

ORDINANCE NO. 05-2011

AN ORDINANCE TO REPEAL, RECREATE AND CREATE CERTAIN PROVISIONS OF CHAPTER 11 OF THE VILLAGE OF ARLINGTON CODE OF ORDINANCES PERTAINING TO POSSESSION OF CONCEALED WEAPONS

The Village Board of the Village of Arlington, Columbia County, Wisconsin, does hereby ordain as follows:

1. Section 11.03(b) is repealed and recreated to read as follows:
 - (b) **Discharge of Firearms Regulated.** No person, except a law enforcement officer in the performance of an official duty or such persons as may be authorized to carry such weapons, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun or bow and arrow of any description in his possession or under his control within the boundaries of the Village of Arlington. This Section shall not prevent the firing or discharging of BB guns upon private premises by persons over sixteen (16) or under the direct personal supervision of a parent or guardian.
2. Section 11.04(b) is repealed and recreated to read as follows:
 - (b) **Concealed Weapons in Public Establishments.** No person shall carry or possess a dangerous weapon in any 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 or such persons as may be authorized to carry such weapons. 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. This Subsection shall not be construed to prohibit an owner or tenant of a business establishment from permitting such persons as may be authorized to carry such weapons from carrying those weapons upon the premises.
3. Section 11.04(c) is repealed and recreated to read as follows:
 - (c) **Specific Concealed Weapons Prohibited.** No person, except a law enforcement officer acting within the scope of his duties or such persons as may be authorized to carry such weapons, 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 Village of Arlington.
4. Section 11.04(d) becomes 11.04(e).
5. Section 11.04(e) becomes 11.04(f).

6. Section 11.04(d) is created to read as follows:

(d) **Firearms in Public Buildings**

- (1) Pursuant to Sec. 943.13(1m)(c)4, Wis. Stats., no person shall enter or remain in any part of a building owned, occupied or controlled by the Village of Arlington if the Village of Arlington has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm.
- (2) The Village Administrator shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the Village of Arlington providing notice that no such person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- (3) Nothing in this subsection 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 Village Administrator to possess a firearm in any public building. Notwithstanding Sec. 939.22(22), Wis. Stats., for purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.
- (4) Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Sec. 941.23 or 941.235, Wis. Stats.

7. Section 11.05(a)(7) is repealed and recreated to read as follows:

- (7) **Vehicle** has the meaning given under Sec. 340.01(74), Wis. Stats. This definition also includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats. and an all-terrain vehicle, as defined under Sec. 340.01(2g), Wis. Stats.

8. Section 11.05(c)(4) is created to read as follows:

- (4) Subsection (b) does not apply to the holder of a concealed weapon permit under Sec. 175.60, Wis. Stats., who possesses a concealed weapon in accordance with that Section.

9. Severability of Provisions. Should any section, sentence, phrase or other portion of this Ordinance be declared invalid, such portion shall be deemed as a separate and distinct provision and shall not affect the validity of the remaining portions of this Ordinance.

10. Effective date. This Ordinance shall take effect and be enforced upon its passage and publication or posting as provided by law. Except as provided herein, all of the terms and provisions of Chapter 11 of the Village of Arlington Code of Ordinances shall remain in full force and effect.

Dated and effective this 12th day of September, 2011.

VILLAGE OF ARLINGTON

By: _____
James Laatsch
Village President

Attest: _____
Michael McKinney
Village Clerk

Ayes: _____

Nays: _____

Ordinance Posted: _____

Ordinance Adopted: _____