

ORDINANCE No. 8-1-20

**AN ORDINANCE REGULATING
OPEN AND CONCEALED FIREARMS AND WEAPONS**

The Common Council of the City of Owen, Wisconsin, do ordain as follows:

SECTION I. REPEAL OF PROVISIONS; ADOPTION OF NEW PROVISIONS.

Section 8-1-20 of the City of Owen Code of Ordinances is created to read as follows; all prior conflicting ordinances are repealed:

Sec. 8-1-20 Open and Concealed Firearms and Dangerous Weapons.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Dangerous Weapon.** Any firearm, whether loaded or unloaded; any device designed as a weapon capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon as defined in Sec. 941.295(1c)(a), Wis. Stats.; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. [Sec. 939.22, Wis. Stats.].
 - (2) **Electric Weapon.** Any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current. [Sec. 941.295(1c)(a), Wis. Stats.].
 - (3) **Firearm.** A weapon that acts by force of gunpowder.
 - (4) **Handgun.** True handguns designed to be fired one-handed, and does not include machine guns, rifles or shotguns. [Sec. 175.60(1)(bm), Wis. Stats.].
 - (5) **Law Enforcement Officer.** Any person employed by the State of Wisconsin, or any political subdivision of this State, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws and/or ordinances he/she is employed to enforce.

- (6) **Qualified Out-of-State Law Enforcement Officer.** For purposes of this Section, a law enforcement officer to whom all of the following apply:
- a. The person is employed by a state or local government agency in another state;
 - b. The agency has authorized the officer to carry a firearm;
 - c. The officer is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority;
 - d. The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm; and
 - e. The person is not prohibited under federal law from possessing a firearm.

(b) **Firearms and Dangerous Weapons Regulations.**

- (1) **Concealed Carry License/Permit Requirement.** Except as provided in Subsection (b)(3) below, no person shall carry on his or her person any concealed firearm(s) or other dangerous weapon(s) unless a valid license/permit as designated under Sec. 175.60, Wis. Stats., has been duly issued. The weapons that are eligible to be carried while concealed are: handguns; electric weapons; knives except switch-blades; and billy clubs.
- (2) **Carrying Prohibited in Designated Municipal Buildings.** In addition to the provisions of Sec. 175.60, Wis. Stats., enumerating places where the open or concealed carrying of a firearm or dangerous weapon is prohibited, including exceptions thereto, it shall be unlawful for any person to enter and/or remain in the following municipal buildings in the City of Owen while carrying a dangerous weapon or a firearm:
 - a. Owen City Hall.
 - b. City of Owen Dept. of Public Works Building.
 - c. Owen-Withee-Curtiss Fire Department Station.
 - d. Owen Public Library.
 - e. City Water Utility pumping stations and water towers.
 - f. City Wastewater Treatment Plant.
 - g. Any other duly posted City of Owen building or structure.
- (3) **Law Enforcement and Military Personnel Exceptions.** Subsections (b)(1) and (2) above do not apply to:
 - a. A sworn law enforcement officer as defined in Sec. 175.60, Wis. Stats.
 - b. A former law enforcement officer who satisfied all of the following requirements:
 1. The former officer has been issued a photographic identification document or identification or certification card;
 2. The weapon carried is a firearm that is of the type described in the identification document; and
 3. Within the preceding twelve (12) months, the former officer met the standards of the state in which he/she resides for

training and qualification for active duty law enforcement officers to carry firearms.

- c. A qualified out-of-state law enforcement officer, but only if the weapon is a firearm but is not a machine gun or destructive device; the officer is not carrying a firearm silencer; and the officer is not under the influence of an intoxicant.
 - d. Armed forces personnel acting in the line of duty.
- (4) **Signage.** Signs meeting the requirements of Sec. 943.13(2)(bm)1, Wis. Stats., shall be posted in prominent locations near all entrances of such buildings/places indicated that possession of a firearm in that building or place is prohibited.
- (5) **Miscellaneous Regulations.**
- a. No person may carry any open or concealed firearm or dangerous weapon onto school property or within one thousand (1,000) feet of a school.
 - b. No person may carry any open or concealed firearm or dangerous weapon into any courtroom while in session.
 - c. No person may enter or remain in a public building which is properly signed and while in possession of any open or concealed firearm or dangerous weapon.
 - d. No person may carry any open or concealed firearm or dangerous weapon into a private business which is properly signed.
 - e. No person may carry any open or concealed firearm or dangerous weapon into any community-type event which lasts no longer than three (3) weeks, has controlled access points which are properly signed, and for which admission is charged.
 - f. No person may carry any open or concealed firearm or dangerous weapon into any establishment that serves alcohol for consumption on the premises and that person partakes in such consumption.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. Effective Date.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 13th day of September, 2011.

CITY OF OWEN, WISCONSIN

Stephen M. Heggemeier
Mayor

Sarah Ernest
City Clerk-Treasurer

Published and/or Posted: Sept. 21, 2011