



# SARATOGA COUNTY BOARD OF SUPERVISORS

## RESOLUTION 237 - 13

Introduced by the Buildings and Grounds Committee and the Public Safety Committee

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 2, PRINT NO. 1 OF 2013, ENTITLED PROHIBITING ENTRY INTO OR REMAINING IN COUNTY BUILDINGS BY PERSONS IN PHYSICAL POSSESSION OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT

WHEREAS, Resolution 205-13 introduced and presented a proposed Local Law identified as Introductory No. 2, Print No. 1 of 2013, to this Board of Supervisors and scheduled a public hearing thereon for December 11, 2013 at 4:55 P.M. in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

WHEREAS, notice of that public hearing was duly published and posted as required by law; and

WHEREAS, the scheduled public hearing was held and all persons appearing or desiring to be heard have been heard by this Board; now, therefore, be it

RESOLVED, that this Board of Supervisors, on this 17<sup>th</sup> day of December, 2013 hereby adopts a Local Law identified as Introductory No. 2, Print No. 1 of 2013, as set forth in the annexed Schedule A.

BUDGET IMPACT STATEMENT: No budget impact.

STATE OF NEW YORK )  
 )  
COUNTY OF SARATOGA )

I, Pamela A. Hargrave, Clerk of the Board of Supervisors of Saratoga County, do hereby certify that the foregoing is a true copy, and the whole thereof, of a resolution duly adopted by the Board of Supervisors of said County, on the 17<sup>th</sup> day of December 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed hereto the official seal of said Board of Supervisors this 24<sup>th</sup> day of December 2013.

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Clerk of the Board of Supervisors  
Saratoga County, New York

**SCHEDULE A**

**COUNTY OF SARATOGA**

**LOCAL LAW NO. 2 OF 2013**

**A LOCAL LAW PROHIBITING ENTRY INTO OR REMAINING  
IN COUNTY BUILDINGS BY PERSONS IN PHYSICAL POSSESSION  
OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT**

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

**SECTION 1. Title and Authority.** This Local Law shall be known as “A Local Law Prohibiting Entry into or 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 Saratoga 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 Saratoga 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 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 weapons, 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 Buildings #1 - #4; (2) County Building #5 at 50 West High Street, Ballston Spa, New York; (3) County Office Building at 152 West High Street, Ballston Spa, New York; (4) Public Health Nursing Services Building at 31 Woodlawn Avenue, Saratoga Springs, New York; (5) Maplewood Manor Nursing Home at 149 Ballston Avenue, Ballston Spa, New York; (6) Department of Public Works Building at 3654 Galway Road, Town of Milton, New York; (7) Sheriff’s Department at 6010 County Farm Road, Town of Milton, New York; (8) County Animal Shelter Building at 6010 County Farm Road, Town of Milton, New York; (9) County Mental Health Building at 433 Geyser Road, Town of Milton, New York; (10) County Mental Health Building at 135 South Broadway, Saratoga Springs, New York; (11) Department of Public Works North Garage, 4630 S. Shore Road, Hadley, New York; (12) Saratoga County Sewer District No. 1 Wastewater Treatment Plant at Routes 4 and 32, Town of Halfmoon, New York; and (13) all County buildings at the Saratoga County Airport at 405 Greenfield Avenue, Town of Milton, New York.

D. “Police Officer” shall be defined as set forth in paragraph 34 of Section 1.20 of the New York State Criminal Procedure Law.

E. “Peace Officer” shall be defined as set forth in Section 2.10 of the New York State Criminal Procedure Law.

**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;
- (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 employee who works at the County Airport or an employee of the Fixed Based Operator at the County Airport who is authorized by State or Federal license or permit 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
- (5) A person who is the holder of a valid permit to carry a concealed weapon on their person.

**SECTION 6. Signs.** The County Commissioner of Public Works or his agent, employee or designee shall post, on walls, windows or other locations as the Commissioner 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. VIOLATORS WILL BE PROSECUTED.

**SECTION 7. Penalties.**

A. Unless excepted from application of this local law, any person who, in disobedience of a sign or directive from a County official or his or her agent, employee or designee, 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 of Supervisors, 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 of Supervisors 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.