

#3-R-16

Amending Sec. 10-4 & 10-48 of the Municipal Code pursuant to 2015 Wisconsin Act 149

WHEREAS, the Common Council of the City of Appleton, pursuant to Section 66.0409 of the Wisconsin Statutes, has previously regulated the possession of weapons within the Municipal Code of the City of Appleton; and

WHEREAS, on February 6, 2016, the State of Wisconsin enacted 2015 Wisconsin Act 149, which in summary and in pertinent part, repealed Wisconsin State Statute §941.24 (the previous prohibition of switchblade knives); and

WHEREAS, 2015 Wisconsin Act 149 as it relates to Wis. Stat. § 66.0409(2) also now prevents local units of government from enacting or enforcing any ordinance that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration, or taxation of any knife, unless the ordinance or resolution is the same as or similar to, and no more stringent than a state statute; and

WHEREAS, 2015 Wisconsin Act 149 as it relates to Wis. Stat. § 66.0409(3)(c) does allow for a political subdivision to enact or enforce an ordinance or adopt a resolution that prohibits the possession of a knife in a building, or part of a building, that is owned, occupied, or controlled by the political subdivision;

NOW, THEREFORE BE IT RESOLVED, that in order to comply with the newly enacted state statute, the following redactions of Appleton city ordinance 10-4 be approved:

Sec. 10-4. Sale of dangerous weapons to minors.

No person shall buy for, sell or give away to any minor any dangerous weapon, ~~except household purpose knives or knives having blades less than three (3) inches long,~~ without first having obtained the written consent of the parent or guardian of such minor. For purposes of this section, the term "dangerous weapon" shall mean and include the following instruments: blackjack, billy, sandclub, pistol, revolver, any instrument which impels a missile by compressed air, spring or other means, any weapon in which loaded or blank cartridges are used, cross knuckles of any metal, ~~barbed or blade type Bowie knife, nunchaku or nunchuck sticks, throwing stars or shurikens, dirk knife, dirk, dagger, switchblade knife or any knife which has a blade within itself but is automatically opened by a slight pressure on the handle or some other part of the knife and is commonly known as a switchblade knife, or straight edge razor or other knife having a blade three (3) inches or longer.~~

BE IT FURTHER RESOLVED, that in order to comply with state statute as well as meet the safety needs of Appleton residents and promote Appleton as a safe community, that the following redactions of Appleton city ordinance Sec. 10-48 be approved:

Sec. 10-48. Firearms restricted in certain City buildings.

(a) **Definitions.**

- (1) **Firearm** means a weapon that acts by force of gunpowder.
- (2) **Law enforcement officer** means a person who is employed by a law enforcement agency as defined in Wisconsin Statutes Section 175.49(1)(f) for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.
- (3) **Weapon** means a handgun, an electronic weapon as defined as Wis. Stats. §941.295 (1c)(a), a knife ~~other than a switchblade knife under s. 941.24,~~ or a billy club.

(b) In addition to the provisions of Wis. Stats. §175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer to enter any posted building, or portion of a posted building owned, occupied or controlled by the City of Appleton while carrying a firearm or concealed weapon.

(c) Signs meeting the requirements of Wis. Stats. §943.13(2)(bm)1 shall be posted in prominent places near all entrances of such buildings regarding such restriction.

(d) Any person who enters or remains in any aforementioned City building contrary to such signage shall be considered a trespasser subject to penalty as proscribed under §10-26 of this code.