



**Meeting:** Village Board  
**Meeting Date:** 10/24/11  
**Agenda Item:** 6b

**Mission Statement**

Delivering quality services in a courteous, cost-effective and efficient manner.

---

## VILLAGE BOARD MEETING STAFF REPORT

---

**REPORT TO:** Burt R. McIntyre, President  
Village Board of Trustees

**REPORT FROM:** Paul F. Evert, Village Administrator

**AGENDA ITEM:** Review and take action on Ordinance 2011-20, amending the current ordinance regarding concealed weapons to be consistent with state law and prohibiting concealed carry within the Village Hall and Public Safety complex and otherwise.

**ACTION REQUESTED:**  Ordinance  Resolution  Motion  Receive/File

---

### POLICY ISSUE

Does the Village Board wish to take any action relating to the state concealed carry law?

### BACKGROUND INFORMATION

On November 1, 2011 Wisconsin's new "concealed carry law" becomes effective. The new law creates the right of individuals to carry properly licensed concealed weapons onto property unless specifically prohibited by the owner of the property.

The new law also prohibits specifically the carrying of concealed or unconcealed weapons into or within a law enforcement facility, a jail, secured mental health facility, a courthouse **(including areas used as municipal courts while in session)** and anywhere beyond the security checkpoint at an airport. These prohibitions do not apply to vehicles driven or parked at such locations.

While reviewing the current ordinance I have concluded that it should be modified as it currently exists because it violates the state's Open Carry law. In addition, changes are needed so it does not conflict with the state's new Concealed Carry law on November 1, 2011. The ordinance as it is currently written is section 24-69 and provides:

**- Use of firearms and other dangerous weapons prohibited.**

No person shall have in his possession, except within his own domicile, or carry, use or discharge any firearm or other dangerous **weapon** within the village. It shall be unlawful for any center fire rifle to be discharged in the village and the exceptions set forth in section 24-70 do not apply to the discharge for any center fire rifle.

Due to the current ordinance being more restrictive than state law, I am attaching a revised ordinance.

The new law does give the owner or occupant of a public or private building, a landowner or occupier, or special event organizer the ability to give notice orally, in writing or by posted notice that firearms are not allowed on the premises. This notice prohibition specifically does not apply if a firearm is in a vehicle driven or parked in a parking facility, or to any part of the building, ground or lands used as a parking facility. In addition to the parking area exception, **the notice prohibitions do not apply (and conceal and carry by licensees is therefore allowed) on private and public college and university campus grounds as well as city and state parks** and other public grounds, and notice prohibiting firearms can be oral, in writing, or by posted notice. The posted notice must be at least five inches by seven inches, and must notify individuals not to enter or to remain in part of the building with a firearm, and must be posted in a prominent place near all of the entrances to the part of the building to which restrictions apply, and any individual entering the building can be reasonably expected to see the sign.

At the Oct. 10 Village Board meeting, staff was directed to draft an ordinance that would prohibit the possession of concealed weapons at the Village Hall and Public Safety Building on Glendale Avenue. Legally carried concealed weapons would be allowed at all other Village buildings. The provision prohibiting concealed carry at the Village Hall and Public Safety Building on Glendale Avenue is also contained in the revised ordinance.

#### **RECOMMENDED ACTION**

Village staff recommends that the Village Board approve Ordinance 2011-20.

If the Village Board agrees with this action, the following motion could be used, ***“Motion to approve Ordinance 2011-20, amending the current ordinance regarding concealed weapons to be consistent with state law and prohibiting concealed carry with the Village Hall and Public Safety complex and otherwise.”***

#### **POLICY ALTERNATIVE(S)**

The Village Board could take the following actions:

- Approve Ordinance 2011-20 as written
- Approve the ordinance in part by deleting the language that prohibits concealed carry at the Village Hall and Public Safety complex
- Deny the ordinance, which would result in noncompliance with state open carry and concealed carry laws
- Request additional information

