

**CLEAN VERSION ---- FINAL VERSION**

**CHANGES TO RACINE ORDINANCES RE: WEAPONS AND FIREARMS**

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**Chapter 30 CEMETERIES**

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**Sec. 30-6. Rules of conduct.**

- (b) Dogs. No person shall allow his dog, whether it is at large or under the control of the owner or any other person, in any of the city's cemeteries.
- (c) Speed limit. No vehicle shall be driven on the grounds of any city cemetery at a faster rate of speed than 25 miles per hour.
- (d) Damaging property. No person shall pick flowers, break any tree, shrub or plant, vases or urns, or write upon, mark, deface or injure any monument, fence, coping or other structure in or belonging to the cemeteries.
- (e) Enforcement. It shall be the duty of the cemetery board, cemetery supervisor, city police and other city officers to enforce the rules and regulations relating to the cemetery grounds.

**ARTICLE III. POSSESSION OR DISCHARGE OF WEAPONRY**

**Sec. 66-56. Definitions.**

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

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

*Building or buildings* shall have the meaning as set forth in section 114-1 of the Racine Code of Ordinances, as from time to time amended or renumbered, to-wit: any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land, stream or lakebed, and all other structures of every kind regardless of similarity to buildings. *Buildings* shall also include each City owned, occupied, or controlled building and structure as contemplated by, but not limited to, those enumerated and described in sec. 943.13(1m)(c)4, Wisconsin Statutes, that contain a sign providing notice of the prohibitions.

*Carry* means to go armed with.

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

*Dangerous weapon and weapon* means any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: Blackjack; billy; sandclub; sandbag; bludgeon; slingshot; pistol; revolver; any instrument which impels a missile by compressed air, spring or other means; any weapon upon which loaded or blank cartridges are used; cross knuckles; knuckles of any metal, barbed or blade type; arrowhead; bowie knife; dirk knife; dirk dagger; any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switchblade knife, straightedge razor or any knife having a blade three inches or longer; weapons known as kung fu sticks or chucksticks which are basically two or more pieces of wood or other material connected by a piece of chain or other material. Instruments not specifically enumerated in this definition are nonetheless dangerous weapons when they fall within the terms of this definition.

*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.

*Public place* means any area in which the person does not have a reasonable expectation of privacy.

*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.

**Sec. 66-57. Concealed weapon.**

(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.

**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.

d. The prohibitions set forth in subsection (a)(1) do not apply to City of Racine elected officials who are also licensees as defined in sec. 175.60(1)(d), Wisconsin Statutes.

(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.

**Sec. 66-59. Discharge of weapon.**

Unless otherwise provided by law or by section 66-58, no person shall fire or discharge any air gun, pellet gun, spring gun, firearm, sling, slingshot or crossbow within the city limits, except where necessary in the manufacture or testing of weapons by a person operating under a class 1, type 6 or type 7 federal firearms license.

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.

**Sec. 66-60. Display of firearms.**

No person shall display a firearm in or upon any private premises without the permission of the owner. For purposes of this section, display shall mean the exhibition, showing or placing in the view of other persons and shall include displaying the entire firearm or any portion thereof. Display shall not include firearms carried in a case. This section does not apply to peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police to display firearms.

**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.

**Sec. 66-62 – 66-80. Reserved.**

**ARTICLE VI. TRESPASS**

**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.

**ARTICLE III. PARKS AND RECREATION AREAS**

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**NOTE: This area is intentionally blank.**



**NOTE: These are provisions relating to the setting of bond on a citation by a police officer.**

**Sec. 66-3. - Payment of forfeiture in lieu of court appearance.**

(a) Any person charged with a violation of the offenses listed under subsection (b) of this section may pay the amount enumerated therein at the police department in lieu of a court appearance. Persons wishing to contest charges contained in subsection (b) of this section may contact the police department to arrange a court appearance date.

(b) The following forfeitures for the offenses listed herein may be paid at the police department:

Section number	Violation	Forfeiture
<a href="#">66-31</a>	Disorderly conduct	\$225.00
<a href="#">66-32</a>	Verbal abuse	175.00
<a href="#">66-33</a>	Harassing telephone calls	225.00
<a href="#">66-34</a>	Throwing of objects during parades	25.00
<a href="#">66-57(a)</a>	Illegal carrying concealed weapon	275.00
<a href="#">66-57(b)</a>	Licensee carrying concealed weapon without proper identification	25.00
<a href="#">66-58</a>	Possession of dangerous weapon	325.00
<a href="#">66-59</a>	Discharge of weapon	425.00
<a href="#">66-82</a>	Explosive device	525.00
<a href="#">66-107</a>	Loitering	125.00
<a href="#">66-108</a>	Material obstruction	125.00
<a href="#">66-109</a>	Occupying parkway on parade route	125.00
<a href="#">66-110</a>	Sitting on vehicle	50.00
<a href="#">66-113</a>	Menacing or aggressive panhandling prohibited	125.00
<a href="#">66-136</a>	Trespass	175.00
<a href="#">66-137(a)</a>	Trespass to parking facilities	175.00
<a href="#">66-138</a>	Trespass with firearm or dangerous weapon	325.00
<a href="#">66-142(a)</a>	Transit center - vehicle	50.00
<a href="#">66-142(b)</a>	Transit center - bicycle, skateboard, scooter, rollerblades	10.00
<a href="#">66-161</a>	Failure to aid police officer	175.00
<a href="#">66-162</a>	Resisting/obstructing police officer	325.00
<a href="#">66-163</a>	Failure to aid firefighting officer	175.00
<a href="#">66-164</a>	Interfering with fire-	325.00

