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LOCAL LAW INTRODUCTORY NO. ___ OF 2010

A LOCAL LAW PROHIBITING ENTRY INTO AND REMAINING IN COUNTY BUILDINGS BY PERSONS IN PHYSICAL POSSESSION OF A DEADLY WEAPON

BE IT ENACTED, by the County Legislature of the County of Chemung as follows:

SECTION 1. Title and Authority. This Local Law shall be known as “A Local Law Prohibiting Entry into and Remaining in county Buildings by Persons in Physical Possession of a Deadly Weapon”.

SECTION 2. Purpose. The governing board of the County of Chemung finds that: (1) deadly weapons often cause accidental deaths and injuries and are frequently used in the commission of crimes, particularly homicides and assaults; (2) physical possession of deadly weapons in County buildings by persons other than those on official business with authorization to carry such weapons poses a serious threat to the health, safety and general welfare of County public servants and other persons lawfully in County buildings; and (3) the presence of deadly weapons in County buildings, except by certain authorized officials, may seriously impair the performance of essential government functions by way of threat or intimidation to County public servants or others. Therefore, as owner or lessee of buildings in Chemung County and in its proprietary capacity, the County desires to prohibit deadly weapons in County buildings, except by officials with authorization engaged in official business.

SECTION 3. Definitions. “Deadly Weapon” shall be defined as set forth in paragraph 12 of Section 10 of the New York State Penal Law and means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilium ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.

“County Building” shall mean all buildings owned or leased by the County of Chemung. The current list of County buildings shall be kept, updated and maintained by the Clerk of the County Legislature, and shall be available for public inspection.

SECTION 4. Physical Possession of Deadly Weapons in County Buildings Prohibited. No person shall enter into and/or remain in a County building while in physical possession of a deadly weapon either openly or concealed unless such person is a person described in Section 5 hereof.

SECTION 5. Exceptions. Prohibition of physical possession of deadly weapons in County buildings shall not apply to (1) a police officer or peace officer authorized to use the same while acting within the scope of employment; (2) a government employee or licensed security guard authorized or required by employment or office to possess the same while acting within the scope of such employment or office; (3) a person in the military service of the State of New York or the United States when duly authorized to possess the same and acting within the scope of such military service; and (4) a County

official or County employee, specifically authorized by the Sheriff, to possess a deadly weapon in County buildings, according to any and all restrictions or limitations which the governing board of the County may place upon such authorization.

SECTION 6. Signs. (1) The County Superintendent of Buildings and Grounds shall post, on walls, windows or other locations as the Superintendent shall deem most visible to members of the general public entering the building, a sign with a red background and white lettering in no less than 9/16" size type reading as follows:

**NOTICE:
CARRYING OR PHYSICALLY POSSESSING A FIREARM OR OTHER
DEADLY WEAPON WHILE IN BUILDING
PROHIBITED BY LOCAL LAW**

(2) Neither the absence nor the location of a sign may be used as a defense to a violation of this law, so long as the building is contained within the list of County buildings kept by the Clerk of the Legislature on the day of the offense.

SECTION 7. Penalties. Unless excepted from application of this local law, any person who, in disobedience of this law, a sign or directive from a County official, shall carry or otherwise be in physical possession of a deadly weapon in a County Building shall be guilty of a trespass, as an unclassified misdemeanor, and subject to punishment by a fine not to exceed Five Hundred Dollars (\$500) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment. Each day or part of a day which a violation continues shall constitute a separate violation. Notwithstanding anything to the contrary set forth herein, the County at its option may also maintain a civil trespass action and/or seek civil injunctions.

SECTION 8. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law, or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 9. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State.

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