

THE BOARD OF COUNTY COMMISSIONERS

OF

FRANKLIN COUNTY, KANSAS

RESOLUTION 08 - 042

A RESOLUTION RESCINDING RESOLUTION 06-76 AND PROHIBITING THE POSSESSION OR CARRYING OF CERTAIN FIREARMS WHILE UPON DESIGNATED PROPERTY OWNED AND/OR OPERATED BY FRANKLIN COUNTY, KANSAS

WHEREAS, K.S.A. 19-101, provides that a county may exercise the powers of home rule to determine its local affairs and government authorization under the provisions of K.S.A. 19-101a; and

WHEREAS, the County desires to adopt a policy prohibiting concealed weapons in designated county buildings and this is a permissible exercise of home rule power, pursuant to K.S.A. 19-101a;

WHEREAS, the Board of County Commissioners believes that this promotes the health and safety of the County is in the best interests of the County employees and the County;

THEREFORE, BE IT RESOLVED
BY
THE BOARD OF FRANKLIN COUNTY COMMISSIONERS,

The Board hereby finds that due to changes in the Family and Personal Protection Act it is necessary to rescind Franklin County Resolution 06-76 and hereby orders said resolution to be rescinded.

The Board further finds as follows:

Section 1. The Board finds that for the purpose of this resolution "firearm" shall mean any handgun, pistol or revolver.

Section 2. The Board further finds that pursuant to the Personal and Family Protection Act as found at K.S.A. 75-7c10, it shall be unlawful for any person to carry a concealed firearm into:

- (1) Any sheriff's station;
- (2) Any detention facility or jail;
- (3) Any courthouse;
- (4) Any courtroom, except nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;

- (5) Any polling place on the day an election is held; or
- (6) Any meeting of the governing body of a county, city, or other political or taxing subdivision of the state, or any committee or subcommittee thereof.

Section 3. Violation of Section 2 of this resolution is a Class A misdemeanor pursuant to K.S.A. 75-7c10.

Section 4. Pursuant to the authority granted property owners and to the owners or operators of businesses under the Personal and Family Protection Act as found at K.S.A. 75-7c10, the governing body of Franklin County, Kansas, hereby prohibits the carrying of any concealed firearm by any person other than those identified in section 7 below while in any building owned or operated by Franklin County, Kansas, and/or which the County is operating as a public employer to include the following locations:

- (1) The Public Works Shop located at 2038 S. Main, Ottawa, Kansas;
- (2) The Franklin County Recycling Center located at 2038 S. Main, Ottawa, Kansas;
- (3) The Franklin County Records Center located at 1124 West 7th Street Terrace, Ottawa, Kansas;
- (4) The Noxious Weeds Department located at 2038 S. Main, Ottawa, Kansas.
- (5) The Transfer Station located at 3323 Osborne Terrace, Ottawa, Kansas;
- (6) The Franklin County Annex Building located at 1428 S. Main, Ottawa, Kansas 66067 and 1418 S. Main, Ottawa, Kansas;
- (7) The Franklin County Ambulance Station located at 219 East 14th Street, Ottawa, Kansas and the satellite station located at 730 S. Main, Wellsville, Kansas.

Section 5. Violation of Section 4 of this Resolution is a class B misdemeanor punishable by a fine of up to \$500.00 and/or six months in jail or both.

Section 6. The prohibitions set forth in Sections 2 and 4 above shall apply to the interiors of the structures on all such properties, provides however that this prohibition shall not apply to persons who are lawfully in possession of any such firearm while in a motor vehicle which is located in an area designated for public vehicular traffic or for public vehicular parking.

Section 7. The prohibitions set forth in Section 2 shall not apply to any person identified under the exclusions set forth in subsection (b) or (c) of K.S.A. 21-4201 regarding the criminal use of weapons, as said provisions now apply or may hereafter be amended. This prohibition shall not apply to the performance of job duties by duly authorized law enforcement officers or by County employees who have received approval from the County Commission.

Section 8. The Board further prohibits any employee while in the performance of their official duties in their employment by the County from carrying a concealed weapon without the express permission of the Board. Violation of this section shall be grounds for immediate termination from employment. This shall not apply to employees lawfully authorized to carry weapons as part of their employment by the County.

Section 9. This resolution shall take effect and be in force from and after its publication in the official newspaper of Franklin County.

Passed and adopted in regular session this 3rd day of September 2008.

/s/ Karen S Farrell
Karen S. Farrell
Chairperson

Attested and Recorded, this 3rd day of September 2008.

/s/ Shari Perry
Shari Perry

County Clerk