

# Warren County Board of Supervisors

## RESOLUTION NO. 56 OF 2013

**Resolution introduced by Supervisors Taylor, Strainer, Loeb, McDevitt, Frasier, Mason and Vanselow**

### TO ENACT LOCAL LAW NO. 3 OF 2013

WHEREAS, a proposed Local Law was duly presented to the Board of Supervisors and considered by them, said proposed Local Law being entitled, “A Local Law Amending Local Law No. 2 of 2007 Prohibiting Entry into and Remaining in County Buildings By Persons in Physical Possession of A Deadly Weapon or Dangerous Instrument”, and

WHEREAS, the Board of Supervisors adopted Resolution No. 776 of 2012 on December 21, 2012, authorizing a public hearing to be held by the Board of Supervisors on the 18<sup>th</sup> day of January, 2013, at 10:00 a.m. in the Supervisors’ Room in the Warren County Municipal Center on the matter of the proposed Local Law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, the Board of Supervisors of the County of Warren, New York, on this 18<sup>th</sup> day of January, 2013, does hereby enact and adopt Local Law No. 3 of 2013 as set forth in Schedule “A” annexed hereto, and be it further

RESOLVED, that the Chairman of the Board of Supervisors, Clerk of the Board of Supervisors, County Administrator and County Attorney are hereby authorized to make such minor modifications to the Local Law as deemed necessary, and are authorized to execute, file and publish the Local Law and take all necessary actions for the promulgation thereof.

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SCHEDULE 'A'

COUNTY OF WARREN

LOCAL LAW NO. 3 OF 2013

**A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2007 PROHIBITING  
ENTRY INTO AND REMAINING IN COUNTY BUILDINGS BY PERSONS IN  
PHYSICAL POSSESSION OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT**

**BE IT ENACTED**, by the Board of Supervisors of the County of Warren as follows:

SECTION 1. Title and Authority. This Local Law shall be known as “A Local Law Amending Local Law No. 2 of 2007 Prohibiting Entry into and Remaining in County Buildings By Persons in Physical Possession of A Deadly Weapon or Dangerous Instrument”.

SECTION 2. Purpose. The governing board of the County of Warren finds that: (1) deadly weapons and dangerous instruments 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 and dangerous instruments in County buildings by persons other than those on official business with authorization to carry such weapons or instruments 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 and dangerous instruments 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 Warren County and in its proprietary capacity, the County desires to prohibit deadly weapons and dangerous instruments in County buildings, except by officials with authorization engaged in official business.

SECTION 3. Definitions.

A. “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

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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.

B. “Dangerous Instruments” shall be defined as set forth in paragraph 13 of Section 10 of the New York State Penal Law, and means any instrument, article or substance, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other physical injury. Dangerous Instruments include, but are not limited to such items as dangerous knife, dirk, razor, stiletto, imitation pistol, or any weapon, whether loaded or unloaded.

C. “County Building” means a building owned or leased by the County. County Building shall include but not be limited to: (1) Municipal Center; (2) Municipal Center Annexes; (3) Human Services Building; (4) Westmount Health Facility; (5) Countryside Adult Home; (6) Department of Public Works offices and shops in the Town of Warrensburg, Town of Queensbury and Town of Johnsbury; (7) Public Safety Building; and (8) Airport Terminal Building.

SECTION 4. Physical Possession of Deadly Weapons or Dangerous Instruments in County Buildings Prohibited. No person shall enter into and/or remain in a County building while in physical possession of a deadly weapon or dangerous instruments 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 or dangerous instruments 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;

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- (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;
- (4) a County official or County employee, specifically authorized by the Sheriff, as defined by Resolution No. 583 of 2005, 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;
- (5) a County employee who works at the Airport and is authorized by the Airport Manager to use shotguns, rifles and pyrotechnic devices (cracker shells, hand held screamer/banger devices) to engage in wildlife mitigation in or about the Airport premises; and
- (6) A person who is the holder of a valid permit to carry a concealed weapon on their person.

SECTION 6. Signs . 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 OR DANGEROUS INSTRUMENT WHILE IN BUILDING  
PROHIBITED BY LOCAL LAW

SECTION 7. Penalties.

- A. Unless excepted from application of this local law, any person who, in disobedience

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of a sign or directive from a County official, shall carry or otherwise be in physical possession of a deadly weapon or dangerous instruments 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 Board at its option may also maintain a civil trespass action and/or seek civil injunctions.

B. In addition to the foregoing, any person who is found to be in violation of this Local Law may, at the discretion of the County Board be denied permission to enter any building owned, leased or operated by the County or at any worksite of the County, or in a vehicle owned or leased by the County.

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.