

Ordinance 06-13

To revise, repeal, or create ordinances in Chapter 30, Cemeteries, Article I. - In General; Chapter 66, Offenses, Article III. - Possession or Discharge of Weaponry, Article VI. - Trespass; and Chapter 70, Parks, Recreation, and Cultural Services, Article III. - Parks and Recreation Areas, of the general ordinances of the City of Racine, Racine County, Wisconsin relating to prohibiting weapons in the City of Racine and City of Racine municipal buildings.

Part 1: Section (a) Firearms in Section 30-6 - Rules of conduct; of the Municipal Code of the City of Racine is hereby repealed.

Part 2: Portions of the table in Sec. 66-3(b). - Payment of forfeiture in lieu of court appearance, of the Municipal Code of the City of Racine is hereby amended, recreated or repealed as follows:

Section 66-57 is hereby recreated as follows: “66-57(a) Illegal carrying concealed weapon”

Section 66-57(b) is hereby created as follows: “Licensee carrying concealed weapon without proper identification” Forfeiture amount is “25.00.”

Section 66-60 Display of firearms is hereby repealed in its entirety.

Section 66-138 is hereby created as follows: “Trespass with firearm or dangerous weapon” Forfeiture amount is “325.00.”

Part 3: The definition of Bona fide peace officer in Section 66-56. - Definitions, of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Bona fide peace officer means any person specifically employed as a law enforcement officer as defined by sec. 165.85(2)(c), Wisconsin Statutes.”

Part 4: Dangerous weapon in Section 66-56. - Definitions, of the Municipal Code of the City of Racine, is hereby recreated to be “Dangerous weapon and weapon” with the rest of the definition remaining the same.

Part 5: Section 66-56. - Definitions, of the Municipal Code of the City of Racine is hereby amended to add the following definitions:

“Carry means to go armed with.

Conceal and concealed means to hide or be hidden from ordinary observation.

Firearm shall mean all weapons that act by force of gunpowder within the scope of sec.167.31(1)(c), Wisconsin Statutes.

Licensed, licensed person, or licensee means a person who holds a valid license to carry a concealed weapon under sec. 175.60, Wisconsin Statutes.

Nonresidential building means buildings not containing residences, and also includes a nursing home, a community-based residential facility, a residential care apartment complex, an adult family home, and a hospice.

Residence, with respect to a single-family residence, includes the residence building and the parcel of land upon which the residence building is located. If a residence is not a single-family residence, residence does not include any common area of the building in which the residence is located or any common areas on the rest of the parcel of land upon which the residence building is located.

Sign, signs, and signed shall refer to written information that provides notice as set forth in sec. 943.13(2), Wisconsin Statutes.

Special event shall mean an event that is open to the public, is for a duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission, and as set forth in sec. 943.13(1e)(h), Wisconsin Statutes.

Structure shall have the meaning as set forth in sec. 18-26 for the Racine Code of Ordinances, to-wit: anything which is constructed, erected, and framed of component parts and which is fastened, anchored, or rests on a permanent foundation or on the ground for any occupancy or use whatsoever, excluding fencing, and any structure contemplated by, but not limited to, those enumerated and described in sec. 943.13(1m)(c)4, Wisconsin Statutes.”

Part 6: Section 66.57. - Concealed weapon of the Municipal Code of the City of Racine is hereby repealed and recreated as follows:

“(a) No person shall within the city wear or in any manner carry under his or her clothes or carry and conceal upon or about his or her person, any weapon or dangerous weapon.

(1) Exceptions. This does not apply to any of the following:

a. Bona fide peace officers. Notwithstanding sec. 939.22 (22), Wisconsin Statutes, for purposes of this subsection, bona fide peace officer does not include a commission warden who is not a state-certified commission warden.

b. A qualified out-of-state law enforcement officer, as defined in sec. 941.23(1)(g), Wisconsin Statutes, to whom sec. 941.23(2)(b)1. to 3., Wisconsin Statutes, applies.

c. A former officer, as defined in sec. 941.23(1)(c), Wisconsin Statutes, to whom sec. 941.23(2)(c)1. to 7., Wisconsin Statutes, applies.

d. A licensee, as defined in sec. 175.60(1)(d), Wisconsin Statutes, or an out-of-state licensee, as defined in sec. 175.60(1)(g), Wisconsin Statutes.

e. An individual who carries a concealed and dangerous weapon, as defined in s. 175.60(1)(j), Wisconsin Statutes, in his or her own dwelling or place of business, on land that he or she owns, leases, or legally occupies.

f. Persons who are acting in accordance with the provisions of a plan approved by the chief of police under conditions which the chief has determined require the possession and discharge of specified weapons for a particular purpose in the interest of public safety.

