation of the transfer, ownership, possession or transportation of firearms, ammunition or components of firearms or combinations thereof; provided, that the provisions of this section shall be prospective only and shall not affect the validity of any ordinance or resolution lawfully enacted before April 8, 1986.

SECTION 4. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following language as a new, appropriately designated subsection:

(e) The provisions of this section shall not apply to the grounds of any public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof. The carrying of firearms in such areas shall be governed by § 39-17-1311.

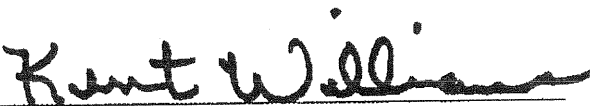
SECTION 5.

(a) For purposes of permitting municipalities or counties to elect to prohibit the carrying of handguns in parks pursuant to § 39-17-1311(d), this act shall take effect upon becoming a law, the public welfare requiring it.

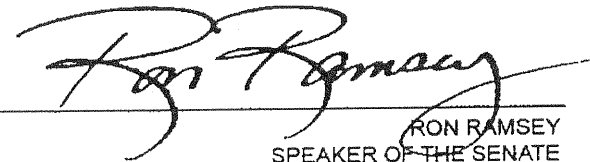
(b) For purposes of it being lawful for persons authorized to carry a handgun pursuant to § 39-17-1351, to carry in places owned or operated by the state or federal government that are designated in Section 1 of this act, this act shall take effect upon becoming a law, the public welfare requiring it.

(c) For purposes of it being lawful for persons authorized to carry a handgun pursuant to § 39-17-1351, to carry in places owned or operated by municipalities or counties that are designated in Section 1 of this act, this act shall take effect on September 1, 2009.

PASSED: May 26, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

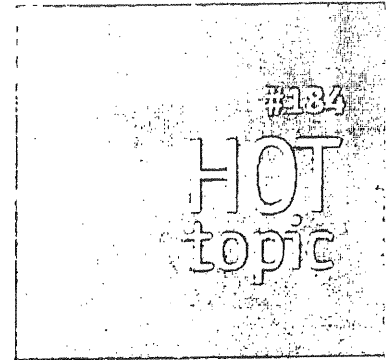
APPROVED this 12th day of June 2008



PHIL BREDESEN, GOVERNOR

Attachment B:

MTAS Legal Analysis



June 23, 2009

LOCAL OPT-OUT PROHIBITING HANDGUNS IN MUNICIPAL PARKS

Josh Jones, Legal Consultant

The recently passed Public Chapter No. 428 authorizes handgun carry permit holders to lawfully possess handguns in federal, state and local parks. Cities may exclude their parks by passing a resolution and other compliance procedures. This publication details the requirements of the new law and the process cities must undertake to prohibit handguns in parks they own or operate. A sample resolution is attached.

Residents who meet certain requirements can obtain a handgun carry permit under the provisions of T.C.A. § 39-17-1351. Tennessee law authorizes handgun carry permit holders to lawfully carry concealed firearms in public, subject to statutory restrictions. One of those restrictions is found in T.C.A. § 39-17-1311(a), which makes it an offense to:

possess or carry, whether openly or concealed, with the intent to go armed, any weapon prohibited by § 39-17-1302(a), not used solely for instructional, display or sanctioned ceremonial purposes, in or on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated

by any municipal, county or state government, or instrumentality thereof, for recreational purposes.

Public Chapter No. 428 exempts lawful carry permit holders from this prohibition under certain circumstances, allowing them to possess a handgun:

while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof ...

The provisions allowing carry permit holders to possess handguns in municipal parks go into effect on September 1, 2009. Locally enacted prohibitions on possessing or carrying in nonrecreational municipal property, such as city hall, still apply.

Local governments have the ability to opt out of the new provisions and prohibit the possession of handguns while or within public parks owned or operated by the city. This can be accomplished through adoption of a resolution by the governing body. Adoption

June 23, 2009

LOCAL OPT-OUT PROHIBITING HANDGUNS IN MUNICIPAL PARKS

of the resolution requires a majority vote. In the case of parks jointly owned or operated by two or more municipalities or counties, every governing body must adopt a resolution to effect the prohibition.

In Section 2 of the new legislation, an adopting municipality may elect to prohibit carry permit holders from “possessing such handgun while or within or on a public park that is owned or operated by a county, a municipality or instrumentality thereof.” This language mentions only public parks, leading a reader to believe that a local government may exempt only parks. However, the new legislation also amends T.C.A. § 39-17-1314, which covers the construction of these statutes. The new language explicitly states that an opt-out resolution allows municipalities to:

prohibit the possession of handguns while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by a county, a municipality or instrumentality thereof

This language suggests that the legislative intent of the bill is to authorize cities not only to prohibit handguns in public parks, but also to prohibit them in the aforementioned similar places if owned or operated by a municipality.

