



**ORDINANCE AMENDING
CHAPTER 12, OFFENSES AND MISCELLANEOUS PROVISIONS
SECTION 12-9, WEAPONS ON TOWN PROPERTY**

WHEREAS, NCGS 160A-189 authorizes a municipality to regulate the display of firearms on the streets, sidewalks, alleys, or other public property and N.C.G.S. 14-409.40 authorizes a municipality to prohibit the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas; and

WHEREAS, N.C.G.S. § 14-415.23 authorizes a unit of local government to adopt an ordinance prohibiting the carrying of a concealed handgun, on local government buildings and their appurtenant premises by posting signs indicating such prohibition; and

WHEREAS, N.C.G.S. § 14-415.23 also authorizes a unit of local government to adopt an ordinance prohibiting the carrying of a concealed handgun at municipal recreational facilities and their appurtenant facilities during organized athletic events for which a person or organization scheduled the athletic field for use;

WHEREAS, pursuant to N.C.G.S. § 14-4, if any person shall violate such ordinances of a town, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00); and

WHEREAS, upon review of Section 12-9 of its Code of Ordinances entitled "Carrying a Concealed Handgun in Town Governmental Buildings, Appurtenant Premises, and Parks Prohibited," the Town's administration and staff are recommending certain revisions to the ordinance reflecting changes in the law since its original passing, including changes made by the above-referenced statutes; and

NOW THEREFORE BE IT ORDAINED, that Chapter 12, Offenses and Miscellaneous Provisions; Section 12-9 Carrying a Concealed Handgun in Town Governmental Buildings, Appurtenant Premises, and Parks Prohibited of the Code of Ordinances, Town of Atlantic Beach, North Carolina, is hereby amended to read as follows:

~~Sec. 12-9. Carrying a concealed handgun in town governmental buildings, appurtenant premises and parks prohibited.~~

~~(a) Definitions. The following definitions apply to this section:~~

~~(1) Carry a concealed weapon. This term includes possession of a concealed handgun.~~

~~(2) Handgun. A firearm that has a short stock and is designed to be held and fired by the use of a single hand.~~

~~(3) Permit. A concealed handgun permit issued in accordance with Article 54B of Chapter 14 of the North Carolina General Statutes as embodied in Chapter 398, House Bill 90, of the 1995 session laws of the North Carolina General Assembly.~~

~~(4) Town government buildings. Buildings owned by or under the control of the Town of Atlantic Beach and its departments, employees and agencies, including but not limited to the town hall, meeting facility, fire department, and public works buildings at 125 West Fort Macon Road, Atlantic Beach, North Carolina, the well sites and adjoining properties on the East Drive of the Atlantic Beach Circle, Ocean Ridge, West Fort Macon Road, and within the Fort Macon State Park Properties, Atlantic Beach, North Carolina. Buildings further include the properties of Atlantic Beach and their appurtenant premises located on the Atlantic Beach Circle, as acquired from J.C. Sherill in Book 695, page 128, John M. Mettrey in Book 695, page 127, from Joseph J. Wilkins in Book 695, page 138, and Pavilion on the Atlantic, Inc. in Book 695, page 130, Carteret County Registry, said descriptions being incorporated herein by reference.~~

~~(5) Town parks. Those beach access facilities or parking facilities provided for vehicles and pedestrians for access to and from the waters of Bogue Sound and the Atlantic Ocean, to also include public beach access ramps, decks and rights-of-way which have been dedicated to the use of the public for access to and from public trust areas and the Atlantic Ocean and Bogue Sound.~~

More specifically, the parking and beach access facilities located adjoining the Jolly Knave on West Atlantic Boulevard and the public parking facilities on New Bern Street are specifically included.

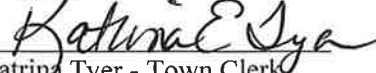
(b) Posting of prohibitions against carrying a concealed handgun. The town is hereby authorized to either post or permit the posting of a prohibition against carrying a concealed handgun on all town governmental building, their appurtenant premises, and parks. The town shall cause to be posted a conspicuous notice or statement on one (1) or more locations on or near the entrance to the local government buildings, their appurtenant premises, and parks, advising all persons that the carrying of a concealed handgun is prohibited. On and after the posting of the prohibition, it shall be unlawful for any person to carry a concealed handgun on or within local government buildings, their appurtenant permits, and parks. Provided, this prohibition shall not be applicable to persons exempted pursuant to N.C.G.S. 14-269(B) including but not limited to military personnel, law enforcement officers and civil officers while discharging their official duties. (Ord. of 1-15-96)

Sec. 12-9. – Weapons on town property.


- (a) The following definitions apply to this section:
- (1) *Town property.* Any public building, public office, or grounds or parking lots appurtenant to such buildings or offices in the legal possession or control of the Town of Atlantic Beach.
 - (2) *Weapon.* Any gun, rifle, pistol, revolver, shotgun, handgun, or other firearm of any kind, any sword, machete, switchblade knife, or other deadly weapon as defined with G.S. 14-269(a).
- (b) It shall be unlawful for any person to possess or carry, whether openly or concealed, and whether or not a concealed carry permit holder, any weapon in any town-owned building or on its appurtenant premises, upon the posting of a conspicuous notice or statement prohibiting such carrying on such property. The town manager is authorized and instructed to post appropriate conspicuous signage on town property, in accordance with law.
- (c) It shall be unlawful for any person to openly possess or carry any weapon in any park or other property, or their appurtenant premises, which is owned or otherwise under the legal control of the Town of Atlantic Beach. The carrying of a concealed handgun in accordance with G.S. 14-415.23 is prohibited in or upon the recreational facilities operated by the Town and as specifically identified herein, upon posting in a conspicuous location at each entryway, athletic field, and appurtenant facility available to the general public with signage stating, “No concealed carry during organized, scheduled athletic events per town ordinance 12-9”.
- a. Identified Recreational Facilities Operated by the Town - Atlantic Beach Town Park, 915 W Fort Macon Rd, athletic fields and appurtenant facilities during an organized, scheduled athletic event.
 - b. Exemption - This prohibition does not apply to greenways, open spaces, sidewalks, walking paths, or any other area not specifically identified.
- (d) This section shall not apply to:
- (1) A weapon used solely for (1) town-sanctioned ceremonial purposes, or (2) used solely in a town-approved program conducted under the supervision of a person who has been approved by town authority;
 - (2) Law enforcement officials or other governmental officials who are permitted to carry a concealed handgun within the scope of their employment as defined in G.S. 14-269 (b); and
 - (3) A firearm stored within a motor vehicle while the motor vehicle is on town property.
- (e) Any person violating this section shall be guilty of a misdemeanor pursuant to G.S. 14-4 and shall be subject to a fine of \$100.

Approved this 26 day of February, 2024

ATTEST:


Katrina Tyer - Town Clerk




Danny Navey – Mayor