(b) It shall be unlawful for a licensee or out-of-state licensee to carry a concealed weapon within the city without having his or her license document and photographic identification card in his or her possession.

(1) Exceptions. This section does not apply if the licensee or out-of-state licensee was carrying a concealed weapon in his or her own dwelling, in a place of business he or she owns, or on land he or she owns, leases, or legally occupies.

(2) Penalty. Any person who violates this subsection (b) shall be subject to a forfeiture of not more than twenty-five dollars (\$25.00).

(3) Exemption. Any person is exempted from forfeiture under this subsection, if the person presents, within 48 hours of receiving a citation, his or her license document or out-of-state license and photographic identification to the City of Racine Police Department.”

Part 7: Section 66-58. - Possessing dangerous weapon of the Municipal Code of the City of Racine is hereby repealed and recreated as follows:

“Sec. 66-58. Possessing firearm or dangerous weapon.

(a) Weapons in city buildings.

(1) No person may possess or bring any concealed or unconcealed firearm or weapon into or upon any City owned, occupied, or controlled building or structure at any time.

(2) No person may cause any concealed or unconcealed firearm or weapon to be brought into or be present upon any City owned, occupied, or controlled building or structure at any time.

(3) No person may enter or remain at any special event at any City owned, occupied, or controlled building, structure, facility, grounds, or land while carrying or possessing any concealed or unconcealed firearm or weapon.

(4) Exceptions.

a. The prohibitions set forth in subsection (a) do not apply to bona fide police officers.

b. The prohibitions set forth in subsection (a) do not apply to City owned, occupied, or controlled buildings, structures, facilities, grounds, or land not containing a “sign” that provides notice as set forth in sec. 943.13(2), Wisconsin Statutes.

c. The prohibitions set forth in subsection (a) do not apply to a firearm in a vehicle driven or parked in a parking facility, to any part of a building, grounds, or land used as a parking facility or to any part of a special event grounds or building that is used as a parking facility.

(b) No person other than a bona fide peace officer may knowingly carry a concealed weapon, a weapon that is not concealed, or a firearm that is not a weapon in any of the following places:

(1) Any portion of a building that is a police station, sheriff’s office, state patrol station, or the office of a division of criminal investigation special agent of the Wisconsin Department of Justice.

(2) Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.

(3) Any secured unit or secured portion of a mental health institute under sec. 51.05, Wisconsin Statutes.

(4) Any portion of a building that is a county, state, or federal courthouse.

(5) Any portion of a building that is a municipal courtroom if court is in session.

(6) A place beyond a security checkpoint in an airport.

(7) Exceptions: These prohibitions do not apply to any of the following:

a. A weapon in a vehicle driven or parked in a parking facility located in a building described in (b)(1)-(6).

b. A weapon in a courthouse or courtroom if a judge who is a licensee is carrying the weapon or if another licensee or out-of-state licensee, whom a judge has permitted in writing to carry a weapon, is carrying the weapon.

c. A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee is carrying the weapon.

(c) No person other than a bona fide peace officer may enter or remain in any part of a building that is owned, occupied, or controlled by the state or local governmental unit if the state or local governmental unit has notified the person, by a sign or signs as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain in the building while carrying a firearm or weapon or that type of firearm or weapon.

(1) This provision does not apply to a person who leases residential or business premises in the building.

(2) This provision does not apply to a firearm or weapon in a vehicle driven or parked in a parking facility or to any part of a building used as a parking facility.

(d) No person other than a bona fide peace officer may enter or remain in any privately or publicly owned buildings on the grounds of a university or college, if the university or college has notified the person, by a sign or signs as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain in the building while carrying a firearm or weapon or with that type of firearm or weapon.

(1) This provision does not apply to a person who leases residential or business premises in the building.

(2) This provision does not apply to a firearm or weapon in a vehicle driven or parked in a parking facility or to any part of a building used as a parking facility.

(e) No person other than a bona fide peace officer may enter or remain at a residence that the person does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence, has notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain at the residence while carrying a firearm or weapon or with that type of firearm or weapon.

(f) No person other than a bona fide peace officer may enter or remain in the common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence and if the owner of the residence has notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to remain in the common area or on the grounds while carrying a firearm or weapon or with that type of firearm or weapon. This provision does not apply to a part of the grounds that is used for parking if the firearm or weapon is in a vehicle driven or parked in that part.

(g) No person other than a bona fide peace officer may enter or remain in any part of a nonresidential building, grounds of a nonresidential building, or land that the person does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain in that part of the building, grounds, or land while carrying a firearm or weapon or with that type of firearm or weapon.

(1) This provision does not apply to a part of a building, grounds, or land occupied by the state or by a local unit of government, to a privately or publicly owned building on the grounds of a university or college, or to the grounds of or land owned or occupied by a university or college.

(2) This provision does not apply to a firearm or weapon in a vehicle driven or parked in a parking facility or to any part of a building, grounds, or land used as a parking facility.

(h) No person other than a bona fide peace officer may enter or remain in any part of land that the person does not own or occupy after the owner of the land, if that part of the land has not been leased to another person, or the occupant of that part of the land has notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain in that part of the land while carrying a firearm or weapon or with that type of firearm or weapon.

(1) This provision does not apply to a part of land occupied by the state or by a local unit of government, to a privately or publicly owned building on the grounds of a university or college, or to the grounds of or land owned or occupied by a university or college.

(2) This provision does not apply to a firearm or weapon in a vehicle driven or parked in a parking facility or to any part of a building, grounds, or land used as a parking facility.

(i) No person other than a bona fide peace officer may enter or remain at a special event if the organizers of the special event have notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain at the special event while carrying a firearm or weapon or with that type of firearm or weapon. The provision does not apply if the firearm or weapon is in a vehicle driven or parked in the parking facility or to any part of the special event grounds or building that is used as a parking facility.”

Part 8: Section 66-59. - Discharge of weapon of the Municipal Code of the City of Racine is hereby amended by adding the following:

“This section may not be enforced if the actor’s conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in sec. 939.45., Wisconsin Statutes.

This section shall not apply to persons who are acting in accordance with the provisions of a plan approved by the chief of police under conditions which the chief has determined require the discharge of specified weapons for a particular purpose in the interest of public safety.”

Part 9: In Section 66-60. - Display of firearms of the Municipal Code of the City of Racine, repeal the words “in or upon any public place” in the first sentence.

Part 10: Section 66.61 of the Municipal Code of the City of Racine is hereby created as follows:

“Sec. 66-61. - Penalty for violation.

Except as specifically provided for section 66-57(b), upon conviction, any person found to be in violation of this article shall forfeit an amount as provided in section 1-15.”

Part 11: Sections 66-62 - 66-80 of the Municipal Code of the City of Racine are hereby reserved.

Part 12: In Article VI. Trespass of the Municipal Code of the City of Racine, the following section is created as follows:

“Sec. 66-138. - Trespass with firearm or dangerous weapon.

No person may enter or remain in or on any public or private property, building, land, grounds, residence, nonresidential building, facility, special event, or other place of any character in violation of section 66-58.”

Part 13: Sections 66-139 - 66-141 of the Municipal Code of the City of Racine are hereby reserved.

Part 14: In the table in Sec. 70-1. - Violations; payment of forfeiture in lieu of court appearance, of the Municipal Code of the City of Racine, Section number 70-79 is repealed in its entirety.

Part 15: In Article III. Parks and Recreation Areas, Section 70-79. - Carrying weapons is hereby repealed.

Part 16: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A