Seemingly, a municipality could amend the model resolution language and elect to prohibit handguns in specific parks, while allowing them in others. A city electing to prohibit handguns in specific parks should describe clearly and accurately the properties to be covered. According to the new legislation, when a legislative body elects to prohibit handguns in a park, the prohibition applies to the entire park. Hence, no park may be partitioned into handguns-allowed and handguns-prohibited sections.

Well before the passage of this new legislation, the provisions of T.C.A. § 39-17-1311(b)(1)(A)-(H) allowed for the possession of weapons by certain people under certain circumstances in recreational areas. They include law enforcement, reserve officers in training, private police, lands designated as open to hunting, persons conducting or attending gun or knife shows, persons delivering or picking up passengers who do not use the weapon in any manner. These exceptions will be unaffected by the new legislation, thus the activities will be allowed in municipal parks regardless of a resolution.

Upon the prohibition of handguns in a park, a municipality is charged with displaying prominent signage, in accordance with T.C.A. § 39-17-1311(c)(1), giving notice of the prohibition. The signage provision states:

June 23, 2009

LOCAL OPT-OUT PROHIBITING HANDGUNS IN MUNICIPAL PARKS

Each chief administrator of public recreational property shall display in prominent locations about the public recreational property a sign, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

To ensure compliance, cities should post signs with this language in prominent locations. According to the statute, prominent locations include but are not limited to all entrances to the property and any building or structure on the property.

Cities that want to enact a resolution prohibiting the possession of handguns in their parks would be wise to act quickly. The September 1, 2009, effective date is approaching rapidly, and on that date carry permit holders may possess handguns in a city's parks until that city passes a resolution and complies with the signage requirements. If you have any questions, please contact your UT MTAS municipal management consultant.

MUNICIPAL TECHNICAL ADVISORY SERVICE

Knoxville (Headquarters) . . . (865) 974-0411	Jackson (731) 423-3710
Johnson City (423) 854-9882	Nashville (615) 532-6827
(423) 282-0416	Martin (731) 881-7055

The Municipal Technical Advisory Service (MTAS) is a statewide agency of the University of Tennessee Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League to provide technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, ordinance codification, and water and wastewater management.

MTAS *Hot Topics* are information briefs that provide a timely review of current issues of interest to Tennessee municipal officials. *Hot Topics* are free to Tennessee local, state, and federal government officials and are available to others for \$2 each. Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (865) 974-0411.

www.mtas.tennessee.edu

RESOLUTION NO. _____

A RESOLUTION TO PROHIBIT HANDGUNS IN PUBLIC MUNICIPAL PARKS,
NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS,
CAMPGROUNDS, FORESTS, GREENWAYS, WATERWAYS,
OR OTHER SIMILAR PUBLIC PLACES.

WHEREAS, prior to September 1, 2009, *Tennessee Code Annotated*, § 39-17-1311, essentially made carrying weapons in municipally owned parks, playgrounds, civic centers, or other building facilities a Class A misdemeanor; and

WHEREAS, Public Chapter No. 428 (House Bill 716 and Senate Bill 976) of the 106th General Assembly, as adopted, removed the above mentioned prohibitions in public parks for persons authorized to carry handguns pursuant to *Tennessee Code Annotated*, § 39-17-1351; and

WHEREAS, Public Chapter No. 428 of the 106th General Assembly permits municipal and county governments to prohibit, by resolution, the carrying of handguns while within a public park that is owned or operated by a county, a municipality, or their instrumentalities; and

WHEREAS, the _____ of the city/town of _____
(governing body)
desires to continue prohibiting the carrying of handguns in municipal parks;
now, therefore:

BE IT RESOLVED BY THE _____
(governing body)

OF THE CITY/TOWN OF _____ THAT:

SECTION 1. Any person authorized¹ to carry a handgun under *Tennessee Code Annotated*, § 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place that is owned or operated by the city/town of _____ or any of its instrumentalities. This prohibition of handguns within any municipal park applies to the entire park, notwithstanding the provisions of T.C.A. § 39-17-1311(b)(1)(I).² However, this resolution does not prohibit lawful possession of any handgun in accordance with T.C.A. § 39-17-1311(b)(1)(A)-(H).³

SECTION 2. The city/town of _____ shall display signs in prominent locations about the public recreational property, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

SECTION 3. If a part of this Resolution is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Resolution is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SECTION 4. This resolution takes effect from and after its passage, the welfare of the city/town of _____ requiring it.

Adopted: _____

Mayor

City Recorder

¹Any person who is not authorized to carry a handgun under state law and who possesses a handgun in a park or other public area with the intent to go armed would be in possible violation of T.C.A. § 39-17-1307, which is a Class E felony.

