

ORDINANCE

SUBJECT: CONCEALED OR OPEN CARRY OF WEAPONS OR FIREARMS

COMMITTEE: PUBLIC WORKS & INFRASTRUCTURE AND EXECUTIVE COMMITTEES

FIRST CONSIDERATION: September 15, 2011

FINAL CONSIDERATION: October 20, 2011

ORDINANCE # 97 - 10/11 **PUBLICATION DATE** October 27, 2011

The County Board of Supervisors of La Crosse County does ordain as follows:

**AN ORDINANCE TO CREATE SS. 3.08(1)(r), 3.085, AND 19.035 AND
AMEND 19.03 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN
RELATING TO THE CONCEALED OR OPEN CARRY OF WEAPONS OR FIREARMS**

ANALYSIS

This ordinance is a result of the state legislation commonly known as the "Concealed Carry Law" enacted by 2011 Wisconsin Act 35 on July 8, 2011 with most provisions of the law effective on November 1, 2011. The most significant issues addressed by this ordinance are: Should the open or concealed carry of weapons or firearms be prohibited in County buildings and at special events held on County owned land? Should County employees except law enforcement officers be prohibited from the open or concealed carry of weapons or firearms in the workplace or during the course of their employment?

Section 3.08 of the County Code addresses the Standards of Conduct expected of all employees in the County service. Act 35 permits employers to place restrictions on their employees in regard to whether or not the employees are prohibited from carrying a concealed weapon in the course of the employee's employment or during any part of the course of the employee's employment. Section 1 of the ordinance adds subsec. (r) to the Standards of Conduct making it a violation of the Standards of Conduct for an employee to violate County ordinances or policies relating to carrying firearms or weapons.

Section 2 of the ordinance prohibits county employees from carrying weapons or firearms in the course of their county employment or during any part of the employee's county employment even if the work is performed off-site. Exceptions to this prohibition are law enforcement officers and an employee who carries or stores a weapon or ammunition in his or her own motor vehicle regardless of whether the motor vehicle is used in the course of employment or driven or parked on property used by the County.

In Section 3, the title of Chapter 19 is amended to read: "County Parks, Buildings and Grounds." Section 4 deals with County Parks and amends s. 19.03(1) to allow firearms in County Parks if the person who is in possession of a firearm complies with state law. On its website, the Department of Justice provides questions and answers (dated August 2, 2011) to Wisconsin's New Carrying Concealed Weapon Law. The following question and answer was included: Q: "Can government prohibit the carrying of a concealed weapon in parks or other public lands?" A: "No. The restrictions above only apply to government buildings. Persons with a CCW (Carrying Concealed Weapon) license may carry concealed on public lands. Wis. Stat. s. 943.13(1m)(c)2 and s. 943.13(1e)(cm)."

Section 5 of the ordinance creates s. 19.035 entitled "Firearms or Weapons Prohibited in County Buildings." This section prohibits persons carrying firearms or weapons from entering any building owned, operated or controlled by La Crosse County. The Facilities Director or his/her designee is

directed to post signs according to state law at the entrances of County buildings advising that persons carrying weapons or firearms shall not enter or remain in County buildings. In subsec. (2) and as required by state law, this prohibition does not apply to law enforcement offices, and judges, District Attorneys and Assistant DAs who are licensed to carry concealed weapons.

Section 19.035(3) provides that organizers of special events on County land can prohibit persons carrying a firearm or weapon from entering or remaining at a special event. However, the organizer of a special event in a County Park must post proper notification that a person carrying a firearm is not allowed to enter or remain at the special event. A "special event" is defined by state law as an event open to the public not lasting more than 3 weeks and either the event shall have designated entrances to and from the event that are locked when the event is closed or there must be an admission charged. This provision does not apply if the firearm is in a vehicle driven or parked in any part of the special event grounds used as a parking facility.