#### **ATTACHED INFORMATION**

- I. Ordinance 2011-20

#### **COPIES FORWARDED TO:**

- I. None

**ORDINANCE NO. 2011-20**

**AN ORDINANCE AMENDING SECTION 24-67 DEFINITIONS, REPEALING AND RECREATING SECTIONS 24-69 OF THE HOWARD MUNICIPAL CODE REGARDING THE USE OF FIREARMS AND OTHER DANGEROUS WEAPONS PROHIBITED AND REPEALING SECTIONS 24-103 DEFINITIONS, 24-104 PROHIBITED, AND 24-105 ENFORCEMENT**

**WHEREAS** the recent changes by the state legislature allowing citizens to possess concealed weapons has caused staff to review the Village Ordinance regarding the use and possession of firearms and other dangerous weapons; and

**WHEREAS** the Village Board of the Village of Howard desires to recreate its current ordinance regarding the use and possession of firearms and other dangerous weapons so it is not in conflict with state law regarding both the rights of citizens to openly carry firearms and carry concealed weapons;

**NOW THEREFORE** the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that Section 24-67 (Definitions) is amended, Section 24-69 (Use of firearms and other dangerous weapons prohibited) is repealed in its entirety and recreated as follows and Sections 24-103 (Definitions), 24-104 (Prohibited) and 24-105 (Enforcement) are repealed in their entirety:

**SECTION 1. Sec. 24-67 Definitions** is hereby amended as follows:

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Firearm* means a weapon ~~that acts by force of gunpowder which expels a missile by the explosive force of gun powder, compressed air or compressed gas.~~

*Law Enforcement* means 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 or ordinances he or she is employed to enforce.

*Other dangerous weapon* means and includes ~~bow and arrow, crossbow, slingshot, blowgun, brass knuckles, bowie-type knife and other similar weapons.~~

*Weapon* means a handgun, an electronic weapon as defined at Wis. Stats. §941.295, a knife other than a switchblade under Wis. Stats. §941.24, or a billy club.

**SECTION 2. Sec. 24-69 Use of firearms and other dangerous weapons prohibited** is repealed, retitled, and recreated as follows:

**Use of firearms and other weapons prohibited**

- (a) Discharge of firearms within the village limits. Except as provided for in section 24-70, no person, except an authorized police officer, shall discharge, or cause to be discharged, any firearm within the village limits as defined in this section. It shall be unlawful for any center fire rifle to be discharged in the Village and the exceptions set forth in section 24-70 do not apply to the discharge for any center fire rifle.
- (b) Weapons other than firearms. No person shall carry or have under his control any rifle, pellet gun, BB gun, slingshot or other weapon other than a firearm, as defined above, that projects any type of missile in public while such weapon is loaded or uncased or uncovered.
- (c) Except as provided for in section 24-70, no person shall discharge, or cause to be discharged, any weapon as defined herein within the village limits as defined in this section.
- (d) In addition to the provisions of Wis. Stats. §175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer, firefighter or emergency medical personnel to enter the following city municipal buildings while carrying a weapon or a firearm:
  - (1) Village Hall and Public Safety Building, located at 2456 Glendale Avenue.
    - a. Signs meeting the requirements of Wis. Stats. §943.13(2)(bm)1 shall be posted in prominent places near all entrances of such buildings regarding such restrictions.
    - b. Any person who enters or remains in any aforementioned municipal building contrary to such signage shall be considered a trespasser subject to penalty as proscribed under Section 24-68 of this code.

**SECTION 3.** Section 24-103 Definitions, Section 24-104 Prohibited, and Section 24-105 Enforcement are repealed and reserved for future use.

**SECTION 4.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 5.** This ordinance shall take effect upon its adoption and publication.

Approved this 24th day of October, 2011.

\_\_\_\_\_  
BURT R. McINTYRE, Village President

\_\_\_\_\_  
CHRISTOPHER A. HALTOM, Village Clerk

Date of publication: Oct. 28, 2011