

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 19, SERIES OF 2011**

AN ORDINANCE REPEALING SECTION 30-22, OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE, CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED, AND RECREATING SECTION 30-22, OPEN AND CONCEALED FIREARMS AND DANGEROUS WEAPONS.

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section 1. Adoption of Provisions.

Section 30-22, of the Village of Little Chute Municipal Code, Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited, is repealed and recreated as 30-22, Open and Concealed Firearms and Dangerous Weapons, to read as follows:

Sec. 30-22 Open and Concealed Firearms and Dangerous Weapons.

(a) Definitions:

- (1) *Churkin*. A round throwing knife consisting of several sharp points protruding from a rounded disc.
- (2) *Dangerous Weapon*. Any firearm or handgun, whether loaded or unloaded; any device designed as a weapon capable of producing death or great bodily harm; an electric weapon as defined in Sec. 941.295(1c)(a), WI Statute; a billy club; 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. [Sec. 939.22 WI Statutes].
- (3) *Electric Weapon*. Any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current. [Sec. 941.295(1c)(a), WI Statutes].
- (4) *Facsimile firearm*. Any replica, toy, starter pistol or other object that bears a reasonable resemblance to or that reasonable can be perceived to be an actual firearm.
The term “facsimile firearm” does not include any actual firearm.
- (5) *Firearm*. A weapon that acts by force of gunpowder
- (6) *Former Officer*. A person who served as a law enforcement officer with a law enforcement agency before separating from law enforcement service.
- (7) *Handgun*. True handguns designed to be fired one-handed, and does not include machine guns, rifles or shotguns. [Sec. 175.60(1)(bm), WI Statutes].
- (8) *Law Enforcement Officer*. Any person employed by the State of Wisconsin or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violation of the laws or ordinances he or she is employed to enforce.
- (9) *Numchuk or nunchaku*. An instrument consisting of two or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
- (10) *Sucbai*. 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.
- (11) *Qualified Out-of-State Law Enforcement Officer*. For purposes of this Section, a law enforcement officer to whom all of the following apply:
 - a. The person is employed by a state or local government agency in another state;
 - b. The agency has authorized the officer to carry a firearm;

- c. The officer is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority;
- d. The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm; and
- e. The person is not prohibited under federal law from possessing a firearm.

(b) Firearms and dangerous weapons regulations.

- (1) *Concealed Carry License/Permit Requirement.* Except as provided in Subsection (b)(3) below, no person shall carry on his or her person any concealed firearm or other dangerous weapon unless a valid license/permit as designated under Sec. 175.60, WI Statutes, has been duly issued. The weapons that are eligible to be carried while concealed are: Handguns; electric weapons; knives except switchblades; and billy clubs.
- (2) *Carrying Prohibited in designated Municipal buildings.* In addition to the provisions of WI Statute 175.60 enumerating places where the carrying of a weapon or firearm is prohibited, including exceptions thereto, it shall be unlawful for any person to enter and/or remain in the following municipal buildings while carrying a dangerous weapon or a firearm:
 - a. Village Hall
 - b. Village Civic Center and Library
 - c. Fire Station
 - d. Municipal Services Building
 - e. Doyle Park Pool House
 - f. All municipal water utility buildings, pumping stations and water towers.
 - g. All municipal sewer utility treatment plants and utility buildings.
 - h. Any other duly posted Village building or structure.
- (3) *Exceptions.* Subsections (b) (1) and (2) above do not apply to:
 - a. A sworn law enforcement officer as defined in Sec. 175.60, WI Statutes.
 - b. A qualified out-of-state law enforcement officer as defined in Sec. 941.23(1)(g), WI Statutes who meets the qualifications as stated in Sec. 941.23(2)(b)
 - c. A former officer as defined in Sec. 941.23(1)(c), WI Statutes, who meets the qualifications as stated in Sec. 941.23(2)(c).
 - d. Armed forces personnel acting in the line of duty.

(c) Signs.

- (1) Signs meeting the requirements of WI Statute 943.13(2)(bm)1, shall be posted in prominent places near all entrances of such building indicating that possession of a dangerous weapon / firearm in that building is prohibited.

(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), a churkin, a sucbai, or similar weapon within the Village.
- (2) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the state crime laboratory for destruction.

(e) Restriction on use of facsimile firearms.

- (1) No person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person. Whoever violates this section shall be subject to a forfeiture of not less than \$200.00 and not more than \$500.00
- (2) Subsection (e) (1) of this section does not apply to any of the following:
 - a. Any Law Enforcement officer acting in the discharge of his/her official duties.
 - b. Any person engaged in military activities, sponsored by the state or federal government, acting in the discharge of his/her official duties.
 - c. Any person who is on his own real property, in his own home or at his own fixed place of business.
 - d. Any person who is on real property and acting with the consent of the owner of the property.

Section 2. Severability.

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section 3. Effective Date.

This Ordinance shall take effect upon passage and publication as provided by law.

Introduced: October 12, 2011

Approved and Adopted: October 19, 2011.

VILLAGE OF LITTLE CHUTE

By:

Michael R. Vanden Berg, Village President

Attest: _____
Vicki Schneider, Village Clerk

Published and/or Posted: _____