

RESOLUTION
City of Pikeville Exposition Center Corporation

REGARDING THE POSSESSION OF WEAPONS ON CITY OWNED, LEASED OR OTHERWISE CONTROLLED PROPERTY; THE POSTING OF CITY PROPERTY SUBJECT TO WEAPONS PROHIBITION OR RESTRICTIONS AND VIOLATIONS THEREFORE.

WHEREAS, The Commission of the City of Pikeville has adopted an amended ordinance regarding the possession of weapons on City owned, leased or otherwise controlled properties and the City of Pikeville Exposition Center Corporation desires to comply with the same.

WHEREAS, KRS 237.110 provides for the licensing and possession of concealed deadly weapons within this Commonwealth and the City of Pikeville Exposition Center Corporation recognizes the adoption of KRS 237.110 and it is the intention of the City of Pikeville Exposition Center Corporation to comply and enforce the provisions thereof with respect to unauthorized caring and possession of concealed deadly weapons with in the City of Pikeville Exposition Center Corporation;

WHEREAS, KRS 237.110(16) provides that except as provided in KRS 527.020, no license issued pursuant to this section shall authorize any person to carry a concealed firearm into:

- (a) Any police station or sheriff's office;
- (b) Any detention facility, prison, or jail;
- (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court proceeding;
- (d) Any meeting of the governing body of a county, municipality, or special district; or any meeting of the General Assembly or a committee of the General Assembly, except that nothing in this section shall preclude a member of the body, holding a concealed deadly weapon license, from carrying a concealed deadly weapon at a meeting of the body of which he or she is a member;
- (e) Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;
- (f) Any elementary or secondary school facility without the consent of school authorities as provided in KRS 527.070, any child-caring facility as defined in KRS 199.011, any day-care center as defined in KRS 199.894, or any certified family child-care home as defined in KRS 199.8982, except however, any owner of a certified child-care home may carry a concealed firearm into the owner's residence used as a certified child-care home;
- (g) An area of an airport to which access is controlled by the inspection of persons and property; or
- (h) Any place where the carrying of firearms is prohibited by federal law;

WHEREAS, KRS 527.070 makes it unlawful to possess a weapon on school property, open or concealed. School property is defined so to include property used or operated by the Board of Education. Certain property owned by the City of Pikeville, including the Hambley Athletic Center and portions of the Bob Amos Park are subject to a Use Agreement with the Pikeville Independent School Board for use by its students.

WHEREAS, KRS 527.020(8) provides that no person or organization, public or private shall prohibit a person from keeping a firearm or ammunition in a vehicle and KRS 527.020(4) that no person or organization, public or private shall prohibit a person who is licensed to carry a concealed firearm from keeping a firearm or ammunition in a vehicle

WHEREAS, KRS 237.115 (2) provides that the legislative body of a city may by ordinance prohibit or limit the carrying of concealed deadly weapons in that portion of a building owned, leased, or controlled by that unit of government except any building used for public housing by private persons, highway rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of deadly weapons.

WHEREAS, Kentucky House Bill 153 created a new section of KRS 237 adopting a provision prohibiting cities and their law enforcement officers, employee of a law enforcement agency, public agency, public official, employee of a public agency, or employee of a local government from enforcing, assisting in the enforcement of, or otherwise cooperate in the enforcement of a federal ban on firearms, ammunition, or firearm accessories, and shall not participate in any federal enforcement action implementing a federal ban on firearms, ammunition, or firearm accessories nor shall they expend public funds or allocate resources for the enforcement of a federal ban on firearms, ammunition, or firearm accessories that existed on January 1, 2021 or adopted thereafter.

WHEREAS, KRS 65.870 provides that no City may occupy any part of the field of regulation of the manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying, storage, or transportation of firearms, ammunition, components of firearms, components of ammunition, firearm accessories, or combination thereof effectively limited the right of a City to control firearms, except as permitted by KRS 237.115.

WHEREAS, 18 U.S.C. Section 922(q)(2)(A) states “It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows or has reasonable cause to believe is a school zone.” 18 U.S.C. Section 921(a)(25) states “The term “school zone” means – (A) in, or on the grounds of, a public parochial or private school; or (B) within a distance of one thousand feet from the grounds of a public, parochial or private school.” 18 U.S.C. Section 921 (a)(26) states, “The term “school” means a school which provides elementary or secondary education as determined under state law.” 18 U.S.C. 921 Sec. 1702(b)(5) states “Gun-Free Zone Signs – Federal, State and Local authorities are encouraged to cause signs to be posted around school zones giving warning of prohibitions of the possession of fire arms in a school zone.” However, the Kentucky Court of Appeal in its opinion rendered in *KENTUCKY CONCEALED CARRY COALITION, INC V. CITY OF PIKEVILLE, ET AL*, No. 2020 -CA-0437-MR dated 12-3-2021 (reversed by the KY Supreme Court on other grounds) held that the 1,000 foot prohibition of weapons within a School Zone is not applicable to persons holding a valid Kentucky Conceal Carry Permit.

WHEREAS, Parties occasionally enter into lease agreement, contract and license agreements with City of Pikeville Exposition Center Corporation for the use and possession of certain properties leased by the City of Pikeville Exposition Center Corporation for private events and desire to prohibit or restrict the use, carrying and possession of deadly weapon at their events. The Kentucky Court of Appeal in its opinion rendered in *KENTUCKY CONCEALED CARRY COALITION, INC V. CITY OF PIKEVILLE, ET AL*, No. 2020 -CA-0437-MR dated 12-3-2021 (reversed by the KY Supreme Court on other grounds) held that “renters at the Expo Center have the right to dictate whether their guest are permitted to carry weapons while attending such renter’s event and to otherwise control the renter’s security at its events.”

Be it resolved by the Board of Directors of the Corporation that the Articles of Incorporation shall be amended to provide as follows:

(A) It shall be unlawful to enter into a places in which a concealed firearm is prohibited pursuant to KRS 237.110(16);

(B) It shall be unlawful to enter into or upon any building owned, leased or occupied by the City of Pikeville or its agencies by a licensee carrying a concealed deadly weapon pursuant to a license granted in KRS 237.110 except buildings used for public housing by private persons, highway rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of Pikeville.

(C) The areas owned, leased or occupied by the City of Pikeville or its agencies in which the carrying of concealed deadly weapons is prohibited hereunder shall be clearly identified by signs posted at the entrance to the restricted area.

(D) Nothing contained in this subchapter shall prohibit the carrying of concealed deadly weapons by a peace officer as described in Kentucky Revised Statutes.

(E) The City of Pikeville Exposition Center Corporation may enter into leases, agreements, contracts and license agreements with parties for the use and possession of the City of Pikeville Exposition Center Corporation properties for private events and if the party seeking possession of the premises desires to prohibit or restrict the use, carrying and possession of deadly weapon at their events, the City of Pikeville Exposition Center Corporation will honor the request during the private event.

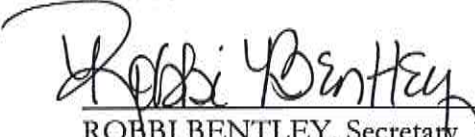
(F) Properties of the City of Pikeville Exposition Center Corporation within a "school zone" as the same is defined in 18 U.S.C. Section 921(a)(25) maybe subject to the posting of signs to be posted around "school zones" giving warning of prohibitions of the possession of fire arms in a school zone provided for in 18 U.S.C. Section 922(q)(2)(A).

Adopted this 12th day of June, 2023.



JAMES A. CARTER, CHAIRMAN

ATTEST:



ROBBI BENTLEY, Secretary