²The state statute requires the prohibition of handguns to apply to the entire park. The statute does not mention the other recreational areas in this proviso.

³The state statute allows for the lawful possession of handguns in numerous circumstances, including but not limited to military personnel, civil officers, reserve officer training corps pupils and law enforcement officers in discharge of their official duties; private police employed by the municipality; persons who are either hunting on municipal land designated as open to hunting, traversing municipal property to gain access to hunting lands, conducting or attending a gun show, picking up or delivering passengers who do not use the weapon in any way, or a person permitted to sport or target shoot; or a security guard who meets the requirements of T.C.A. Title 62, Chapter 35.

Attachment C:

Reported Crimes/Incidents in City
Parks 2006-08

POLICE DEPARTMENT

Jackie Moore
Chief of Police



John C. Schroer
Mayor of Franklin

Eric S. Stuckey
City Administrator

July 6, 2009

TO: Eric Stuckey, City Administrator
FROM: Jackie Moore, Chief of Police
SUBJECT: Reported Crime in City Parks, 2006-2008

At your request, and for your review, I have compiled data concerning criminal offenses handled by the Franklin Police Department in City Parks during 2006, 2007, and 2008.

In summary, of the 87 reported incidents handled by Franklin Police over a three year period from 2006-2008 – more than a third (35) were committed against the actual parks themselves (vandalism, theft, etc.). More than thirty (31) were committed against society (DUI, alcohol/drug possession, etc). Twenty-one crimes were committed against individuals, mostly property crimes, with eight of those offenses committed against individual persons—of those, three were perpetrated by suspects who did not know their victims.

In 2006, Franklin Police Officers handled 15 incidents at City Parks. Of those, nine were property offenses committed against City Parks, with one offense committed against a person. That one incident, an assault, occurred after one softball player refused to shake hands with another. Three were drug related arrests. The remaining arrest was for a juvenile curfew violation. Additionally, one subject was arrested for possessing a prohibited weapon. That arrest occurred after officers responded to a report of a subject armed with a handgun in Pinkerton Park. The gun was quickly determined to be an air soft gun; however, during the investigation, officers discovered the person to be in possession of an illegal knife.

2006 Incidents	
Property offenses committed against City Parks	9
Drug related arrests	3
Assault	1
Curfew Violation	1
<u>Possession of a prohibited weapon (knife)</u>	<u>1</u>
TOTAL	15

In 2007, Franklin Police Officers handled 35 incidents in City Parks. A total of 21 were property offenses committed against City Parks. There were six alcohol/drug related arrests, four auto burglaries and two thefts. Two incidents involved indecent exposures; one by a male who exposed himself to a female near the pedestrian bridge (he was quickly apprehended by responding officers), and the other involving consensual sex that was witnessed and reported by a passerby.

2007 Incidents	
Property offenses committed against City Parks	21
Drug/alcohol related arrests	6
Theft/burglary	6
<u>Indecent exposure</u>	<u>2</u>
TOTAL	35

-more-

In 2008, our officers handled 38 incidents in City Parks. Of these incidents, 19 were drug/alcohol related. Twelve incidents were property offenses including vandalism, and trespassing in City Parks. The other offenses were against individuals, or the property of individuals including: aggravated assault, vandalism, auto burglary, reckless endangerment and armed subjects. There were two robberies, one committed with an air soft gun, and one committed by physical force against the victim. Two incidents are considered to be aggravated assault involving juveniles; one argument in which children were armed with a hatchet and a knife, and a second where a group of older children was scaring younger children with a PVC pipe and knives. A suicide attempt (by overdose of medication; no weapons) was handled at Pinkerton Park. Finally, an arrest was made of a person in the park found, during an unrelated investigation, to be in possession of brass knuckles.

2008 Incidents

Drug/alcohol related arrests	19
Property offenses	12
Robberies	2
Aggravated Assault (juveniles)	2
Suicide attempt (medication)	1
Prohibited weapon (brass knuckles)	1
Curfew violation	1
TOTAL	38

A total of 41 of the offenses were committed at Jim Warren Park, 29 at Pinkerton, six at Fieldstone Farms, 10 at Ft. Granger, and one at the Eastern Flank Battlefield.

