

City of Salem, Massachusetts



**"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and**

**City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on Ordinances, Licenses and Legal Affairs Co-Posted with the Committee of the Whole met in the Council Chamber on September 22, 2022 at 6:00 P.M. for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on September 20, 2022 at 8:52 A.M. (This meeting is being recorded)

**ATTENDANCE**

**ABSENT WERE:** None. Also in attendance; Entire Committee of the Whole (C McClain Remote); Assistant City Solicitor Victoria Caldwell

**SUBJECT(S)**

# 553 Ordinance to regulate weapons in City Buildings New Ordinance Ch. 2 Sec 1532

C Riccardi opened the meeting at 6:03 pm and provided a recap that this had first passage at our last council meeting, and will be at the October meeting under unfinished business. The committee meeting is to provide time to discuss some questions that arose from this ordinance. Ordinance in front of us:

**SECTION 1.** A new section of the City of Salem Code of Ordinances, Chapter II-Administration, Article IX. - Public Property, Division 1, Section 2-1532, Regulation of Weapons in Public Buildings is hereby enacted as follows:

"Section 2-1532. Possession of Weapons in City Buildings

No person, other than a sworn officer of the Commonwealth, a member of the military service on active duty or a sworn municipal or county public safety official having a license to carry firearms, shall in any part of City Hall or other municipal buildings, have possession of any dangerous weapon, which term shall include any firearm, and any item described in paragraphs (b) or (c) of Section 10 of Chapter 269 of the General Laws, unless authorized by the Director of Public Property or the Chief of Police. Any person violating the provisions hereof shall be punished by a fine of two hundred (\$200.00) dollars"

**SECTION 2.**

This ordinance shall take effect as provided by City Charter.

C Prosniewski noted the concerns and questions that he had concerning the legality of the ord and if it conflicted with state or federal laws. He stated he was able to speak with Attny Caldwell and had his questions answered. He was still concerned about the limitations of who is allowed to carry – what about federal officers for example. Also wanted clarification on where the "line is drawn" is this just buildings, or will this be enforced in Parks and Sidewalks?

C Riccardi noted Attny Caldwell did provide additional language to include other sworn officers of the Federal Government.

C Dominquez stated he is concerned about how people will be notified. How will someone that is licensed to carry and used to visiting City Hall now know they can no longer carry? Will there be a letter?

V Caldwell noted signage will be added, but that is not part of the ordinance.

D Dominquez moves for the amendment to add "or the United States" after the word Commonwealth, seconded by C Prosniewski - 5/0 Motion Passes

No person, other than a sworn officer of the Commonwealth or the United States.

C Hapworth commented that he just read the ordinance and noticed that active duty is a little vague – do we have a definition of it? A member of the military could be active duty, but not actively on a mission with the need to carry a weapon. He thinks this should be clarified. V Caldwell stated she would be okay with an amendment to that effect as it is not specified right now.

C Varela made a motion to amend the ord to include "Performing Official Duties" after "Active Duty"; Seconded by C Cohen. 5/0 Motion passes.

"a member of the military service on active duty; performing official duties"

C McClain noted he spoke to this on the council floor that he was interested in an order of no trespass be added in addition to the fine of \$200 and wanted to hear from the Solicitor about adding language to this effect.

V Caldwell noted she would be reluctant to add language to this effect, but that there are pathways now to assign a no trespass to someone if needed, it does not need to be in the ordinance as we work with the Police Department.

C McClain asked what if this ordinance was violated with no issue, or someone that refused to follow – will there be leeway in the moment for an individual to be escorted by the police if needed. V Caldwell noted that yes, that is correct.

C Varela made a motion to add, after "\$200" "And no trespassing for a term of one year". There was no second on the motion, it was later removed.

Further discussion around increasing fines and adding No Trespass language.

C Varela removed his motion.

V Caldwell did not the fine language should include additional language: after (\$200.00) dollars: to be recovered through non-criminal disposition in accordance with Chapter 40 section 21A of the general laws of Massachusetts"."

C Cohen made a motion to include this language, 2<sup>nd</sup> by C Dominquez Hand Vote – 5/0 Motion passes

#### Public Comment

Steve Kapantis, 23 Wisteria Ave – Comments on his concerns: Adding further punishments beyond \$300 is unconstitutional. The court house has gun lockers as he has used them before with his license to carry. What will be the process for City Hall? Will people be leaving their guns in cars? Cars can be broken into. Also does not feel enforcement via signage is enough. People don't follow speed limit signs, why would someone follow this signage? If we really wanted to make a difference we should do more.

No other members of the public requested to speak.

C Varela makes a motion to send to the council with a positive recommendation for second passage, as amendment; Seconded by C Prosniewski – Hand Vote – 5/0 Motion passes

As amended:

"Section 2-1532. Possession of Weapons in City Buildings

No person, other than a sworn officer of the Commonwealth or the United States, a member of the military service on active duty; performing official duties, or a sworn municipal or county public safety official having a license to carry firearms, shall in any part of City Hall or other municipal buildings, have possession of any dangerous weapon, which term shall include any firearm, and any item described in paragraphs (b) or (c) of Section 10 of Chapter 269 of the General Laws, unless authorized by the Director of Public Property or the Chief of Police. Any person violating the provisions hereof shall be punished by a fine of two hundred (\$200.00) dollars to be recovered through non-criminal disposition in accordance with Chapter 40 section 21A of the general laws of Massachusetts"."

#### SECTION 2.

This ordinance shall take effect as provided by City Charter.

On the motion of C. Cohen the meeting adjourned at 6:42 P.M.



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(Chairperson)