

RESOLUTION NO. 25997

A RESOLUTION PURSUANT TO T.C.A. § 39-17-1311(d) TO PROHIBIT HANDGUNS IN CITY PUBLIC MUNICIPAL PARKS, NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS, CAMPGROUNDS, FORESTS, GREENWAYS, WATERWAYS, OR OTHER SIMILAR PUBLIC PLACES.

WHEREAS, prior to June 12, 2009, T.C.A. § 39-17-1311, essentially made carrying weapons in any 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 approved by the governor on June 12, 2009, removed the above mentioned prohibitions in public parks for any persons authorized to carry handguns by a Tennessee handgun carry permit issued pursuant to T.C.A. § 39-17-1351; and

WHEREAS, Public Chapter No. 428 of the 106th General Assembly, as approved by the governor on June 12, 2009 now permits municipal and county governments to prohibit, by resolution adopted by majority vote of its legislative bodies, the possession of handguns within or on a public park that is owned or operated by a county, a municipality, or their instrumentalities; and

WHEREAS, the City Council of the City of Chattanooga is also required to adopt a resolution by majority vote for any jointly owned or operated parks which are jointly owned by Hamilton County, Tennessee and it appearing that Hamilton County, Tennessee has already adopted a resolution which may affect possession of handguns within its parks in this County; and

WHEREAS, the City Council has considered information that it has received from citizens, employees of its police and parks departments, and other witnesses regarding the perceived risks to persons visiting municipal parks if firearms are discharged in close proximity

to other visitors to municipal parks and based upon consideration of this information the City Council desires to prohibit any possession of handguns in municipal public parks, playgrounds, civic centers and other public recreational buildings and grounds as authorized by T.C.A. § 39-17-1311(d) and to instruct the administrator of Parks and Recreation to display signage in prominent locations in all municipal parks, playgrounds, civic centers and other public recreational buildings and grounds as authorized by T.C.A. § 39-17-1311(c)(1) on or before September 1, 2009 to be adequate notice that handguns are not permitted in such areas;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, that any person authorized¹ to carry a handgun under T.C.A. § 39-17-1351, is prohibited from possessing any handgun while within any municipal 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 of Chattanooga or any of its instrumentalities. This prohibition of handguns within any municipal park applies to the entire park and to any jointly owned parks owned by the City of Chattanooga and Hamilton County, Tennessee, as authorized by T.C.A. § 39-17-1311(d), 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

¹ 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.

² 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.

³ 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.

BE IT FURTHER RESOLVED, that the Administrator of Parks and Recreation is further authorized to promptly develop and display signage in prominent locations in all municipal parks, playgrounds, civic centers and other public recreational buildings and grounds as authorized by T.C.A. § 39-17-1311(c)(1) in order to provide adequate notice that handguns are not permitted in such areas within the City of Chattanooga. Signage shall be prepared in the form required by T.C.A. § 39-17-1311(c)(1) and placed in prominent locations about the public recreational properties of the City, at least six inches (6") high and fourteen inches (14") wide on or before September 1, 2009, stating as follows:

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 (\$2,500.00) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

BE IT FURTHER RESOLVED, that, if any part of this Resolution is determined to be invalid, all valid parts that are severable from the invalid part shall remain in effect. If any part of this Resolution is invalid in one or more of its applications, the part remains in effect in all other valid applications that are severable from the invalid applications.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately from and after its passage, the welfare of the City of Chattanooga requiring it.

Adopted: July 14, 2009

PAN/add