

ORDINANCE NO. 16-10

AN ORDINANCE TO AMEND THE MUNICIPAL CODE IN CONFORMITY WITH 2015 WISCONSIN ACT 149 SUBSTANTIALLY PREEMPTING THE LOCAL MUNICIPALITY REGULATION OF KNIVES

WHEREAS, Wisconsin Act 149, which became effective on February 8, 2016, substantially removes and prohibits the regulation of knives by a local municipality in the State of Wisconsin; and

WHEREAS, the Village Municipal Code has always regulated knives within the realm of their use as a dangerous weapon, the purpose of such regulations being to protect the public health, safety and welfare; and

WHEREAS, Section 2. of the Act amends Wis. Stat. § 66.0409(2) to provide in part: “no political subdivision may enact or enforce an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any knife... unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute; and

WHEREAS, the Chief of Police has reviewed the Municipal Code and provided proposed amendments to bring the Code into conformity with Act 149.

NOW, THEREFORE, the Village Board of the Village of Hales Corners, Wisconsin, do ordain as follows:

SECTION 1: §14.01(1)(a) Dangerous Weapon, of the Municipal Code of Hales Corners, Wisconsin, be and the same is hereby amended as follows: delete “,bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor, or any other knife having a blade three (3) inches or longer” from the existing text.

SECTION 2: §14.01(2) Carrying Dangerous or Concealed Weapons, of the Municipal Code of Hales Corners, Wisconsin, be and the same is hereby amended to add the following subsections to the existing text:

3. Adoption of State Statutes. Except as otherwise specifically provided in this chapter, the following statutory provisions, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein:

a. Wis. Stat. § 948.61(1) relating to Dangerous weapons other than firearms on school premises.

4. Prohibition against carrying knives within Village buildings. No person, except sworn law enforcement officials or Village Employees, shall carry or possess a knife whether concealed or not within any Village owned building or facility including, but not limited to, Village Hall, Ben Hunt Center, Village Fire Station, Village Public Works Garage, and Schoetz Park pavilion.

5. Carrying of Knives.

a. No person prohibited from possessing a firearm under State Statute 941.29 shall wear concealed about their person a knife.

SECTION 3: §14.01(3) LICENSE FOR SALE OF WEAPONS, of the Municipal Code of Hales Corners, Wisconsin, be and the same is hereby repealed.

SECTION 4: §14.01(4) SELLING WEAPONS TO MINORS PROHIBITED, of the Municipal Code of Hales Corners, Wisconsin, be and the same is hereby amended as follows: delete: "21" and in place thereof, insert: "18"; delete ", except household purpose knives or knives having blades less than 3 inches" from the existing text.

SECTION 5: §14.01(5) WEEKLY REPORT ON SALE OF DANGEROUS WEAPONS, of the Municipal Code of Hales Corners, Wisconsin, be and the same is hereby repealed.

SECTION 6: §14.01(6) PERMIT REQUIRED FOR PURCHASE OF DANGEROUS WEAPONS, of the Municipal Code of Hales Corners, Wisconsin, be and the same is hereby repealed.

SECTION 7: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

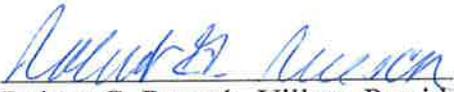
SECTION 8: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 9: This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED this 13th day of June, 2016.

(VILLAGE SEAL)




Robert G. Ruesch, Village President

Countersigned:


Michael F. Weber, Administrator/Clerk