



THE TOWN OF

Holly Springs

Ordinance No.: 20-04

Date Adopted: September 1, 2020

Effective Date: September 1, 2020

AN ORDINANCE TO AMEND THE TOWN CODE OF ORDINANCES OF HOLLY SPRINGS TO CREATE NEW SECTIONS IN CHAPTER 12, PUBLIC SAFETY, ARTICLE VI, DIVISION 3

BE IT ORDAINED by the Holly Springs Town Council of the Town of Holly Springs, North Carolina, that the Code of Ordinances of the Town is amended as follows:

PART 1:

Sec. 12-353. - Prohibition on Open Carry or Display of Weapons.

(A) Open Carry in Town Buildings. It shall be unlawful for any person to openly carry, possess, or display a deadly weapon or firearm, including any handgun, pistol, rifle, shotgun, air rifle, BB gun, pellet gun, or any other weapon which fires a missile or other high speed projectile, knives or blades longer than 3 inches and any other deadly weapon as defined under North Carolina General Statute § 14-269(a) on any Town-owned or controlled buildings and any appurtenant premises.

(B) Open Carry in Town Parks And Recreational Areas. It shall be unlawful for any person to openly carry, possess, or display a deadly weapon or firearm, including any handgun, pistol, rifle, shotgun, air rifle, BB gun, pellet gun, or any other weapon which fires a missile or other high speed projectile, knives or blades longer than 3 inches and any other deadly weapon as defined under North Carolina General Statute § 14-269(a) within Town owned recreational facilities, athletic facilities, playgrounds, or any athletic field as defined in North Carolina General Statute § 14-415.23. This prohibition shall apply to the following locations in Town:

- a. Ting Park
- b. Bass Lake Park
- c. Womble Park
- d. Veterans Park
- e. Hunt Recreation Center
- f. Sugg Farm
- g. The Pit at Womble Park
- h. Jones Park
- i. Park area at Cass Holt
- j. Mims Park
- k. Town park at Carolina Springs (to be built)
- l. Any scheduled use of any town picnic shelter

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m. The Town Cemetery

This prohibition does not apply to greenways, open spaces, sidewalks, walking paths, or any other area not specifically identified.

(C) Posting. The Town Manager or their designee is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each Town owned building or recreational facility and the grounds and parking areas of such buildings owned or controlled by the Town, as well as any other appurtenant premises to such buildings, indicating that openly carrying a handgun or deadly weapon is prohibited. The Town Manager or their designee shall exercise discretion in determining the number and appropriate location of signs to be placed.

Sec. 12-354. – Penalty, Exceptions

(A) Penalty. The open carrying, possession, or display of any firearm or other deadly weapon as defined in Sec. 12-353, shall constitute a misdemeanor or subject to a fine as provided by G.S. 14-4 as may be imposed in the discretion of the court, or both.

(B) Exceptions. The possession or display of a firearm or other deadly weapon is exempt from the provisions of Sec. 12- 353 in the following situations and circumstances:

1. If the possession or display of the firearm, or other weapon, was conducted by a person authorized by law to carry and display such articles or objects as part of their official duties. Such persons include: local law enforcement personnel, military personnel, security guards, state and federal law enforcement, or any other person identified under G.S. 14-269(b)
2. If such possession or display of a firearm or weapon is part of the performance of the duties of a Town employee or contractor.
3. If such possession or display is part of an official program, performance, or Town sponsored or sanctioned event and such possession or display has been previously approved by the Chief of Police.
4. An individual who possessed a weapon in violation of this ordinance during an incident of justified self-defense or defense of another shall not be charged under this ordinance for actions resulting from that incident.

Part 2: REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of the Town Code of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Part 3: SEVERABILITY

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the

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legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Part 4: INCLUSION IN CODE

It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code of Ordinances of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

Part 5: EFFECTIVE DATE

The provisions of this ordinance shall become effective August 18, 2020 in accordance with the laws of the State of North Carolina.

Adopted this, the 1st day of September, 2020.

Attested to:

Dick Sears, Mayor

Linda McKinney, Town Clerk



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