

REQUESTED BY: COUNCILMAN CARNEY
PREPARED BY: CLERK'S OFFICE
INTRODUCTION DATE: _____
PUBLIC HEARING DATE: _____

ORDINANCE SERIAL NO. 97-43

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA AMENDING CHAPTER 13.04, CONTROL OF FIREARMS IN THE WASILLA MUNICIPAL CODE.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code.

SECTION II. Purpose. To amend the control of firearms by adding definitions of weapons and stating when the carrying of weapons is prohibited.

SECTION III. Amendment. Chapter 13.04 is hereby amended as follows:

CHAPTER 13.04

CONTROL OF FIREARMS

SECTIONS:

- 13.04.010 DEFINITIONS
- 13.04.020 CARRYING WEAPONS PROHIBITED
- 13.04.0430 Discharge of Firearms ~~Prohibited~~
- ~~13.04.0240 Discharge of Firearms Permitted~~
- 13.04.0340 Concealed Weapons
- 13.04.050 SEVERABILITY

13.04.10 DEFINITIONS.

A. FOR THE PURPOSES OF THIS CHAPTER, "WEAPON" INCLUDES THE FOLLOWING:

- 1. A REVOLVER, PISTOL AND ANY OTHER FIREARM;
- 2. A SWITCHBLADE, GRAVITY AND ANY OTHER KNIFE, OTHER THAN A KNIFE WHERE THE BLADE IS STORED IN THE HANDLE AND REQUIRES THE BEARER TO PHYSICALLY PULL THE BLADE FROM THE HANDLE BEFORE IT CAN BE USED, SUCH AS AN ORDINARY POCKET KNIFE OR A COMBINATION TOOL;
- 3. A DIRK AND DAGGER;
- 4. A SLINGSHOT, METAL KNUCKLES, CLUB, BILLY, AND BLACKJACK; AND
- 5. ANY OTHER INSTRUMENT OR THING DESIGNED FOR AND CAPABLE OF CAUSING DEATH OR SERIOUS PHYSICAL INJURY TO A PERSON.

B. FOR PURPOSES OF THIS CHAPTER, "OWNER" MEANS THE OWNER OF THE PLACE IN WHICH THE WEAPON IS CARRIED.

13.04.020 CARRYING WEAPONS PROHIBITED.

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A. IT IS UNLAWFUL FOR A PERSON, OTHER THAN A PEACE OFFICER (INCLUDING AN ACTIVE RESERVE OFFICER), TO OPENLY CARRY A WEAPON IN A LICENSED LIQUOR PREMISES, A BUILDING HOUSING GOVERNMENT OFFICES, A GOVERNMENT OFFICE, A HOSPITAL, A SCHOOL, A CHILD CARE FACILITY, A DOMESTIC VIOLENCE CENTER, A SEXUAL ASSAULT SHELTER, A THEATER, A RESTAURANT, A PUBLIC PLACE OF AMUSEMENT OR ENTERTAINMENT, A PUBLIC PLAY GROUND, A RECREATION AREA, AN AIRPORT, A PUBLIC PLACE WHERE FOOD OR DRINKS ARE SERVED OR CONSUMED, AN AREA OR BULIDING POSTED BY THE OWNER TO PROHIBIT OPENLY CARRYING A WEAPON, OR ANY OTHER PUBLIC PLACE WITHIN THE CITY.

B

NOTHING IN SUBSECTION (A) SHALL BE CONSTRUED TO PROHIBIT:

1. THE TRANSPORT OF UNLOADED FIREARMS OR THE OPEN TRANSPORT OF OTHER WEAPONS;
2. THE OWNING OR POSSESSING OF WEAPONS IN ONE'S OWN RESIDENCE;
3. THE OPEN CARRYING OF UNLOADED FIREARMS OR OTHER WEAPONS AT A SHOW FOR SUCH WEAPONS, E.G., A GUN SHOW, PROVIDED THAT THE CARRYING IS DONE IN CONFORMITY WITH THE RULES OR PROCEDURES OF THE SPONSOR OF THE SHOW;
4. THE OPEN CARRYING OF UNLOADED FIREARMS OR OTHER WEAPONS IN A PLACE OF BUSINESS WHERE THE BUSINESS DEALS WITH SUCH TYPE OF WEAPON WHERE THE CARRIER INTENDS TO USE THE SERVICES OF THE BUSINESS, E.G., CARRYING OF A RIFLE IN A GUN STORE;
5. THE OPEN CARRYING OF WEAPONS IN A PUBLIC PLACE BY AN OWNER, OR EMPLOYEE OR OTHER AGENT OF AN OWNER, WHERE THE CARRYING IS AUTHORIZED BY THE OWNER AND THE WEAPON IS USED AS A TOOL OF THE TRADE BY SUCH PLACE, E.G., A KNIFE IN A BUTCHER SHOP OR RESTAURANT;
6. THE OPEN CARRYING OF WEAPONS IN A PUBLIC PLACE BY AN OWNER, OR EMPLOYEE OR AGENT OF AN OWNER, WHERE THE CARRYING IS AUTHORIZED BY THE OWNER AND THE WEAPON IS USED FOR THE SECURITY OF THE OWNER OR THE PLACE; AND
7. THE CARRYING OF A HUNTING KNIFE CARRIED IN A SHEATH ATTACHED TO THE BELT OR OTHER ACCESSORY OF DRESS AND OPENLY DISPLAYED, PROVIDED THAT THIS EXCEPTION SHALL NOT APPLY AT A PLAY GROUNDS, RECREATIONAL AREAS, A AIRPORT, A DOMESTIC VIOLENCE CENTER, AND A SEXUAL ASSAULT SHELTER.

13.04.0430 Discharge of Firearms Prohibited.

A. It shall be unlawful for any person to:

A1. discharge firearms within the City limits UNLESS PERMITTED UNDER SUBSECTION (B);

B2. discharge a firearm on or across lakes or any other body of water within the City limits; and

C3. discharge any firearm or air rifle, or intentionally point or aim any firearm, air rifle, or other dangerous weapon, loaded or otherwise, at any person provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his OR

HER duty; nor to any citizen from discharging a firearm when lawfully defending person or property, or preventing crime.

~~13.04.020~~ B. Discharge of Firearms Permitted. Firearms may be discharged within the corporate limits of the City of Wasilla at locations specifically designated by the Council. The safety of person(s) will come first at all times.

~~13.04.034~~ 0 Concealed Weapons. It shall be unlawful for any person(s) to carry a concealed firearm on his or her person within the City, except and unless authorized as provided in State Statutes.

13.04.050 SEVERABILITY. IF ANY PROVISIONS OF THIS CHAPTER, OR ANY APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THIS CHAPTER AND THE APPLICATION TO OTHER PERSONS OR CIRCUMSTANCES SHALL NOT BE AFFECTED THEREBY.

SECTION IV. Effective Date. This ordinance becomes effective upon adoption.

ADOPTED by the Council of the City of Wasilla on this ____ day of _____, 1997.

SARAH H. PALIN, Mayor

ATTEST:

MARJORIE D. HARRIS, CMC
City Clerk



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-9085

Requested By: Councilman Carney
Prepared By: Clerk's Office

ORDINANCE SERIAL NO. 97-43

Subject: Amending Chapter 13.04, Control of Firearms in the Wasilla Municipal Code.

Meeting Date: **07/14/97**

RECOMMENDATION AND MOTION:

Introduce Ordinance Serial No. 97-43 and schedule for public hearing at the next regular meeting on 07/28/97.

Administration Recommendation: *Great concerns...*

Reviewed by Sarah H. Palin, Mayor: _____

Route To:	Department:	Approval (Initials):	Remarks:
1	Clerk's Office		
2	Finance		
3	Library		
4	Museum		
5	Planning		
6 ✓	Police	<i>D.C.F.</i>	<i>There are concerns about this which need to be discussed</i>
7	Public Works		
8 ✓	Admin.		
9	City Attorney		

Attachment (s): Fiscal Note: YES _____ NO XX
(List other attachments; i.e., maps, bid information, etc.)

Staff Recommendation: Introduce Ordinance Serial No. 97-43 and schedule for public hearing at the next regular meeting on 07/28/97.

Summary Statement:

To amend the control of firearms by adding definitions of weapons and stating when the carrying of weapons is prohibited, amending the discharge of firearms section and adding a severability section.