

BILL NO. 2892
SPONSOR: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PACIFIC, MISSOURI, AMENDING CHAPTER 210 RELATING TO THE OPEN CARRY OF FIREARMS READILY CAPABLE OF LETHAL USE.

WHEREAS, Section 21.750.3 of the Revised Statutes of Missouri, as amended, permits municipalities to pass ordinances regulating the open carrying of firearms readily capable of lethal use; and

WHEREAS, the Board of Aldermen of the City of Pacific, Missouri (the "City") desires to amend Chapter 210 "Offenses" of the Municipal Code of the City to regulate the open carry of firearms readily capable of lethal use;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:

Section One. Chapter 210 "Offenses" of the Municipal Code of the City is hereby amended by replacing Section 210.280 with a new Section 210.280 to read as follows:

SECTION 210.280: UNLAWFUL USE OF WEAPON

A. A person commits the offense of unlawful use of weapons if he knowingly:

1. Carries concealed upon or about his person a knife, firearm, a blackjack or any other weapon readily capable of lethal use; or
2. Sets a spring gun; or
3. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
4. Possesses or discharges a firearm or projectile weapon while intoxicated; or
5. Discharges a firearm within one hundred (100) yards of any occupied school house, courthouse, or church building; or
6. Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
7. Discharges or shoots a firearm within the City limits.
8. Openly carries a firearm readily capable of lethal use within the City limits.

B. Subdivision (8) of Subsection (A) of this Section shall not apply to or affect any of the following:

1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired law enforcement officers, as defined in the federal Law Enforcement Officers Safety Act, in Subsection (c) of 18 U.S.C. 926C, and who carry the identification defined by Subsection (d) of 18 U.S.C. 926C, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
3. Members of the Armed Forces or National Guard while performing their official duty;
4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
5. Any person whose bona fide duty is to execute process, civil or criminal;
6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.;
9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;
10. Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under Section 571.111.2 RSMo.;
11. Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under

Section 571.111 RSMo. when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

12. Any person employed as an armed uniformed security officer, and who is licensed if such licensing is required by applicable jurisdiction, while such person is in uniform.

Section Two. Except as specifically amended herein, Chapter 210 of the Municipal Code of the City shall remain in full force and effect.

Section Three. This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this ___ day of _____, 2013 by the Board of Aldermen of the City of Pacific, Missouri, after having been read by title or in full two (2) times prior to passage.

Presiding Officer

Herbert C. Adams, Mayor

ATTEST:

City Clerk

City Clerk