

ORDINANCE

SUBJECT: CONCEALED OR OPEN CARRY OF WEAPONS OR FIREARMS

COMMITTEE: PUBLIC WORKS & INFRASTRUCTURE AND EXECUTIVE COMMITTEES

FIRST CONSIDERATION: _____

FINAL CONSIDERATION: _____

ORDINANCE # 97 – _____ PUBLICATION DATE _____

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 ordinances 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)