

ORDINANCE NO. 19-1153

AN ORDINANCE TO AMEND TITLE 11, CHAPTER 6 OF THE OF THE CITY OF RED BANK, TENNESSEE, RED BANK CITY CODE, ENTITLED "FIREARMS, WEAPONS AND MISSILES".

WHEREAS, Tennessee Code Annotated 39-17-1314 preempts the field of the regulation of firearms and provides only limited authority to municipalities to enact any such regulations; and

WHEREAS, the current language in Title 11, Chapter 6, Section 11-601 et seq. of the City of Red Bank Municipal Code is in conflict with the above referenced statute; and

WHEREAS, any dangerous or injurious conduct or actions relative to Section 11-502 are otherwise prohibited by state law; and

WHEREAS, Tennessee Code Annotated 39-17-1311 et seq. establishes statutory authorities and requirements for carrying weapons in public parks, playgrounds, civic centers and other public recreational buildings and grounds; and

WHEREAS, Tennessee Code Annotated 39-17-1359 et seq. establishes when handgun carry permit holders shall be restricted from possession of firearms on City owned properties;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED BANK, TENNESSEE, THAT:

SECTION 1. Title 11, Chapter 6 of the Red Bank City Code shall be deleted in its entirety and shall be replaced with the following language:

CHAPTER 6 - FIREARMS, AIR RIFLES, WEAPONS AND MISSLES

- 11-601 Air Rifles, etc.
- 11-602 Throwing Missiles
- 11-603 Discharge of firearms
- 11-604 Hunting
- 11-605 Possession of Firearms on City owned Properties

11-601. **Air rifles, etc.** It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, compressed gas, or other force-producing means or method. (1975 Code, § 10-213)

11-602. **Throwing missiles.** It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1975 Code, § 10-214)

11-603. **Firearms.** It shall be unlawful for any person to discharge firearms within the corporate limits of the City of Red Bank, except when and where the discharge of a firearm is expressly authorized or permitted by state law and/or the regulations of the Tennessee Wildlife Commission.

11-604. **Hunting.** It shall be unlawful to hunt on any property owned, leased or otherwise controlled by the City of Red Bank. Hunting on private property is controlled by and must comply with state law and/or the regulations of the Tennessee Wildlife Commission.

11-605. Possession of firearms on City owned properties. In accordance with TCA 39-17-1359, the following regulations shall be strictly enforced. Violations are punishable to the extent allowable under state law.

(1) Except as otherwise provided by state law, firearms shall be prohibited on any City owned or operated properties if in the possession of a person who does not hold and then currently have in such persons possession a valid handgun carry permit issued or recognized by the state of Tennessee.

(2) In general, persons who hold and then currently have in such person's possession, a valid handgun carry permit pursuant to TCA 39-17-1351 and shall be able to lawfully possess a firearm on City owned property except as herein below expressly prohibited or may otherwise be prohibited by state law and of action of the property owners or lawful lessee.

(3) The City may restrict possession of firearms by a handgun carry permit holder if the following are provided at each public entrance to the property:

- a. Metal detection devices;
- b. At least one (1) law enforcement or private security officer who has been adequately trained to conduct inspections of persons entering the property by use of metal detection devices; and
- c. That each person who enters the property through the public entrance when the property is open to the public and any bag, package, and other container carried by the person is inspected by a law enforcement or private security officer or an authorized representative with the authority to deny entry to the property.

(4) The possession of firearms, including by a handgun carry permit holder, is prohibited at the following locations:

- a. In the immediate vicinity of any City owned athletic field, park, or other similar public place during any school sponsored athletic event or other school-related activity;
- b. Buildings in which judicial proceedings take place including the Red Bank City Hall, regardless of whether a judicial proceeding is in progress;
- c. Buildings that contain a law enforcement agency including the Red Bank Police and Fire Department buildings;

Section 2. Every section, sentence, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid

by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

Section 3. This Ordinance shall take effect from and after the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

MAYOR OF RED BANK, TENNESSEE

ATTEST:

CITY RECORDER

April 16, 2019

PASSED ON FIRST READING

May 7, 2019

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

CITY ATTORNEY