



Jackson County Missouri

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Legislation Text

File #: 4737, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 5005., 5015., 5520., and 5534., Jackson County Code, 1984, relating to the carrying and use of weapons on County property, and enacting, in lieu thereof, three new sections relating to the same subject, with a penalty provision.

ORDINANCE NO. 4737, June 1, 2015

INTRODUCED BY Frank White, Jr., County Legislator

WHEREAS, there is a conflict between existing provisions of the Jackson County Code governing the possession of defensive weapons, such as tasers and stun guns, on County park property; and

WHEREAS, while section 5015., which governs weapons on park property, impliedly allows such weapons on park property, section 5534., the general petty offense provision, prohibits them; and,

WHEREAS, several citizens have communicated both to Parks+Rec staff and members of the Legislature their desire to carry such weapons on unimproved, open park property, such as trails, for personal protection; and,

WHEREAS, the Legislature agrees that such possession should be permitted and finds that the amendment of the code to permit same is in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

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

Section A. Enacting Clause. Sections 5005., 5015., 5520., and 5534., Jackson County Code, 1984, are hereby repealed, and three new sections enacted in lieu thereof, to be known as sections 5005., 5520., and 5534., to read as follows:

5005. Park Rangers.

The Jackson County park rangers shall assist the director of parks and recreation in the control, management and protection of all Jackson County parks, park property, and all wildlife, natural, and cultural resources of the parks.

5005.1 General Duties.

Jackson County park rangers shall strive to assure the convenience and safety of all persons using county parks as permitted by this chapter.

5005.2 Enforcement of Park Regulations.

Jackson County park ranger shall have concurrent jurisdiction with the officers of the Sheriff's Patrol to enforce all park regulations set out in chapter 50, Jackson County Code. (See 64.335 & 590.105, RSMo)

5005.3 Enforcement of Nonmoving Traffic Violations.

Jackson County park rangers shall have the jurisdiction to enforce the following provisions of chapter 52, Traffic Code and chapter 55, Petty Offenses:

5270. Obstruction of Traffic Prohibited;

5271. Blocking Driveway Prohibited;

5272. Standing in Curb Loading Zone;

- 5273. Maximum Time at Curb Loading Zone;
- 5274. Buses;
- 5275. Taxicabs;
- 5276. Bus and Taxicab Stands, Use Restrictions;
- 5277. Parking Restricted on Certain Streets;
- 5284. Illegally Parked Vehicles;
- 5286. Vehicle Abandonment Prohibited;
- 5531. Disorderly Conduct;
- 5534. Weapons Offenses;
- 5539. Obedience to Sheriff, Deputy, or Park Ranger;
- 5540. Littering;
- 5547. Possession of Controlled Substances;
- 5549. False Report or Information;
- 5551. Fleeing or Attempting to Elude an Officer;
- 5552. Hindering an Officer/Resisting Arrest;
- 5554. Resisting Arrest; and
- 5556. Public Indecent Exposure.

5005.4 Violation of Law other than Park Regulation.

On observing any violation of [any county ordinance] this code, or the laws of the United States or the state of Missouri, the Jackson County park rangers may notify the sheriff, the Highway Patrol, or any appropriate law enforcement authority of the United States, the state, or the county, or of the city in which the park is located.

5005.5 Emergencies.

In the event of emergencies involving illness or injury, or danger to life, the Jackson County park rangers shall take reasonable steps to obtain needed medical, rescue or other emergency assistance.

5005.6 Oath of Office.

Upon successful completion of required law enforcement training, each park ranger shall take an oath of office before the clerk of the county legislature

[5015. Firearms and Other Weapons.

No person other than police officers or others authorized by law shall use, carry or possess any long bow, cross bow or sling shot, pistol, revolver, rifle, shotgun, air gun, spring gun or any other weapon in which the force used to propel projectiles is gun powder, air, compressed air or springs, or any instrument that can be loaded with and fire blank cartridges, on any Jackson County Park System property except at shooting ranges authorized by the director of parks and recreation or as otherwise permitted by this chapter.]

5520. Penalty, Violation of Petty Offense Code.

Any person who violates the provisions of section 5534.4 of this chapter shall on conviction be punished pursuant to [§ 571.094.21] section 571.107.2, RSMo. Any person who violated any of the remaining provisions of this chapter shall on conviction be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for a term not exceeding one (1) year, or by both

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. (Ord. 3866, Eff. 01/23/07)

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] permit issued pursuant to [§ 571.094] section 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;
- b. Discharge a firearm or projectile weapon in a careless or reckless manner; or
- c. Discharge a firearm or projectile weapon 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.

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] permit issued pursuant to [§ 571.094] section 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. Further, this subsection shall not apply to the open carrying of any weapon described in subsection 5534.g of this section on any unimproved real property within the county park system.

5534.4 Firearms in County Buildings.

- a. No person who has been issued a concealed carry [endorsement by the Missouri director of revenue] permit under [§ 571.094] section 511.101, 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 [§ 571.094.21] section 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 officer, as defined by section 571.030.2, 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.

Upon conviction of any violation of this Ordinance, a person may be punished as is provided in sections 5093. and/or 5520., Jackson County Code, 1984.

..Enacted and Approved

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. 4737 introduced on June 1, 2015, was duly passed on June 15, 2015 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 0

Excused 1

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

Date

Mary Jo Spino, Clerk of
Legislature

I hereby approve the attached Ordinance No. 4737.

Date

Michael D. Sanders,
County Executive