



GRASS ROOTS NORTH CAROLINA / FORUM FOR FIREARMS EDUCATION  
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October 20, 2013

Mayor Nancy McFarlane  
Post Office Box 590  
Raleigh, NC 27602

Dear Mayor McFarlane:

In its 2011-2012 Session, the North Carolina General Assembly passed House Bill 650 (S.L. 2011-268), which restricted the ability of municipalities to prohibit the lawful carry of concealed handguns in parks to a limited number of "recreational facilities." In 2013, the legislature passed House Bill 937 (S.L. 2013-369), which further narrowed the definition of recreational facilities as follows:

- (c) *For purposes of this section, the term "recreational facilities" includes only the following: a playground, an athletic field, a swimming pool, and an athletic facility.*
- (1) *An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the municipality or county office responsible for operation of the park or recreational area.*
- (2) *A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.*
- (3) *A facility used for athletic events, including, but not limited to, a gymnasium.*
- (d) *For the purposes of this section, the term "recreational facilities" does not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for such use, open areas or fields where athletic events may occur unless the area qualifies as an "athletic field" pursuant to subdivision (1) of subsection (c) of this section, and any other area that is not specifically described in subsection (c) of this section.*

Throughout all of this, Raleigh has kept its signs prohibiting ***all*** concealed carry in parks, even after I and numerous other people pointed out that the ordinance is now in contravention of state law. According to Raleigh parks director Diane B. Sauer, "Due to costs associated with and the potential of this coming up again, we are not going to replace all signs at once. As signs are replaced (age or damage) or new signs are added, we will include updated information."

In response to a query by a citizen, city attorney Thomas A. McCormick said: "I am not familiar with the signs you mention but it is the intent of the city to fully comply with the state law." As evidenced by the attached photos, however, (and I have many more), ***Raleigh has made no effort to comply with state law.***

The imposition of a local gun law or regulation more stringent than state law is a violation of § 14-409.40 ("Statewide uniformity of local regulation"). Whether or not Raleigh wants to spend the money necessary to remove or replace signs prohibiting lawful concealed carry in parks is irrelevant. If

you do not remove the signs, legal action will follow. Please note that under § 6-21.7 ("Attorneys' fees; cities or counties acting outside the scope of their authority"), we will also seek to recover associated legal fees.

I can be reached directly at (704) 907-9206. To prevent further action, look forward to your prompt reply within five (5) business days.

Respectfully,

A handwritten signature in black ink, appearing to read "F. Paul Valone". The signature is written in a cursive style with a large initial "F" and "V".

F. Paul Valone  
President, Grass Roots North Carolina  
Executive Director, Rights Watch International