

ORDINANCE NO.: 5191

AN ORDINANCE to amend Section 32-77 of the Code of Ordinances of the City of La Crosse regarding weapon restrictions.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 32-77 is hereby amended to read as follows:

Sec. 32-77. - Weapons restricted in certain buildings and special events.

(a) Definitions.

(1) “Weapon” means any firearm, whether loaded or unloaded; any device or instrument designed, used, or 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 § 941.295(1c)(a) of the WI Statute; 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.

(2) “Firearm” means a weapon that acts by force of gunpowder.

~~(b)(a) Weapons in public buildings. Except as specifically provided otherwise, this section does not apply to firearms. No person shall enter or remain in any part of a building that is owned, occupied, or controlled by the State or any 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 weapon or with that type of weapon. This subsection does not apply to a person who leases residential or business premises in the building, or as provided in subsections (d) or (f) (g) of this section.~~

~~(b) No person shall go armed with a firearm in any building owned or leased by the State or any political subdivision of the State. This subsection does not apply to any of the following:~~

~~(1) 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 of any city, village or town, the Chief of the Capitol Police, or the sheriff of any county to possess a firearm in any building mentioned above. Notwithstanding Wis. Stats. § 939.22(22), for purposes of this subsection, peace officer does not include a commission warden who is not a State-certified commission warden.~~

~~(2) A qualified out-of-state law enforcement officer, as defined in Wis. Stats. § 941.23(1)(g), to whom Wis. Stats. § 941.23(2)(b)1. to 3. applies.~~

~~(3) A former officer, as defined in Wis. Stats. § 941.23(1)(c), to whom Wis. Stats. § 941.23(2)(c)1. to 7. applies.~~

~~(4) A licensee, as defined in Wis. Stats. § 175.60(1)(d), or an out-of-state licensee, as defined in Wis. Stats. § 175.60(1)(g).~~

(c) Special events. No person shall enter or remain at a special event if the organizers of the special event have notified the person not to enter or remain at the special event while carrying weapon or with that type of firearm or weapon. This subsection does not apply to a person as provided in subsection ~~(f)~~ (g) of this section.

(d) Delegation. The La Crosse Center Board, Aviation Board, Board of Park Commissioners, Board of Public Works, Municipal Transit Utility, Library Board, various utility boards and commissions and such other boards and commissions, whether now existing or later created, shall determine which buildings and special events under their jurisdiction require the notification from subsection ~~(a)~~ (b) or (c) of this section, unless otherwise provided by the City of La Crosse Common Council.

~~(e) Signs. The Director of Public Works, at the direction of the Common Council and its various boards and commissions and in coordination with the respective department heads, shall cause signs to be erected at all entrances:~~

~~(1) To all special events organized by the City of La Crosse; and~~

~~(2) To all such buildings owned, occupied or under the control of the City of La Crosse; providing appropriate notice that no person is to enter or remain in any such building or special event while carrying a firearm or weapon. Such signs shall be five inches by seven inches or larger and comply with State law.~~

(e) Notice.

(1) A person has received notice under subsection (b) if the owner or occupant of the building has posted a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies and any individual entering the building can be reasonably expected to see the sign.

(2) A person has received notice under subsection (c) if the organizers of the special event have posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign.

(3) Assign under subdivisions (1) and (2) must:

a. Be a sign that notifies an individual not to enter or remain in a part of the building or the grounds of a building or the special event while carrying a weapon or that particular type of weapon; and

b. Be at least five (5) inches by seven (7) inches.

(f) (e) Signs. The Director of Engineering and Public Works, at the direction of the Common Council and its various boards and commissions and in coordination with the respective department heads, shall cause signs as described in (e)(3) to be erected at all entrances:

(1) To all special events organized by the City of La Crosse; and

(2) To all such buildings owned, occupied or under the control of the City of

La Crosse;

(g) (f) Exceptions. Nothing in ~~subsection (a)~~ of this section shall be construed to apply to prohibit any of the following:

(1) *Peace officer.* 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 or special event. Notwithstanding Wis. Stats. § 939.22(22), for purposes of this subsection, peace officer does not include a commission warden who is not a State-certified commission warden.

(2) Qualified out-of-state officer. A qualified out-of-state law enforcement officer, as defined in Wis. Stats. § 941.23(1)(g), to whom Wis. Stats. § 941.23(2)(b)1. to 3. applies.

(3) A former officer. A former officer, as defined in Wis. Stats. § 941.23(1)(c), to whom Wis. Stats. § 941.23(2)(c)1. to 7. applies.

(4)-(2) Municipal Court. A weapon in a courtroom if a judge who is a licensee as defined in Wis. Stats. § 175.60 is carrying the weapon or if another licensee, whom the judge has permitted in writing to carry the weapon, is carrying the weapon.

(5)-(3) Parking. A weapon in a vehicle driven or parked in a parking facility or to any part of a building or special event grounds used as a parking facility.

(6)-(4) Other law exceptions. Any other exception as required by State or Federal law.

(7) (5) Other law. 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.

~~(h)-(g) Penalty.~~ Any person violating this section shall, upon conviction thereof, forfeit not less than \$200.00 nor more than \$1,000.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for violation; provided, however, that in no case shall the forfeiture imposed for such a violation exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION III: This ordinance shall take effect and be in force from and after its passage and publication.

_____/s/_____
Mitch Reynolds, Mayor

_____/s/_____
Nikki M. Elsen, City Clerk

Passed: 8/12/2021
Approved: 8/17/2021
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