

RESOLUTION
07-2009-06

A RESOLUTION TO PROHIBIT HANDGUNS IN PUBLIC COUNTY PARKS, NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS, CAMPGROUNDS, FORESTS, GREENWAYS, WATERWAYS, OR OTHER SIMILAR PUBLIC PLACES.

WHEREAS, prior to September 1, 2009, *Tennessee Code Annotated* § 39-17-1311, essentially made carrying weapons in County 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 adopted, removed the above mentioned prohibitions in public parks for persons authorized to carry handguns pursuant to *Tennessee Code Annotated* § 39-17-1351; and

WHEREAS, Public Chapter No. 428 of the 106th General Assembly permits municipal and county governments to prohibit, by resolution, the carrying of handguns while within a public park that is owned or operated by a county, a municipality, or their instrumentalities; and

WHEREAS, the Smith County Commission, governing body for Smith County, Tennessee desires to continue prohibiting the carrying of handguns in County parks; now, therefore:

BE IT RESOLVED BY THE SMTH COUNTY COMMISSION THAT:

SECTION 1. Any person authorized to carry a handgun under *Tennessee Code Annotated* § 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place that is owned or operated by Smith County or any of its instrumentalities. This prohibition of handguns within any County park applies to the entire park, notwithstanding the provisions of T.C.A. § 39-17-1311(b)(1)(I). However, this resolution does not prohibit lawful possession of any handgun in accordance with T.C.A. § 39-17-1311(b)(1)(A)-(H).

SECTION 2. Smith County shall display signs in prominent locations about the public recreational property, at least six inches (6") high and fourteen inches (14") wide, stating:

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) FOR CARRYING
WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

SECTION 3. If a part of this Resolution is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Resolution is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SECTION 4. This Resolution takes effect from and after its passage, the welfare of Smith County requiring it.

Adopted this _____ day of _____, 2009.

Michael Nesbitt, County Mayor

Jimmy Norris, County Clerk