JM/cw

Attachment D:

Proposed Resolution No. 2009-23



Franklin Special School District

SINCE 1906

David L. Snowden, Ph.D., Director of Schools • 507 New Highway 96 West • Franklin, TN 37064 • 615-794-6624 • 615-790-4716 (fax) • www.fssd.org

RESOLUTION FOR CONSIDERATION BY THE FRANKLIN SPECIAL SCHOOL DISTRICT BOARD OF EDUCATION, JULY 20, 2009

SUBJECT: *Guns in the City Parks of Franklin, TN*

PRESENTED BY: Franklin Special School District Board of Education

WHEREAS for decades, the Franklin Special School District (FSSD) has used the excellent City Parks of Franklin for organized activities for learning and physical education for its students, and

WHEREAS Tennessee's newly passed legislation will allow handgun carry permit holders to take guns into parks beginning September 1, 2009, and

WHEREAS the City of Franklin Board of Mayor and Aldermen will consider opting out of this new state law at its meeting on July 28, 2009, and

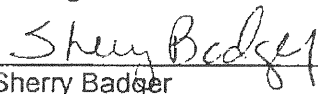
WHEREAS the City of Franklin bans the discharging of any firearms inside the city limits through Ordinance 11-603, and


WHEREAS the Franklin Special School District is concerned for the safety of students participating in organized school activities in the city parks of Franklin,

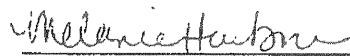
Be it therefore **RESOLVED** that the Franklin Special School District Board of Education **URGES** the Franklin Board of Mayor and Aldermen to **ban firearms in the city parks of Franklin at its July 28, 2009 meeting.**


Now, therefore, this **Resolution** is hereby **PASSED AND ADOPTED** by the Franklin Special School District Board of Education at a regular Board Meeting held on the 20th day of July, 2009.

Each member of the Franklin Special School District Board of Education attests to the passage of this resolution by their signature below:


Sherry Badger


Robert Blair


Melanie Hembree


Kent McNish


Robin Newman


Tim Stillings

5. **Consideration of RESOLUTION 2009-23, A Resolution to Prohibit Handguns in Public Municipal Parks, Natural Areas, Historic Parks, Nature Trails, Forests, Greenways, Waterways, or Other Similar Public Places**

Eric Stuckey, City Administrator

Eric Stuckey noted the Tennessee Legislature approved House Bill 716/Senate Bill 976 establishing Public Chapter 428 on May 26, 2009, authorizing handgun carry permit holders to lawfully possess handguns in federal, state, and local parks, effective September 1, 2009. The law includes an "opt out" provision through which cities and counties may exclude their parks by resolution and other compliance procedures. Portions of a park may not be excluded; it must apply to the entire park, particular parks or all parks.

The City of Franklin has prohibited guns in parks since 1970 or before. Franklin parks are highly active with youth sports, children playing, and family activities. Staff recommends continuation of the ban on firearms in public parks. A portion of existing law states public and private schools may use only those parks that ban guns for their activities. Franklin parks are used by schools.

Police Chief Jackie Moore stated during the last three years there was one gun related incident in a City park; a gun discharged but there was nothing to suggest a need for weapons. Most crimes were misdemeanors against the park itself. This indicates the City doesn't need to change how the parks are run. Police concerns include large gatherings and the competitiveness of sporting events that raise tempers; however, he had no empirical data.

Parks Director Lisa Clayton echoed Chief Moore's concerns saying Franklin is very fortunate it is a safe place with concerned citizens. There have been no reports of bad behavior to the extreme at sporting and special events. They do see tempers flare at all events, not just sports. Ms. Clayton asked that the ban on firearms in parks continue.

Citizen Comments

- Sherry Badger, 23 year Franklin resident, indicated her family would like to see the City "opt-out" of the new law. Her family enjoys the parks and feels comfortable in them, never giving a thought that someone may be carrying a gun. They have seen tempers flare. She commented it is easier to get over something when fists are flying rather than bullets flying. She asked that BOMA keep the safe environment in Franklin parks. Mayor Schroer noted Ms. Badger is chair of the Franklin Special School District Board.
- Jerry Bowen, Orleans Estates, said he has lived in Williamson County 23 years, and represented the other side of the argument having been a firearm permit holder for 10 years. There are almost 6,000 permit holders in Williamson County. It is a matter of the constitutional right to bear arms. The Second Amendment. Mr. Bowen offered statistics as well. Handgun permit holders, as a group, are deemed the safest subset of Tennesseans. Over 230,000 citizens in Tennessee have permits to carry firearms. There is no known instance of violence by a person with a permit. Permit holders are fingerprinted and criminal background searches are done. He would rather have the gun and not need it than not have it and need it. He stated the last thing he wants to do is use it. He reiterated the Second Amendment of the Constitution and the right to bear arms.

Alderman Burger said she agreed the Second Amendment right is critical and it is critical this Board be careful not to curtail or set a precedent against constitutional law. She questions if the new State law was properly staffed with the existing Tennessee law 39-17-1309 regarding school property. She thinks

the cart is before the horse because these two laws might conflict. She wants clarification from the Attorney General on the confusion she thinks exists between 39-17-1309 and the new State law; then it would be easier for the Board to make a totally informed decision. The City should "opt out" until a ruling or opinion is received from the Attorney General. She asked City Staff to contact one of the state representatives to get an opinion on those two laws from the Attorney General. In response to an email blast she sent, of the 84 responses, 66 were against opt out and 18 were for opt out.

Alderman McLendon stated he has been a handgun permit holder since the 1990's. He has spent a lot of time at Liberty and Jim Warren parks during the past eight years; no one has been arrested for assault. What is all this hyperbole? There are three times as many robberies as assaults in parks. Handgun permit holders are responsible people. Any permit holder he knows will go out of the way to be conscientious. You can walk down Main Street and all over the community carrying a gun without a single incidence of any permit holder doing anything stupid. Handgun permit holders aren't going to do anything different tomorrow than they have done all these years. Permittees don't carry openly; you've been around us for years and years. The State dumped this on local communities to decide. Don't make a decision based on misinformation.

Alderman Bransford commented it isn't the permit holders it is the ones that don't have permits that are of concern. She is supportive of responsible permit holders. She talked to people about parks and guns and it is interesting to hear both sides of the issue. She will reserve her decision until more is heard.

There was discussion on schools using the parks, athletic fields and guns in vehicles on school grounds.

Alderman Moore commented the Second Amendment has been discussed endlessly since inception. He understands states have the opportunity to decide if people can carry guns in parks. Two of the e-mails he received said don't opt out and all the rest recommended opt out. The common theme was children's safety, and family concerns.

Alderman Skinner voiced the choice is clear, either parks for the children or parks for second amendment rights.

Mayor Schroer suggested voting on the laws in effect today. If the State comes back with some clarification there could be a change by resolution. He does not want to revisit this every year. This item will be on the BOMA agenda July 28.

6.* Consideration of RESOLUTION 2009-22, A Resolution of Design Issues for the Hillsboro Road Improvements Project

David Parker, City Engineer

This was discussed at the Capital Investment Committee with consensus on some items and no consensus for Streetscape on Hillsboro Road. There are seven items and each item has options. Recommendations for each item listed on pages 6 and 7.

This project is number one on the priority list as it relates to Mack Hatcher and it is up for vote at the 7:00 p.m. meeting.

Alderman Skinner took issue with installing landscaping for the City to maintain and likened it to taking over a resident's yard. Is the expenditure and personnel time worth the little beds designed?

Motion to approve Ordinance 2009-26 on Second Reading carried 5-3 with Aldermen Petersen, Skinner, and Klatt voting no.

9. **PUBLIC HEARING ONLY-(No Vote):** Consideration of RESOLUTION 2009-16, An A Resolution Approving a Concept Plan for Iron Horse Science and Technology Park, Totaling 20.001 Acres, Located at the Northeast Corner of Mack Hatcher Parkway and Franklin Road, by the City of Franklin, Tennessee

Gary Luffman, Interim Planning Director

With no comments forthcoming, Mayor Schroer declared the Public Hearing closed.

No action required.

10. **PUBLIC HEARING:** Consideration of ORDINANCE 2009-28, An Ordinance to Amend the Franklin Zoning Ordinance to Revise the Ordinance to Allow the Removal of Specimen Trees on Single-Family Residential Lots of One Acre or Less
[Second Reading]

Gary Luffman, Interim Planning Director

With no comments forthcoming, Mayor Schroer declared the Public Hearing closed.

Alderman Moore moved to approve Ordinance 2009-28 on Second Reading. Seconded by Alderman Petersen. Motion carried unanimously.

11. Consideration of ORDINANCE 2009-31, As Amended, An Ordinance to Amend Chapter 2, Title 18 of the Franklin Municipal Code to Revise the Requirements for Connection to the Public Sanitary Sewer System
[Second and Final Reading]

David Parker, City Engineer

Alderman McLendon moved to approve Ordinance 2009-31 on Second and Final Reading. Seconded by Alderman Barnhill. {with exceptions (b) and (c) removed}

Alderman Skinner moved to amend by restoring the language in 18-204, paragraph 4, and only change the length of time to hook on. Motion died for lack of a second.

Motion to approve Ordinance 2009-31 as presented on Second and Final Reading carried 7-1 with Alderman Skinner voting no.

NEW BUSINESS

12. Consideration of RESOLUTION 2009-23, A Resolution to Prohibit Handguns in Public Municipal Parks, Natural Areas, Historic Parks, Nature Trails, Forests, Greenways, Waterways, or Other Similar Public Places

Eric Stuckey, City Administrator

Alderman Moore moved to approve Resolution 2009-23. Seconded by Alderman Bransford.

Alderman McLendon commented the people voting for this resolution are afraid of the wrong people. Alderman Barnhill mentioned the issue of schools bringing children to parks for events.

