

COUNCIL BILL NO. 2003-039

ORDINANCE NO. 2003-174

AN ORDINANCE

enacting a new Section 82-210, Concealed firearms prohibited, city buildings, and other posted locations., in Chapter 82, Offenses, and repealing in its entirety, Section 82-191, Unlawful use of weapons; exceptions., and enacting a new Section 82-191, Unlawful use of weapons; exceptions., of Chapter 82, Offenses, of the Joplin City Code; and containing an emergency clause.

WHEREAS, on September 11, 2003, the Legislature overrode the veto of the Governor to pass House Bill No. 349 which, among other things, provides for carrying of concealed weapons by qualified Missouri residents; and,

WHEREAS, §571.094, RSMo., permits citizens with a concealed carry endorsement to carry concealed firearms on or about his or her person or within a vehicle; and,

WHEREAS, the Council of the City of Joplin does hereby find that carrying firearms into city buildings or onto city property or onto other properly posted premises in contravention to Missouri law is harmful to the health, safety and welfare of the citizens of the City of Joplin; and,

WHEREAS, the Missouri State Legislature has made various amendments to state law relating to unlawful use of weapons over recent years; and,

WHEREAS, it is the desire of the City of Joplin to protect the safety and welfare of its residents by enacting an ordinance to limit the locations where concealed firearms may be carried.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That a new Section 82-210, Concealed firearms prohibited, city buildings, and other posted locations., be enacted, to read as follows:

"Sec. 82-210. Concealed firearms prohibited, city buildings, and other posted locations.

(a) No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under §571.094 RSMo., or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed or unconcealed firearm in any portion of a building owned, leased,

or controlled by the city, or onto or into any property posted as being off-limits to concealed or unconcealed firearms as defined in (c) below. For purposes of this section, the term "building" shall include any facility owned, operated, leased, or controlled by the City including any facility where access is controlled with a fence or gate and a partially or fully enclosed structure exists thereon.

(b) No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under §571.094, or, who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit be allowed to carry a concealed or an unconcealed firearm onto any private property whose owner has posted a sign as described in sub-section (c) below, in a conspicuous place.

(c) The sign(s) required pursuant to sub-sections (a) and (b) above, shall be placed on the premises in a conspicuous place with a minimum size of eleven inches (11") by fourteen inches (14") with the writing thereon in letters of not less than one inch (1") stating that the carrying of firearms is prohibited on the premises. If the property posted is open to the public, signs shall be posted at each public entrance.

(d) No City employee except police officers and other such persons as may be authorized by the City Manager, shall carry any weapon on any City property or in any City vehicle.

(e) This section shall not apply to buildings used for public housing by private persons, highways, or rest areas, firing ranges, or private dwellings owned, leased, or controlled by the City.

(f) No person who has been issued a Certificate of Qualification which allows the person to carry a concealed firearm before the Director of Revenue begins issuing concealed carry endorsements in July, 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased, or controlled by the City, or upon any other properly posted property as described in sub-section (b) above.

(g) Any person carrying such a concealed weapon who, after request, refuses to leave any properly posted premises and a peace officer has been summoned, shall be punished upon conviction or plea of guilt thereof, as provided by Section 1-5, but in no case shall the fine exceed one hundred dollars for the first offense, two hundred dollars for the second offense if within six (6) months of the first citation, and five hundred dollars for the third offense if within one (1) year of the first citation."

Section 2. That Section 82-191., Unlawful use of weapons; exceptions., be repealed in its entirety, and a new Section 82-191., Unlawful use of weapons; exceptions., be enacted in lieu thereof, to read as follows:

"Sec. 82-191. Unlawful use of weapons; exceptions.

(a) For the purposes of this section, terms and phrases used herein shall have the definitions given them under RSMo., §571.010.

(b) A person commits the crime of unlawful use of weapons if he knowingly:

(1) Carries concealed upon or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use.

(2) Sets a spring gun;

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft or motor vehicle as defined in RSMo., §302.010, or any building or structure used for the assembling of people;

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner;

(5) Possesses or discharges a firearm or projectile weapon while intoxicated;

(6) Discharges a firearm within one hundred (100) yards of any occupied schoolhouse, courthouse, or church building;

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding;

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government or political subdivision thereof;

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in RSMo., §301.010, while within any city, town or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense;

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use, into any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

(c) Sub-sections (b)(1), (3), (4), (6), (7), (8), (9), and (10) of this section shall not apply to or affect any of the following:

- (1) All state, county, and municipal peace officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are within or outside their jurisdictions, or on-duty or off-duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 - (2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 - (3) Members of the armed forces or national guard while performing their official duty;
 - (4) Those persons vested by article V, section 1 of the state Constitution with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;
 - (5) Any person whose bona fide duty is to execute process, civil or criminal;
 - (6) Any federal probation officer;
 - (7) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under RSMo., §84.340; and
 - (8) Any state probation and parole officer, including supervisors and members of the board of probation and parole, authorized to carry a firearm pursuant to RSMo., §217.710.
 - (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner.
- (d) Sub-sections (b)(1), (5), (8), and (10) of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Sub-section (b)(1) of this section does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, or when the actor is also in possession of an exposed firearm or projectile weapons for the lawful pursuit of game, or is in his or her dwelling unit or upon business premises over which the actor has possession, authority or control, or is

traveling in a continuous journey peaceably through this state. Sub-section (b)(10) shall not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school sanctioned firearm-related event.

(e) Sub-sections (b)(1), (8), and (10) of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to §571.094, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of a state.

(f) Any person violating this section shall be punished upon conviction thereof as provided by section 1-5."

Section 3. If any of the provisions of this Ordinance, shall be construed to be invalid or illegal, the legality or validity of the other provisions of this Ordinance shall not be affected thereby. Any illegal or invalid provision of this Ordinance shall be severable and any other provisions shall remain in full force and effect.

Section 4. That this Ordinance, dealing with public peace, health, and safety, is an emergency within the meaning of Section 2.12(1) of the Home Rule Charter of the City of Joplin, Missouri, and, as such, shall be in full force and effect on and after October 12, 2003.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 6th day of October, 2003, by a 9-0 vote.

Richard H. Russell, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney