

ORDINANCE NO. 515

An Ordinance To Repeal and Recreate Subsections 2.015 and 2.05 Of Chapter Two (2) Of The General Ordinances Of The Village Of River Hills Relating To Carrying Concealed Weapons, Discharge of Firearms and Prohibiting Weapons from Village Buildings.

WHEREAS, Wis. Stat. §61.34 grants the Village Board the authority and responsibility to exercise management and control over Village-owned public property; and

WHEREAS, Wis. Stat. §66.0409(2) authorizes local ordinances regulating firearms if the local ordinance is the same or similar to and no more stringent than a state statute; and

WHEREAS, in order to protect the health, safety and welfare of the citizens of the Village of Shorewood, the Village Board determines it is necessary to adopt the following ordinance.

NOW THEREFORE, the Village Board of the Village of River Hills, Milwaukee County, Wisconsin, do ordain as follows:

Section I. Subsection 2.015 of Chapter Two (2) of the General Ordinances of the Village of River Hills is hereby repealed and recreated to read as follows:

“Section 2.015. CONCEALED WEAPONS. (1) It shall be unlawful for any person, except those listed in subsections 2.015 (1) (a) – (e) below, to carry or go armed with a concealed and dangerous weapon and upon conviction, shall be subject to a penalty as set forth in Section 2.15 of Chapter Two (2) of the General Ordinances of the Village of River Hills.

- (a) A law enforcement officer as set forth in s. 941.23, Wis. stats.
 - (b) A qualified out-of-state law enforcement officer as set forth in s. 941.23, Wis. stats.
 - (c) A former law enforcement officer as set forth in s. 941.23, Wis. stats.
 - (d) A person that is licensed to carry a concealed or dangerous weapon, pursuant to the provisions of Wisconsin law including s. 175.60 Wis. stats., or pursuant to an out-of-state licensee, as defined in s. 175.60 (1) (g), Wis. stats., if the dangerous weapon is a weapon, as defined under s. 175.60 (1) (j) Wis. stats.
 - (e) A person who carries a concealed and dangerous weapon, as defined in s.175.60 (1)(j) Wis. stats., in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.
- (2) A "dangerous weapon" as used in subsection (1) means any firearm, whether loaded or

unloaded, or any device designed as a weapon and capable of producing death or great bodily harm or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or great bodily harm.”

Section II. Section 2.05 of Chapter Two (2) of the General Ordinances of the Village of River Hills is hereby repealed and recreated to read as follows:

“Section 2.05. FIREARMS and DANGEROUS WEAPONS. (1) Discharge of firearms. (a) Definition. Firearms are hereby defined to mean and include all weapons for the purpose of propelling bullets, shot or other missiles, whether from cartridge, shell or other container, by explosive or other power, and including without limitation because of specific enumeration, all forms of rifles, high-powered air rifles, revolvers, pistols, pellet guns, automatic and semi-automatic machine guns, or other similar types of equipment whereby bullets, shot or missiles are propelled through the air by discharge of explosives, caps or other power.

(b) Prohibited. No person shall discharge any firearms, as herein defined, within the Village of River Hills.

(c) Exceptions. This ordinance shall not be construed to prohibit (1) an officer of the law from discharging a firearm in the performance of his duty; (2) any person from discharging a firearm when pursuant to s. 66.0409(3)(b) Wis. Stats. or any future amendments thereof, their conduct is lawfully justified or, had it been subject to a criminal penalty, would have been subject to a defense described in s. 939.45 Wis. stats.; or (3) to the use of a bow and arrow solely in connection with the sport of archery and conducted on private property, or on the property of an established school as a part of a regular educational program in which such use of bows and arrows shall be so controlled that the arrow propelled shall not pass over or upon the premises of another or over or upon the public highways or grounds; or (4) the discharge of firearms (including a bow and arrow) by any person or persons authorized to do so by specific action of the Village Board for the specific purpose or purposes directed by the Village Board and subject to any limitations, conditions, or restrictions imposed by the Village Board.

(2) Dangerous Weapons are prohibited in certain buildings.

(a) No person other than a law enforcement officer may carry or possess a firearm or dangerous weapon (defined in Section 2.015 (2) of this code) in any building that is owned, occupied or controlled by the Village of River Hills or that is jointly owned, occupied or controlled by the Village of River Hills with any other governmental entity including but not limited to the Village Hall and Police Station, Department of Public Works building, and any and all other such municipal buildings whether now in existence or later constructed subject to the following:

(1) The building is posted with signs meeting the requirements of s. 943.13,

Wis. stats.

(2) Any person who violates this section of the Village Code shall upon conviction thereof be subject to the penalties set forth in Section 2.15 of Chapter Two (2) of the General Ordinances of the Village of River Hills, except that any person that has a permit to carry a concealed weapon who violates this section of the Code by carrying a concealed weapon shall, upon conviction thereof, be subject to a maximum forfeiture of \$500.00.

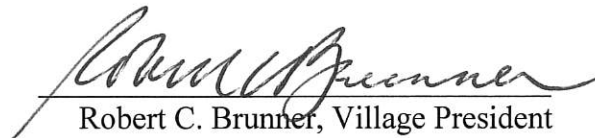
(b) The Village Manager is authorized and directed to have the proper signage required by s.943.13, Wis. stats. posted in prominent places near public entrances of all municipal buildings where firearms and dangerous weapons are restricted.

Section III. If any subsection, section or portions of this article or the sections of this ordinance as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

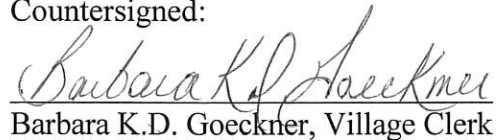
Section IV. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are to such extent repealed.

Section V. This ordinance shall be in full force and effect after its passage and publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of River Hills this 19th day of October, 2011.


Robert C. Brunner, Village President

Countersigned:


Barbara K.D. Goeckner, Village Clerk