Alderman McLendon referred to the Attorney General's opinion that reconciles the issue of school functions in parks. His interpretation is there could be a school event at one end of the park and a non-school event at the other end and carriers could attend the non-school function. If we don't opt out, place signs at pertinent places that state handguns are prohibited at school events. It is already against the law to carry a gun at school events wherever the event may be. Handguns are not allowed in City parks now and there are no signs in the parks. Handgun carriers are educated about that process. The onus is on the permit holder. In City parks, when the school event(s) goes away so does the prohibition. Alderman Burger said most emails she received indicate to leave it as is.

Shauna Billingsley disagreed with Alderman McLendon. The prohibition applies to the entire park and not pieces of a park. A gun could be kept in the car during a school event. If BOMA chooses to not opt out there is concern on how to provide notice if schoolchildren are in the park.

Motion to approve Resolution 2009-23 to opt out and prohibit guns in Franklin parks carried 6-2 with Aldermen Burger and McLendon voting not to opt out.

13. **Consideration of ORDINANCE 2009-34, An Ordinance to Amend Chapter 5, Section 5.3, Subsection 5.3.6 of the City of Franklin Zoning Ordinance to Revise Parking Lot Location and Design in Conventional Areas. Establishing a Public Hearing for August 25, 2009**
[First Reading] **Alderman Ann Petersen**
FMPC Board Representative

Mayor Schroer related staff asked that this item be deferred to August 25, 2009.

Alderman Petersen moved to defer Ordinance 2009-34 to August 25, 2009. Seconded by Alderman Bransford. Motion carried unanimously.

14. **Consideration of ORDINANCE 2009-46, An Ordinance to Amend Title 18, Section 18-129 and Section 18-210 to Increase Water and Sewer User Rates; Establishing a Public Hearing for August 11, 2009**
[First Reading] **Vice Mayor Ken Moore**
Budget & Finance Committee Chair

Alderman Moore moved to approve Ordinance 2009-46 on First Reading with comment. Seconded by Alderman Skinner.

Alderman Moore noted the Budget & Finance Committee reviewed the water budget and Mark Hilty gave a presentation on each division. They are working on a full recovery plan for the next three years as well as developing a reserve policy of 25%. To achieve full recovery rate increases are necessary.

Proposed Rate Changes Effective January 1, 2010

<u>Water</u>	<u>First 1,000 Gallons</u> <u>(Availability Charge)</u>	<u>Next 9,000</u> <u>Gallons</u>	<u>Next 15,000</u> <u>Gallons</u>	<u>All Additional</u> <u>Usage</u>
Residential-Inside City	\$7.22	\$3.72	\$4.65	\$5.58
Residential-Outside City	\$9.22	\$5.80	\$6.38	\$6.96
Commercial-Inside City	\$10.01	\$3.78	\$3.78	\$3.78
Commercial-Outside City	\$10.81	\$5.88	\$5.88	\$5.88


The adjustment includes a \$2.00 increase to the Availability Charge (minimum bill) for customers inside the City limits and a \$1.00 increase for customers outside the City limits. The rates for all additional consumption have been increased by 5%. The changes equate to a 10% increase in rates with a 5% increase in estimated revenues for FY 2010 based on an effective date of January 1, 2010.

Weapon Ban Poll

STATE	ENTITY	WEAPON BAN	BUILDINGS/PARKS/BOTH?	DO PROHIBIT?
Kentucky	Bowling Green	Concealed Only	Buildings	Unknown
Maryland	Baltimore	Yes	Buildings	Yes
Michigan	Battle Creek	No	No	No
Montana	Kalispell	Yes	Both	Yes
Oregon	Portland	Yes in State Court/Facilities and Local Buildings (Concealed Carry exempt from local buildings rule)	Buildings	No*
Tennessee	Ashland City	Yes	Both	Yes
Tennessee	Brentwood	Yes	Buildings	Yes
Tennessee	Gatlinburg	Yes	Buildings	Yes
Tennessee	Knoxville	Yes	Both	Yes
Tennessee	Lebanon	Yes	Buildings	Yes
Tennessee	Murfreesboro	Yes	Recreational Facilities*	Yes
Tennessee	Oak Ridge	Yes	Parks	Yes
Tennessee	Smyrna	Yes	Buildings	Yes
Wisconsin	Beloit	Yes	Buildings	Yes
Wisconsin	Manitowoc	Yes	Buildings	No

Attachment B:

Tennessee Code Related to Weapons in
Public Facilities

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Tennessee Code Annotated
Title 39. Criminal Offenses
Chapter 17. Offenses Against Public Health, Safety and Welfare
Part 13. Weapons (Refs & Annos)

T. C. A. § 39-17-1311

§ 39-17-1311. Carrying or possession of weapons; public recreational areas

Effective: July 1, 2010

Currentness

(a) It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any weapon prohibited by § 39-17-1302(a), not used solely for instructional, display or sanctioned ceremonial purposes, in or on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes.

