

TOWN OF SUTTON, WEST VIRGINIA

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SUTTON TO ADD SECTION 11-109A, “WEAPONS PROHIBITED IN MUNICIPAL BUILDINGS”

WHEREAS, The Town Council finds that reasonable, narrowly tailored safety measures are necessary to protect the public while respecting rights secured by the Constitution of the United States, the Constitution of the State of West Virginia, and applicable state law; and

WHEREAS, West Virginia law permits municipalities to regulate the possession of firearms and deadly weapons in certain municipal buildings, provided such regulation is consistent with state preemption statutes and notice requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF SUTTON:

Section 1. Amendment.

The Code of the Town of Sutton is hereby amended by adding a new section, to be codified as 11-109A, to read as follows:

11-109A. Weapons Prohibited in Municipal Buildings.

(a) Legislative Intent.

The Town Council finds that municipal buildings are locations where citizens must conduct essential civic business, and that reasonable, lawful restrictions are necessary to protect public safety while respecting rights secured by state and federal law.

(b) Prohibition.

Except as provided in subsection (c) of this section, no person shall possess, carry, or bring any firearm, whether concealed or openly carried, or any other deadly weapon, into any municipal building owned, leased, or occupied by the Town of Sutton.

(c) Exceptions.

This section shall not apply to the following persons or circumstances:

1. Law enforcement officers acting within the lawful performance of their official duties;
2. Persons expressly authorized by state law to carry firearms or deadly weapons in

municipal buildings; or

3. Temporary possession necessary for lawful surrender, storage, or transfer of a firearm or weapon as directed by law enforcement.

(d) Notice of Requirement.

This prohibition shall be enforceable only at municipal buildings where the Town has provided notice and signage in compliance with applicable provisions of the West Virginia Code.

(e) Enforcement and Penalties.

A violation of this section shall constitute a civil offense. Enforcement may include removal of the individual from the municipal building and the imposition of any civil penalties authorized by state law and municipal ordinance. This section shall be enforced as a zero-tolerance safety policy, to the fullest extent permitted by law.

(f) Construction.

This section shall be construed and enforced consistently with West Virginia firearm preemption statutes. Nothing in this section shall be interpreted to apply where state law expressly prohibits municipal regulation.

Section 2. Severability.

If any provision of this ordinance or its application is held invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

Section 3. Effective Date.

This ordinance shall take effect upon adoption and publication as required by law.