

CITY OF

Belle Meade

T E N N E S S E E



March 25, 2010[®]

COMMISSIONERS:

Gray O. Thornburg, *Mayor*
James V. Hunt, Sr., *Vice Mayor*
Cathy Altenbern
Thomas F. Corcoran
George W. Crook

Dear Belle Meade Residents:

We write to dispel some unfounded rumors regarding the effect of the Commission's proposed Ordinance 2010-2, amending section 11-602 in the BM City Code. Contrary to those rumors, the amendment does NOT prohibit legally carrying a gun in Belle Meade. The amendment does delete an abhorrent Civil War era provision, long since deleted from Tennessee law, which allowed a person to openly carry a specific type of loaded handgun in his or her hand.

Like the State of Tennessee, the City of Belle Meade has an ordinance making it a crime to carry a gun with the "intent to go armed" that draws its historical precedents from Tennessee law. Like the State of Tennessee, the City of Belle Meade recognizes legally issued gun permits. Unlike the State of Tennessee, the ordinance in the City of Belle Meade allows a person to carry an *"army or navy pistol which shall be carried openly in the hand."* Upon our information gathering and education, we learned that this language in the ordinance is a holdover from the Reconstruction Era when there was intent to restrict black freedmen from owning handguns because principally white men owned the Army and Navy pistols used in the Civil War. This phrase was removed from Tennessee law in 1989 but our ordinance was not amended at that time, doubtless because it had never attracted any attention in our city.

The Commissioners became aware of the specific language of this ordinance in January after an individual walked down Belle Meade Blvd carrying a loaded, Civil War era Navy pistol in his hand. A resident reported the man, he was questioned by the police and he defended his actions with an explanation that, basically, he was taking advantage of existing Belle Meade ordinances. This is the same individual who recently took a walk through Radnor Lake carrying a pistol-gripped AK-47 for the similar purpose of testing existing laws. This is an individual who has exhibited a pattern of behavior that has attracted media and law enforcement attention, and has filed a federal court lawsuit because he was stopped in Radnor Lake by park police.

We as a Commission strongly and firmly oppose any laws based in discrimination and apologize for this language remaining in our ordinance until 2010. It is this phrase *"except for the army or navy pistol which shall be carried openly in the hand"* that was proposed to be eliminated. The existing ordinance and the proposed amended ordinance are attached.

Once the rumors and emails were circulated, we realized that without some background and legal context, the amended ordinance was not as clear as we wanted it to be. This is a very difficult area of the law in which whatever steps we take will result in some degree of uncertainty and attention. Beyond the obvious need to bring our ordinances in conformance with state law by

Letter to Residents

March 25, 2010

Page 2

deleting an abhorrent and unnecessary exception in our ordinance, our first goal is to protect the citizens of Belle Meade as best we can given the uncertainty in this area of regulation. After further discussion at the March 17, 2010 meeting, we deferred a vote on the amended ordinance in order to clarify it to address any concern that it might restrict the right to lawfully carry firearms in Belle Meade. While we may yet face other challenges in both the press and the courts, we are determined to balance the right of a citizen to bear arms with the rights of the City of Belle Meade to preserve the safety of our city.

We are happy to answer any specific questions or concerns and assure you that the City of Belle Meade has no intention to restrict the legal carry of handguns.

Bearing all this in mind, if you see any individual or situation that makes you feel uncomfortable or seems strange or unusual, do not hesitate to contact the Belle Meade Police Department. It is always better to err on the side of caution.

Thank you again.

Belle Meade Commissioners:

Mayor Gray O. Thornburg

Vice-Mayor Jim Hunt

Tom Corcoran

Cathy Altenbern

George W. Crook

ORDINANCE 2010-2

AN ORDINANCE AMENDING TITLE 11-602
OF THE BELLE MEADE MUNICIPAL CODE

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BE IT ORDAINED BY THE CITY OF BELLE MEADE, as follows:

Section 1: Title 11-602 of the ordinances of the City of Belle Meade entitled

“Weapons and firearms generally,” which currently states:

11-602. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knuckles, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties. (Ord. 71-6, § 2.12. 1987 Code, § 10-212).

Is hereby amended by deleting the phrase, “except the army or navy pistol which shall be carried openly in the hand,” so that it will read in its amended form:

11-602. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knuckles, pistol, revolver, or any other dangerous weapon or instrument. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to

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assist in the discharge of his said duties. (Ord. 71-6, § 2.12. 1987 Code, § 10-212)

Section 2. This Ordinance shall become effective fifteen days after its passage .

Passed on first reading:

February 24, 2010

Passed on Second Reading:

_____, 2010

Gray Thornburg, Mayor

Linda Berner, City Recorder