(b)(1) The provisions of subsection (a) shall not apply to the following persons:

(A) Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons;

(B) Civil officers of the United States in the discharge of their official duties;

(C) Officers and soldiers of the militia and the national guard when called into actual service;

(D) Officers of the state, or of any county, city or town, charged with the enforcement of the laws of the state, in the discharge of their official duties;

(E) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;

(F) Any private police employed by the municipality, county, state or instrumentality thereof in the discharge of their duties;

(G) A registered security guard/officer, who meets the requirements of title 62, chapter 35, while in the performance of the officer's duties;

(H) Persons possessing a handgun, who are authorized to carry the handgun pursuant to § 39-17-1351, while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof, except as otherwise provided in subsection (d);

(I) Persons possessing a handgun, who are authorized to carry the handgun pursuant to § 39-17-1351, while within or on property designated by the federal government as a national park, forest, preserve, historic park, military park, trail or recreation area, to the extent permitted by federal law; and

(J) Also, only to the extent a person strictly conforms the person's behavior to the requirements of one (1) of the following classifications:

(i) A person hunting during the lawful hunting season on lands owned by any municipality, county, state or instrumentality thereof and designated as open to hunting by law or by the appropriate official;

(ii) A person possessing unloaded hunting weapons while transversing the grounds of any public recreational building or property for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the public recreational building or property is posted prohibiting entry;

(iii) A person possessing guns or knives when conducting or attending "gun and knife shows" when the program has been approved by the administrator of the recreational building or property;

(iv) A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove any weapon from the vehicle or utilize it in any manner; or

(v) A person who possesses or carries a firearm for the purpose of sport or target shooting and sport or target shooting is permitted in the park or recreational area.

(2) At any time the person's behavior no longer strictly conforms to one (1) of the classifications in subdivision (b)(1), the person shall be subject to the provisions of subsection (a).

(c)(1) Each chief administrator of public recreational property shall display in prominent locations about the public recreational property a sign, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

(2) As used in this subsection (c), "prominent locations about public recreational property" includes, but is not limited to, all entrances to the property, any building or structure located on the property, such as restrooms, picnic areas, sports facilities, welcome centers, gift shops, playgrounds, swimming pools, restaurants and parking lots.

(3) The legislative body of any municipality or committee appointed by the body to regulate public recreational property may exempt public recreational property located within its jurisdiction from the requirements of subdivision (c)(1).

(d) Notwithstanding subdivision (b)(1)(H), any municipality or county may prohibit, by resolution adopted by a majority vote of its legislative body, persons authorized to carry a handgun pursuant to § 39-17-1351, from possessing the handgun while within or on a public park that is owned or operated by a county, a municipality or instrumentality thereof. If a legislative body elects to prohibit the possession of handguns within a park, the prohibition shall apply to the entire park, notwithstanding subdivision (b)(1)(H). If the area is jointly owned or operated by municipalities or counties, then a resolution adopted by a majority vote of all affected legislative bodies, voting individually, is necessary for the municipalities or counties to prohibit persons authorized to carry a handgun pursuant to § 39-17-1351 from possessing the handgun while within the park.

(e)(1) Because signage prohibiting the possessing of firearms while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state or instrumentality of the state, and posted pursuant to this section prior to July 1, 2009, remains necessary for visitors who are not authorized to carry a firearm pursuant to subsection (b), the department shall not replace or change any existing signs that prohibit firearms or erect any new signs at existing state areas relative to firearms; however, the department may replace or repair signs that have been damaged or are scheduled for replacement in accordance with the park's regular replacement schedule.

(2) If a municipality or county elects to prohibit persons authorized to carry a handgun pursuant to § 39-17-1351 from possessing the handgun while within or on a public park, it shall display in prominent locations the sign authorized by subdivision (c)(1), to give notice that handguns are not permitted in the park.

(f) A violation of subsection (a) is a Class A misdemeanor.

(g) For the purposes of this section, a "greenway" means an open-space area following a natural or man-made linear feature designed to be used for recreation, transportation, conservation, and to link services and facilities. A greenway is a paved, gravel-covered, woodchip covered, or wood-covered path that connects one greenway entrance with another greenway entrance. In the event a greenway traverses a park that is owned or operated by a county, municipality or instrumentality thereof, the greenway shall be considered a portion of that park unless designated otherwise by the local legislative body. Except as provided in this part, the definition of a greenway in this section shall not be applicable to any other provision of law.

Credits

1989 Pub.Acts, c. 591, § 1; 1990 Pub.Acts, c. 1029, § 9; 1993 Pub.Acts, c. 480, §§ 1 to 3, eff. May 31, 1993; 1996 Pub.Acts, c. 1009, § 23, eff. Nov. 1, 1996; 2009 Pub.Acts, c. 428, §§ 1, 2; 2010 Pub.Acts, c. 1006, § 1, eff. July 1, 2010.

