

Town of Bellefonte, Delaware
ORDINANCE NO. 2015-03

**ORDINANCE REGULATING THE POSSESSION OF FIREARMS, AMMUNITION,
COMPONENTS OF FIREARMS, AND EXPLOSIVES IN MUNICIPAL BUILDINGS IN
THE TOWN OF BELLEFONTE.**

WHEREAS, by and through adoption of House Bill 192 by the 148th General Assembly of the State of Delaware (HB192), codified at Title 22, Section 111 of the Delaware Code, municipalities are permitted to adopt Ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in municipal buildings.

WHEREAS, The Bellefonte Town Commission desires to add a new section to the Town of Bellefonte Land Use Code to prohibit possession of firearms, ammunition, components of firearms, or explosives in municipal buildings to the fullest extent permitted by HB 192;

WHEREAS, The Town of Bellefonte has introduced this Ordinance in accordance with procedures established by law.

NOW THEREFORE, IT IS HEREBY ORDAINED, by the Town of Bellefonte, that the following Code changes and revisions are adopted:

Section 1. Amend/Add Section 1.1 of the Bellefonte Land Use Code to add the following language:

Section 1.1 - Possession Of Firearms, Ammunition, Components Of Firearms, Or Explosives In Municipal Buildings.

- (a) Prohibition. Except as set forth in section (e) below, possession of firearms, ammunition, components of firearms, or explosives in municipal buildings is prohibited in all municipal buildings.
- (b) Municipal Building Defined. For purposes of this section, "municipal buildings" are defined as any building where the Bellefonte Town Commission meets (Town Hall) in its official capacity.
- (c) Required Signs. In all municipal buildings, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may but is not required to also state that persons in violation may be denied entrance to the building or be ordered to leave the building.
- (d) Immediate Departure. Any person who immediately foregoes entry or immediately exits any municipal building due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.
- (e) Exemptions. Nothing in this section 1.1 shall be deemed to prevent the following in municipal buildings (Town Hall). Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers=
 - (1) Law enforcement agencies conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;
 - (2) Compliance by persons subject to protection from abuse court orders=

- (3) Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others=
- (4) Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm=or
- (5) Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.
- (6) Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.
- (f) Penalties. As necessary to protect public safety, any intentional violation of this section 1.1 by any person shall be subject to a fine of at least \$500.00 and not to exceed \$1,000.00 or by imprisonment for not more than 60 days, or by both fine and imprisonment.

Section 2. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Bellefonte Town Commission would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Bellefonte Town Commission's intent. To the extent that this Ordinance is deemed to exceed the statutory authorization provided by HB 192, the Bellefonte Town Commission's intent is to implement the provisions of HB 192 to the fullest extent permitted, and the Ordinance should be interpreted so that any invalid provision is limited only to the maximum authorization permitted by HB 192.

Section 3. No Repeal Of Existing Firearms Related Ordinances. Adoption of this Ordinance shall in no way repeal or alter any law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985. To the extent that this Ordinance conflicts with any similar ordinance prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985, the more stringent of the two ordinances shall govern.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Bellefonte Town Commission.

First Reading: __10-12-15_____ Second Reading: __11-9-15_____

Approved by the Commissioners: ____Scott L. MacKenzie_____

President

Attest: __Brandon Dougherty_____ Date: __11-9-15_____

Secretary