



VILLAGE OF CORRALES

RESOLUTION NO. 12-032

A RESOLUTION TO PROHIBIT THE CARRYING, DISPLAY OR USE OF FIREARMS ON SPECIFIED PROPERTIES OF THE VILLAGE OF CORRALES; PROVIDING FOR EXCEPTIONS; AUTHORIZING THE POSTING OF NOTICE ON THE SPECIFIED PROPERTIES WHERE FIREARMS ARE PROHIBITED.

WHEREAS, the Second Amendment of the United States Constitution states: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”; and

WHEREAS, Article II, Section 6 of the Constitution of the State of New Mexico states: “No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms”; and

WHEREAS, the Concealed Handgun Carry Act, Section 29-19-1 *et seq.*, NMSA 1978, provides that concealed handguns may be carried by persons having a valid license issued by the New Mexico Department of Public Safety in accordance with the provisions of that Act; and

WHEREAS, the Village Council, the governing body of the Village of Corrales (the “Governing Body”) recognizes and acknowledges the right to keep and bear arms as provided in the foregoing constitutional provisions and the Concealed Handgun Carry Act; and

WHEREAS, notwithstanding the general constitutional right to keep and bear arms, such right is not absolute in all times and places, and the carrying of firearms into certain locations such as, for example, establishments that serve alcoholic beverages, courts and other government buildings, may be prohibited by appropriate legislative action; and

WHEREAS, as an incident of land ownership the owner of lands in the State of New Mexico may post such lands and prohibit or regulate the activities allowed on such lands, and in particular may prohibit such activities as hunting and fishing, and may regulate the carrying of weapons or implements that are used in such activities; and

WHEREAS, the presence of openly armed individuals, particularly those carrying firearms, is likely to cause serious apprehension or intimidation among the peaceable, unarmed residents of the Village and among the visitors to and users of public facilities, particularly those facilities such as public parks, the recreation center and public offices

where children are frequently present and family-oriented activities are encouraged and commonly occur; and

WHEREAS, on June 17, 2012 there was an incident in which an individual carrying multiple firearms appeared at a family-oriented Father's Day event at La Entrada Park, causing reasonable concern among participants for the safety of themselves and their family members; and

WHEREAS, the Governing Body finds that the visitors to and users of facilities owned and operated by the Village of Corrales, including specifically visitors to and users of the Village Offices, the Municipal Court and Council Chambers, the Senior Center, the Community Center, the Corrales Community Library, Old San Ysidro Church, the Recreation Center, La Entrada Park, Salce Park, the Fire Station and the Fire Substation, should not have cause to feel apprehensive, threatened or intimidated because of persons carrying firearms at those facilities; and

WHEREAS, the imposition by the Village of reasonable regulations and limitations on the carrying of firearms on public properties of the Village does not impair the general constitutional right of the citizens to keep and bear arms for lawful hunting, recreational use, and personal protection; and

WHEREAS, the Village as a landowner may regulate or prohibit the possession and use of firearms on Village-owned properties, and may enforce its regulations upon the due posting of notice regarding such regulations as required by law; and

WHEREAS, the Governing Body finds that the carrying of firearms on Village-owned properties, as hereinafter set forth, is a reasonable and permissible limitation on the general right of the people to keep and bear arms, is necessary for the public safety, convenience and general welfare, and is fully consistent with applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE VILLAGE OF CORRALES THAT:

1. **Prohibition of Firearms.** Except as otherwise specifically provided in this Resolution, the possession, carrying and use of firearms at, within, and on the premises of the following Village facilities is **PROHIBITED**: The Village Offices, the Municipal Court and Council Chambers, the Senior Center, the Community Center, the Corrales Community Library, Old San Ysidro Church, the Recreation Center, La Entrada Park, Salce Park, the Fire Station and the Fire Substation.

2. **Exceptions.** The prohibition upon the possession, carrying and use of firearms at, within, and on the premises of Village facilities shall be subject to the following specific exceptions, which shall be strictly construed:

(a) Peace officers of the Village and all other New Mexico jurisdictions may possess, carry and display firearms at all times.

(b) Persons having a valid concealed handgun license issued under the New Mexico Concealed Handgun Carry Act may carry a concealed handgun in accordance with the provisions of that Act; provided, however, that this provision shall not be construed to permit the carrying of a concealed handgun or any other firearm in the Municipal Court and Council Chambers, such license not being valid in that facility pursuant to Section 29-19-11, NMSA 1978.

(c) The possession of an unloaded firearm within a motor vehicle on Village premises is permitted, provided that the vehicle is legally operated in accordance with all applicable laws, rules and regulations, and provided further that the vehicle is securely locked at all times when the operator is not present in the vehicle. This provision shall not be deemed to permit the removal of the firearm from the vehicle or having a loaded firearm in a vehicle at any time while such vehicle is located on the premises of a Village facility where such firearm is prohibited.

(d) Firearms may be permitted in certain Village facilities, such as but not limited to public parks, upon specific application and approval by resolution of the Governing Body of the Village, for special events such as historical reenactments, antique firearms displays, military units participating in parades, and similar events.

3. **Posting of Notice.** The administration shall cause signs stating “FIREARMS PROHIBITED” and containing a citation to this Resolution to be erected at all vehicular entrances, at the main public entrances to each building and at other prominent locations as necessary, at each Village facility designated in Section 1 hereof. Each such sign shall be no less than 144 square inches in area and shall be so situated as to be clearly visible to persons entering the premises.

4. **Definitions.** For purposes of this Resolution, the following terms shall have the meaning indicated, unless another meaning is clearly required by context:

“Firearm” means any weapon that will, is designed to or may readily be converted to expel a projectile by the action of an explosion, or the frame or receiver of any such weapon. “Firearm” includes any handgun, rifle or shotgun.

“Handgun” means a firearm that will, is designed to or may readily be converted to expel a projectile by the action of an explosion and the barrel length of which, not including a revolving, detachable or magazine breech, does not exceed twelve inches.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Resolution be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution. The Governing Body of the Village of Corrales hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections,

subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 14th day of August, 2012.

APPROVED:

The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:

Juan J. Reyes
Village Clerk

FAILED