Notes of Decisions (18)

T. C. A. § 39-17-1311, TN ST § 39-17-1311

Current with laws from the 2013 First Reg. Sess., eff. through March 26, 2013

West's Tennessee Code Annotated
Title 39. Criminal Offenses
Chapter 17. Offenses Against Public Health, Safety and Welfare
Part 13. Weapons (Refs & Annos)

T. C. A. § 39-17-1359

§ 39-17-1359. Authorization by individual, corporation, business entity to government entity to prohibit possession of weapons; posted notice; exceptions

Effective: June 4, 2010

Currentness

(a)(1) An individual, corporation, business entity or local, state or federal government entity or agent thereof is authorized to prohibit the possession of weapons by any person who is at a meeting conducted by, or on property owned, operated, or managed or under the control of the individual, corporation, business entity or government entity.

(2) The prohibition in subdivision (a)(1) shall apply to any person who is authorized to carry a firearm by authority of § 39-17-1351.

(b)(1) Notice of the prohibition permitted by subsection (a) shall be accomplished by displaying one (1) or both of the notices described in subdivision (b)(3) in prominent locations, including all entrances primarily used by persons entering the property, building, or portion of the property or building where weapon possession is prohibited. Either form of notice used shall be of a size that is plainly visible to the average person entering the building, property, or portion of the building or property, posted.

(2) The notice required by this section shall be in English, but a duplicate notice may also be posted in any language used by patrons, customers or persons who frequent the place where weapon possession is prohibited.

(3)(A) If a sign is used as the method of posting, it shall contain language substantially similar to the following:

AS AUTHORIZED BY T.C.A. § 39-17-1359, POSSESSION OF A WEAPON ON POSTED PROPERTY OR IN A POSTED BUILDING IS PROHIBITED AND IS A CRIMINAL OFFENSE.

(B) As used in this section, "language substantially similar to" means the sign contains language plainly stating that:

(i) The property is posted under authority of Tennessee law;

(ii) Weapons or firearms are prohibited on the property, in the building, or on the portion of the property or building that is posted; and

(iii) Possessing a weapon in an area that has been posted is a criminal offense.

(C) A building, property or a portion of a building or property, shall be considered properly posted in accordance with this section if one (1) or both of the following is displayed in prominent locations, including all entrances primarily used by persons entering the property, building, or portion of the property or building where weapon possession is prohibited:

(i) The international circle and slash symbolizing the prohibition of the item within the circle; or

(ii) The posting sign described in this subdivision (b)(3).

(c)(1) It is an offense to possess a weapon in a building or on property that is properly posted in accordance with this section.

(2) Possession of a weapon on posted property in violation of this section is a Class B misdemeanor punishable by fine only of five hundred dollars (\$500).

(d) Nothing in this section shall be construed to alter, reduce or eliminate any civil or criminal liability that a property owner or manager may have for injuries arising on their property.

(e) The provisions of this section shall not apply to title 70 regarding wildlife laws, rules and regulations.

(f) This section shall not apply to the grounds of any public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof. The carrying of firearms in those areas shall be governed by § 39-17-1311.

Credits

1996 Pub.Acts, c. 905, § 11, eff. Oct. 1, 1996; 2000 Pub.Acts, c. 929, § 1, eff. July 1, 2000; 2009 Pub.Acts, c. 428, § 4; 2010 Pub.Acts, c. 1009, § 3, eff. June 4, 2010.

Notes of Decisions (8)

T. C. A. § 39-17-1359, TN ST § 39-17-1359

Current with laws from the 2013 First Reg. Sess., eff. through March 26, 2013

Attachment C:

Survey of Tennessee Cities regarding
Handgun/Firearm Regulation

Weapon Ban Poll

STATE	ENTITY	WEAPON BAN	BUILDINGS/PARKS/BOTH?	DO PROHIBIT?	DATE
Tennessee	Ashland City	Yes	Both	Yes	Not Provided
Tennessee	Brentwood	Yes	Buildings	Yes	2009
Tennessee	Gatlinburg	Yes	Buildings	Yes	2009
Tennessee	Knoxville	Yes	Both	Yes	Not Provided
Tennessee	Lebanon	Yes	Buildings	Yes	Not Provided
Tennessee	Murfreesboro	Yes	Recreational Facilities*	Yes	Not Provided
Tennessee	Oak Ridge	Yes	Parks	Yes	1995 Employees 2009 Parks/Rec
Tennessee	Smyrna	Yes	Buildings	Yes	Not Provided

*Question: Do your cities ban guns/firearms from your City Hall. What about other municipal Buildings or facilities?
 The field above representing what is banned (Buildings/Parks/Both) reflects their response to the question on Buildings. Some proffered more information by mentioning Parks. Therefore, responses indicating "Building" do not necessarily mean Guns are not banned in Parks.