

February 11, 2025

VIA EMAIL

Jim Rupert  
Town Administrator  
Town of Bolton  
222 Bolton Center Road  
Bolton, CT 06043

Re: Excluding Weapons from Public Places  
Opinion No. 248

Dear Jim:

Under date of February 6, 2025, you indicated that Selectman Amanda Gordon had written the following:

It is my understanding in that private employers in CT can implement policies and procedures related to bringing weapons to work. My question is that as a "public" employer where many of our places of work are "public" do we have that same right to implement policy? I am thinking the answer is yes because they do it for state departments which would be similar in nature, but I would like to get his input.

In response to this inquiry, I reviewed prior opinions written by the undersigned, I've consulted other attorneys in the municipal law department of our firm, have researched the Connecticut General Statutes and reviewed the Mansfield Town Ordinance regarding weapons on town owned public property. It seems that Selectman Gordon's inquiry focuses primarily on the employer/employee relationship. I also considered the issue on whether the Town can implement restrictions on the public bringing weapons on Town-owned premises.

With regard to the question of whether or not the Town of Bolton as an employer can establish a prohibition against employees bringing weapons to work or on public property or in public vehicles, I believe that is clearly within the rights of Bolton as an employer. This could be addressed by an amendment to Bolton's personnel rules which I have not reviewed in connection with this question. I did review the Collective Bargaining Agreement between the Town and Local 1303-126 regarding Town highway workers. It is silent as to the weapons issue and does not make reference to, or incorporate by reference, Bolton's personnel rules. Therefore, it is unknown to me whether or not the issue is addressed in such rules. Since Selectman Gordon is raising the issue, I would assume it is not.

To the question of whether or not Bolton could prevent the public from bringing weapons on Town property, I believe that question would be more properly addressed by an ordinance. Mansfield, in Section 124-1 of its Ordinances has prohibited persons from possessing firearms, air guns, air refills, crossbows, longbows or archery equipment, or any other dangerous weapon in Town-owned buildings or on Town-owned real property. The ordinance does permit the lawful possession of these instruments of harm on sidewalks, roads, highways and streets within the Town. Additionally, those instruments of harm may be permitted within a locked vehicle. The ordinance provides for a violation to be punishable of a fine of not more than \$100.

As discussed in prior opinions of the undersigned, I have reviewed the question of whether or not it is in the Town's interest to adapt an ordinance which would assess fines for violation thereof. To date, the Town has not decided to adopt ordinances with such enforcement provisions inasmuch as Section 7-152(c) of the Connecticut General Statutes requires that Bolton also establish by separate ordinance a citation hearing procedure.

To comply with this statute, the First Selectman would need to appoint one or more citation hearing officers whereby the person fined could contest the fine and request a hearing in lieu of paying the fine. The person requesting the hearing would be given written notice of the date, time and place for the hearing and would be able to present evidence on his or her behalf. A designated municipal official, other than the hearing officer may present evidence on behalf of the municipality.

As you can see, tagging a fine onto an ordinance requires additional governmental bureaucracy for enforcement. Bolton has considered this in the past with regard to a blight ordinance (see my Opinion 151) and a firearm ordinance (see Opinion 213) and, has concluded that it was not in the Town's best interest to get into the business of assessing fines or setting up an ordinance to provide for the hearing regarding contested fines.

Therefore, it would not be my recommendation to embark on establishing an ordinance containing a fine as an enforcement provision since it creates the concomitant necessity of creating the separate ordinance regarding enforcement and hearing procedures. Alternatively, the Selectmen could choose to adapt a policy addressing the issue and encourage compliance with signage, pronouncements, etc.

If you require anything further in connection with this matter, please so advise.

Mr. Jim Rupert  
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Best regards.

Sincerely,

*Richard L. Barger*

Richard L. Barger

RLB/hjw