In subsection (4) the Facilities Director or his/her designee is directed to post the buildings and land affected by this ordinance with signs in compliance with state law that are at least 5 inches by 7 inches and located in a prominent place near all of the entrances to the part of the building to which the restriction applies.

INFORMATION:

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or www.co.la-crosse.wi.us/code/.

(rev. 3/03)

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RELATING TO THE CONCEALED OR OPEN CARRY OF WEAPONS OR FIREARMS**

The County Board of Supervisors of the County of La Crosse does hereby ordain as follows:

Section 1. Section 3.08(1)(r) of the County Code is created to read:

(r) Violation of county ordinances or policies governing the open or concealed carry of a firearm or weapon.

Section 2. Section 3.085 of the County Code is created to read:

3.085 Prohibition on open or concealed carry of weapons or firearms by employees.

(1) County employees are prohibited from the open carry or concealed carry of weapons or firearms in the course of the employee's employment or during any part of the employee's employment.

(2) The prohibition under par. (1) does not apply to the following:

(a) A person who is a law enforcement officer acting in the discharge of his or her official duties.

(b) An employee who carries a concealed weapon and/or ammunition or stores a weapon and/or ammunition in the employee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on property used by the County.

Section 3. The title to Chapter 19 is amended to read: "County Parks, Buildings and Grounds".

Section 4. Section 19.03(1) of the County Code is amended to read as follows:

19.03 Firearms, Hunting, Target Practice, and Deer Feeding in County Parks.

(1) A person who complies with state law regarding the possession of firearms may have in his or her possession or under his/her control a firearm in County Parks unless there is a special event as defined by Wis. Stat. s. 943(1e)(h) and the person has been notified not to enter or remain at the special event in the County Park while carrying a firearm.

Section 5. Section 19.035 of the County Code is created to read:

19.035 Firearms or Weapons Prohibited in County Buildings.

(1) No person carrying a firearm or weapon as defined by state law shall enter any building owned, operated, or controlled by La Crosse County where the building is posted in accordance with state law by the Facilities Director and/or his or her designee that the person shall not enter or remain in the building while carrying a firearm.

(2) The prohibition under par. (1) does not apply to any of the following:

(a) A law enforcement officer

(b) A weapon in a courthouse or courtroom if a judge who is a licensee as defined in Wis. Stat. s. 175.60(1)(d) is carrying the weapon or if another licensee, whom a judge has permitted in writing to carry a weapon, is carrying the weapon.

(c) A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee as defined in Wis. Stat. s. 175.60(1)(d) is carrying the weapon.

(3) It is unlawful for person carrying a firearm or weapon except a law enforcement officer to enter or remain at any special event on land owned by La Crosse County where the organizers of the special event have notified the person not to enter or remain at the special event while carrying a firearm. This provision does not apply if the firearm or weapon is in a vehicle driven or parked in the parking facility to any part of the special event grounds used as a parking facility.

(4) All buildings and land affected by this ordinance shall be posted by the Facilities Director or by a person designated by the Facilities Director with signs that are at least 5 inches by 7 inches that notify a person that firearms or weapons in said building or on said property are prohibited.

Section 6. This Ordinance shall take effect on November 1, 2011 after passage and publication as required by law.

LA CROSSE COUNTY

By: 

Tara Johnson, County Board Chair

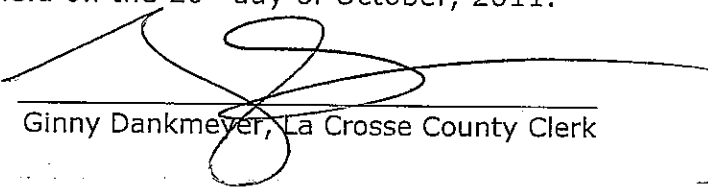
By: 

Ginny Dankmeyer, County Clerk

PASSED: October 20, 2011
PUBLISHED: October 27, 2011

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 20th day of October, 2011.


Ginny Dankmeyer, La Crosse County Clerk