	fighting	
<a href="#">66-165(a)</a>	Obstructing emergency personnel	325.00
<a href="#">66-165(b)</a>	Rescue interference	325.00
<a href="#">66-186</a>	Vandalism - Public buildings	325.00
<a href="#">66-187</a>	Vandalism - Private property	325.00
<a href="#">66-188</a>	Vandalism - Vehicles	325.00
<a href="#">66-195</a>	Failure to remove graffiti	100.00
<a href="#">66-211</a>	Theft of rental property	225.00
<a href="#">66-213</a>	Theft	225.00
<a href="#">66-226</a>	Shoplifting	225.00
<a href="#">66-261</a>	Possession of marijuana	225.00
<a href="#">66-273</a>	Possession of drug paraphernalia	175.00
<a href="#">66-273</a>	Sale of drug paraphernalia	325.00
<a href="#">66-273</a>	Delivery of drug paraphernalia	525.00
<a href="#">66-273</a>	Advertising of drug paraphernalia	325.00
<a href="#">66-296</a>	Gambling	500.00
<a href="#">66-297</a>	Gambling operation	500.00
<a href="#">66-322</a>	Prostitution	325.00
<a href="#">66-322</a>	Soliciting prostitution	325.00
<a href="#">66-322</a>	Patronizing prostitutes	325.00
<a href="#">66-347</a>	Disorderly house - Operator:	
	(Noncontrolled substance violation)	775.00
	(Controlled substance violation)	1,500.00
	Disorderly house - Patron:	
	(Noncontrolled substance violation)	225.00
	(Controlled substance violation)	750.00
<a href="#">66-371</a>	Littering	125.00
<a href="#">66-372</a>	Commercial waste	325.00
<a href="#">66-397</a>	Responsibility of parent and guardian	75.00
<a href="#">66-422</a>	Picketing private residence	175.00
<a href="#">66-423</a>	Picketing business property	175.00
<a href="#">66-456</a>	Fraud - Hotel and restaurant	225.00

<a href="#">66-471</a>	Fraud on taxicab service	125.00
<a href="#">66-494</a>	CB abusive language	75.00
<a href="#">66-517</a>	Sale and possession of fireworks prohibited	200.00
<a href="#">66-566</a>	Issuance of worthless checks	325.00
<a href="#">66-592</a>	Nonemergency use of 911	65.00
<a href="#">66-592</a>	Intentional violation of 911:	
	First offense	175.00
	Second/subsequent offense	325.00
<a href="#">66-709</a>	Bicycle riding	25.00
<a href="#">66-802</a>	Habitual truancy	50.00
<a href="#">66-803</a>	Truancy (1 <sup>st</sup> offense)	10.00
<a href="#">66-806</a>	Truancy (2 <sup>nd</sup> —4 <sup>th</sup> offense)	40.00
<a href="#">66-807</a>	Contributing to truancy	100.00
<a href="#">66-901</a>	Sale of mercury thermometers	20.00
<a href="#">66-1001</a>	Nuisance properties:	
	First offense	50.00
	Second offense (within 6 months)	150.00
	Third/subsequent offense (within 2 years)	250.00

**Sec. 70-1. - Violations; payment of forfeiture in lieu of court appearance.**

(a) Any person charged with a violation of the offenses listed under subsection (b) of this section may pay the amount enumerated therein at the police department in lieu of a court appearance. Persons wishing to contest charges contained in subsection (b) of this section may contact the police department to arrange a court appearance date.

(b) The following forfeitures for the offenses listed herein may be paid at the police department:

Section Number	Violation	Forfeiture
<a href="#">70-76</a>	Traffic violation/parking	\$15.00
<a href="#">70-77</a>	Injury to animals/property	300.00
<a href="#">70-78</a>	Fires	75.00
<a href="#">70-80</a>	Fireworks	50.00

<a href="#">70-81</a>	Swimming prohibited	40.00
<a href="#">70-82</a>	Posted areas	75.00
<a href="#">70-83</a>	Camping, etc., permit	150.00
<a href="#">70-84</a>	Picnic permit	75.00
<a href="#">70-85</a>	Permit to sell merchandise/food	100.00
<a href="#">70-86</a>	Alcohol beverages	100.00
<a href="#">70-87</a>	Games in posted areas	25.00
<a href="#">70-88</a>	Golf in parks	50.00
<a href="#">70-89</a>	Glass and cans in parks	50.00
<a href="#">70-90</a>	No animals in parks	50.00
<a href="#">70-92</a>	Deposit of solid waste	100.00
<a href="#">70-101</a>	Closing hours of parks	50.00
<a href="#">70-102</a>	Zoological park violation	100.00
<a href="#">70-102(j)</a>	Bicycle/skateboard in park	25.00
<a href="#">70-103</a>	Bird sanctuary violation	125.00
<a href="#">70-104</a>	Vehicle parking prohibited	15.00
<a href="#">70-116</a>	Glass and cans on beaches	50.00
<a href="#">70-117</a>	Restricted boating at bathing beaches	75.00
<a href="#">70-118</a>	Tobogganing, sledding or skiing	40.00
<a href="#">70-131(a)</a>	Fifth Street boat ramp use	100.00
<a href="#">70-131(b)</a>	Parking in boat ramp	30.00
<a href="#">70-131(c)</a>	Boat ramp parking violation	15.00
<a href="#">70-131(d)</a>	Boat ramp parking violation	15.00
<a href="#">70-132</a>	Myers Park boat launch ramp use	40.00