

## ORDINANCE NO. 2011-16

### An Ordinance to Prohibit Entry or Presence in Public Buildings While Carrying Firearms or Weapons

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Section 11-2-2 of the Municipal Code of the City of Cedarburg is hereby repealed and recreated as follows:

#### **~~SEC. 11-2-2 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.~~**

##### **~~(a) Concealed Weapons Prohibited.~~**

~~(1) No person shall within the City wear or in any manner carry under his/her clothes or conceal upon or about his/her person any deadly or dangerous weapon, provided this Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.~~

~~(2) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, 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.~~

**~~(b) Concealed Weapons in Public Establishments.~~** ~~No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This Subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.~~

**~~(c) Specific Concealed Weapons Prohibited.~~** ~~No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the City.~~

##### **~~(d) Possession, Sale and Manufacture of Certain Weapons Prohibited.~~**

~~(1) No person shall sell, manufacture, purchase, possess or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Suchai" or similar weapon within the City of Cedarburg.~~

~~(2) For the purpose of this Section, the following definitions shall apply:~~

~~a. "Numchuk" or "Nunchaku." An instrument consisting of two (2) or more sticks, clubs or rods connected by a rope, cord, wire or chain.~~

~~b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.~~

e. ~~"Suebai." A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.~~

~~(3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.~~

~~(e) **Facsimile Firearms Prohibited.** (Ord. 93-21)~~

~~(1) **Facsimile Firearms.** Any replica, toy, antique, starter pistol or other object which bears a reasonable resemblance to or which reasonably can be perceived as an actual, operable firearm.~~

~~(2) **Carrying and Displaying Facsimile Firearms Prohibited.** No person, except when on his land or in his own abode or fixed place of business, shall carry and/or display any facsimile firearm in such a manner as could reasonably be expected to alarm, intimidate, threaten or terrify another person.~~

### **SEC. 11-2-2 FIREARMS/WEAPONS IN PUBLIC BUILDINGS PROHIBITED.**

- (a) Pursuant to Wis. Stats. 943.13(1m)(c)4., no person shall enter or remain in any part of any building owned, occupied or controlled by the State or local governmental unit if the State or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or weapon or a specific type of firearm or weapon.
- (b) The City Administrator/Treasurer shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Cedarburg providing notice that no person is to enter or remain in any such building while carrying a firearm or weapon. Such signs shall be five inches by seven inches or larger.
- (c) Nothing in this subsections shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm or weapon in any public building. Notwithstanding Wis. Stats. 939.22(22), for purposes of this paragraph, peace office does not include a commission warden who is not a State certified commission warden.
- (d) Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. 941.23 or 941.235.

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 26<sup>th</sup> day of September 2011.

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Gregory P. Myers, Mayor

Countersigned:

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Constance K. McHugh, City Clerk

Approved as to form:

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Kaye K. Vance, City Attorney