

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing section 5534., Jackson County Code, 1984, relating to weapons offenses and enacting one new section relating to the same subject, with a penalty provision.

ORDINANCE NO. 4595, December 2, 2013

INTRODUCED BY Gregg Grounds, Dennis Waits, Crystal Williams, and Theresa Garza Ruiz, County Legislators

WHEREAS, the Sheriff has advised that it has received several recent reports of weapons being discharged in such a manner that the rounds travel from the parcel of land on which the shooter is located onto an adjoining property; and

WHEREAS, such discharges have alarmed neighbors and potentially endangered public health and safety; and

WHEREAS, the County Counselor recommends an amendment to the County's weapons ordinance, to make more objective and definite the areas of the County in which such discharges are prohibited; and

WHEREAS, such amendment will make violations of the weapons ordinance more readily provable in County municipal court; now therefore

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 5534., Jackson County Code, 1984, is hereby repealed, and one new section enacted in lieu thereof, to be known as section 5534., to read as follows:

5534. Weapons Offenses.

For the purposes of this chapter, the following terms shall be defined as follows:

a. Blackjack/Martial Arts Instrument.

Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use, i.e. numchucks, throwing stars, slapper, blackjack, etc.

b. Firearm.

Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

c. Gas Gun.

Any gas ejection device, weapon, cartridge, container, or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance.

d. Knife.

Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this chapter, "knife" does not include any ordinary pocket knife with a blade less than four inches in length.

e. Knuckles.

Any instrument that consists of finger ring(s) or guard(s) made of a hard substance that is designed, adapted, or used for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

f. Projectile Weapon.

Any bow, crossbow, pellet gun, slingshot, or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

g. Stun Gun/Taser.

Any portable device or weapon that produces an electric current impulse, wave, or beam capable of temporarily incapacitating, injuring, or killing a human being.

h. Switchblade/Butterfly Knife.

Any knife which has a blade that folds or closes into the handle or sheath, and which:

- (1) Opens automatically by pressure applied to a button or other device located on the handle; or
- (2) Opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

5534.1 Carrying a Concealed Weapons.

No person shall carry concealed upon or about his person any firearm, blackjack, martial arts instrument, knuckles, knife, projectile weapon, gas gun, switchblade or butterfly knife, or any other weapon readily capable of lethal use. This subsection shall not apply to any person who has a valid concealed carry endorsement issued pursuant to § 571.101, RSMo, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, with regard to the carrying of the type of firearm specified in the endorsement or permit.

5534.2 Unlawful Use of Weapons.

No person shall:

- a. Possess or discharge a firearm or projectile weapon while intoxicated;
- [or]

b. Discharge a firearm or projectile weapon in a careless or reckless manner[, or in a densely populated area.]; or

c. Discharge a firearm or projectile weapon:

(1) Anywhere within the area described as the "Urban Development Tier" in the Jackson County Master Plan "Strategy for the Future," dated January 1994, as amended; or

(2) In a manner so as to allow a projectile to travel beyond the boundaries of the tract of real property from which it was fired onto another tract not under common ownership.

This subsection 5534.2.c shall not apply to any otherwise lawful activity taking place on the grounds of a firing range or gun club as permitted under section 24005.9 of this code or under the duly enacted ordinances of any competent municipal authority within Jackson County.

5534.3 Weapons on Public Property.

No person shall carry any firearm, blackjack, martial arts instrument, knuckles, knife, projectile weapon, gas gun, switchblade or butterfly knife, stun gun or taser, or any other weapon readily capable of lethal use onto any property belonging to or leased by the county. This subsection shall not apply to any person who has a valid concealed carry endorsement issued pursuant to § 571.101, RSMo, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision

of another state, with regard to the carrying of the type of firearm specified in the endorsement or permit.

5534.4 Firearms in County Buildings.

a. No person who has been issued a concealed carry endorsement by the Missouri director of revenue under § 571.101, 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 firearm or to openly carry a firearm, in any building or portion of a building owned, leased, or controlled by the county.

b. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the county stating that carrying of firearms is prohibited. Where the county owns, leases, or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.

c. This subsection 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 county.

d. Any person violating this subsection may be denied entrance to the building or ordered to leave the building. Any person violating this subsection who refuses to leave a county building after being ordered to do so may be punished pursuant to § 571.107.2, RSMo. Any county employee violating this subsection may be disciplined in accordance with the county's personnel rules.

e. 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 county.

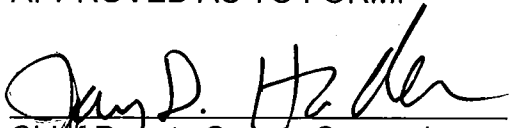
5534.5 Law Enforcement Officers - Exception.

Nothing in this section shall apply to any legally qualified United States, state, county or municipal ~~[law enforcement]~~ peace officer, as defined by section 571.030, RSMo, so as to prevent such officer from carrying or wearing these weapons as may be necessary in the proper discharge of his duties.

Section B. Penalty Provision. Any violation of this Ordinance shall be punishable pursuant to section 5520., Jackson County Code, 1984.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4595 introduced on July 22, 2013, was duly passed on December 9, 2013 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0


Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

12.9.13

Date

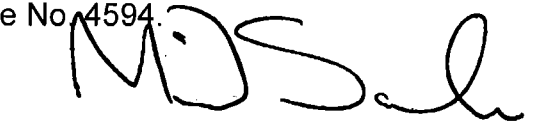


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4594.

12-10-13

Date



Michael D. Sanders, County Executive