

TOWN OF JOHNSBURG
LOCAL LAW NO. _____ OF 2011
A LOCAL LAW PROHIBITING ENTRY INTO AND REMAINING IN TOWN
BUILDINGS BY PERSONS IN PHYSICAL POSSESSION OF A DEADLY WEAPON
BE IT ENACTED, by the Town Board of the Town of Johnsburg as follows:

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

SECTION 2. Purpose. The governing board of the Town of Johnsburg 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 Town 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 Town public servants and other persons lawfully in Town buildings; and (3) the presence of deadly weapons in Town buildings, except by certain authorized officials, may seriously impair the performance of essential government functions by way of threat or intimidation to Town public servants or others. Therefore, as owner or lessee of buildings in Warren Town and in its proprietary capacity, the Town desires to prohibit deadly weapons in Town 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. “Town Building” means a building owned or leased by the Town. Town Building shall include but not be limited to: (1) Town Hall; (2) Tannery Pond Community Center; (3) Wevertown Community Center; (4) Sodom Scout Hall/Johnsburg EMS Squad Building; (5) Johnsburg Highway Garage ; (6) Senior Meal Site; (7) Ski Bowl Lodge; and (8) Kellogg/Waddell Complex.

SECTION 4. Physical Possession of Deadly Weapons in Town Buildings Prohibited. No person shall enter into and/or remain in a Town 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 Town 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 Town official or Town employee, specifically authorized by the Sheriff, as defined by Resolution No. 583 of 2005, to possess a deadly weapon in Town buildings, according to any and all restrictions or limitations which the governing board of the Town may place upon such authorization.

SECTION 6. Signs . The Town 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**

SECTION 7. Penalties. Unless excepted from application of this local law, any person who, in disobedience of a sign or directive from a Town official, shall carry or otherwise be in physical possession of a deadly weapon in a Town 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 Town Board at its option may also maintain a civil trespass action and/or seek civil injunctions.

SECTION 7. 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 8. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State.