

AN ORDINANCE OF THE MADISON COUNTY, MISSISSIPPI
BOARD OF SUPERVISORS

AN ORDINANCE TO ESTABLISH CONSTITUTIONALLY PERMITTED, REASONABLE TIME, PLACE OR MANNER RESTRICTIONS ON THE CARRYING OF FIREARMS OR WEAPONS IN OR UPON PROPERTY OWNED OR CONTROLLED BY MADISON COUNTY, MISSISSIPPI, TO ESTABLISH EXEMPTIONS THEREFROM AND TO PROVIDE PENALTIES FOR VIOLATION.

THE BOARD OF SUPERVISORS FOR MADISON COUNTY, MISSISSIPPI ADOPT THIS ORDINANCE AS FOLLOWS:

SECTION 1. PURPOSE

The Madison County, Mississippi, Board of Supervisors, as a political subdivision of the State of Mississippi, recognizes the right of the citizens of Madison County, Mississippi to keep and bear arms pursuant to the Constitutions of The United States of America (Bill of Rights, Amendment 2) and Constitution of the State of Mississippi (Article III, Section 12). While recognizing the right of the people to keep and bear arms, the Board of Supervisors concurrently recognizes the responsibility of the people to exercise good judgment in their conduct and responsibility in the exercise of the right to bear arms. There being a compelling interest on the part of Madison County, Mississippi, to promote, preserve and protect the safety and security of citizens and employees of Madison County, Mississippi, it is in the best interest of all citizens of Madison County, Mississippi, that restrictions be placed upon the carrying of any weapon or firearm in or upon the public properties owned or controlled by Madison County, Mississippi, that are defined as Sensitive Areas.

SECTION 2. DEFINITIONS

As used in this Ordinance, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

- (a) **"Sensitive Area"** means any Premises owned or controlled by Madison County, Mississippi, and posted as such.
- (b) **"Weapon"** means a bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, rifle, shotgun, machine gun or any fully automatic firearm or deadly weapon.

- (c) **"Firearm"** means a pistol, revolver, rifle, shotgun, machine gun or any fully automatic firearm.
- (d) **"Possess"** means to be in actual, physical possession of, or to know of its presence, or to have physical control of it, or to have the ability to control it.
- (e) **"Premises"** means real property, land and improvements, buildings, walkways, entryways, or other structure appurtenant to a building.

SECTION 3. RESTRICTION ON POSSESSION OF WEAPON/FIREARM

No Person shall Possess, either openly or in a concealed fashion (as set forth in Miss. Code Ann. § 97-37-1, et seq.), a Firearm or Weapon in, on or upon any Sensitive Areas.

SECTION 4. DESIGNATION OF SENSITIVE AREAS

The Board of Supervisors for Madison County, Mississippi designate all county owned properties or premises as Sensitive Areas, which are posted as providing public notice as such to be Sensitive Areas subject to the provisions of this Ordinance.

~~Pursuant to § 97-37-1 (13) MCA are certain referenced "sensitive areas" including any police, sheriff or highway patrol station, any detention facility, prison or jail, any courthouse, any courtroom, any polling place, any meeting place of the governing body of any governmental entity, *inter alia*, which are adopted by reference herein. In addition to areas referenced hereinabove, this Resolution incorporates and includes herein all county owned properties, lands and buildings, whether the premises or improved or unimproved, including county owned parks and grounds which are to be posted as Sensitive Areas providing due notice to the public, as constituting such.~~

Pursuant to § 97-37-1 (13), this Resolution also adopts by reference and authorizes the Sheriff of Madison County to respond to requests made by lawful owners, persons or entities exercising control over any physical location at which a written notice being clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited".

SECTION 5. EXEMPTIONS

This Ordinance shall not apply to the following Persons:

- a. Any uniformed law enforcement officer on active duty, regardless of jurisdiction;

- b. Any Persons authorized by the Board of Supervisors to possess a Firearm or Weapon in a Sensitive Area;
- c. Any Person possessing a valid Enhanced Conceal Carry Permit issued by the State of Mississippi pursuant to Miss. Code Ann. § 97-37-7 (1972), as amended.

SECTION 6. PENALTY

Any Person who violates this Ordinance shall be guilty of a misdemeanor and shall be fined in an amount of not less than \$0.00 nor more than \$250.00 for a first offense. Upon conviction of a repeated violation, which means a second or subsequent violation of this Ordinance committed by a Person within any twelve (12) month period, said person shall be guilty of a misdemeanor and shall be fined in an amount of not less than \$250.00 nor more than \$500.00. After the third violation of this Ordinance committed by a Person within an twelve (12) month period, the person so convicted shall be guilty of a misdemeanor and shall be fined in an amount of not less than \$500.00 nor more than \$999.00 and/or shall be incarcerated for a period of between zero (0) and ninety (90) days in jail.

SECTION 7. ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Sheriff of Madison County, Mississippi, or any designee thereof.

SECTION 8. SEVERABILITY AND CAPTIONS

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The Captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

SECTION 9. REPEAL

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 10. ADMINISTRATIVE LIABILITY

No elected official, employee or agent of Madison County shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

SECTION 11. PLACEMENT OF SIGNAGE

The Sheriff or his designee, or the Madison County Administrator, or his designee, shall be authorized to place, and shall cause to be placed, appropriate signage on, in or near the facilities considered as Sensitive Areas in this Ordinance to carry out the provisions of this Ordinance. Said signage shall provide adequate notice to all citizens attempting to enter said Sensitive Areas that the carrying of weapons therein is prohibited. It is the intent of this Ordinance that notification signs be placed within the parking facilities of said Sensitive Areas, as well as on or near the entry doors of said facilities and upon the entry grounds of parks and open grounds, including but not limited to the entry points of parking facilities.

SECTION 12. EFFECTIVE DATE

This Ordinance shall be effective upon publication of this Ordinance in a newspaper of general circulation for Madison County, Mississippi.

MADISON COUNTY BOARD OF SUPERVISORS

BY: _____

ATTEST:

CHANCERY CLERK

CLERK'S CERTIFICATE

The above and foregoing Ordinance was enacted upon and the Motion of
Supervisor _____, said Motion was seconded by
Supervisor _____, with the following Supervisors
voting in favor of the Motion:

_____.

The following Supervisors voted in opposition to the Motion:

_____.

WITNESS my signature this the ____ day of _____, 2013.

CHANCERY CLERK