

ORDINANCE NO. 4570

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA TO REPEAL CHAPTER 21 OF THE OFFICIAL CITY CODE OF THE CITY OF HASTINGS, NEBRASKA AND TO ENACT A NEW CHAPTER 21 IN ITS PLACE DEALING WITH PROHIBITION OF DEADLY WEAPONS IN CITY BUILDINGS AND IN CITY VEHICLES; TO REPEAL ANY ORDINANCE OR OTHER PROVISION IN CONFLICT HEREWITH; TO PROVIDE AND EFFECTIVE DATE OF THIS ORDINANCE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDANINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

Section 1. That Chapter 21 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby repealed in its entirety.

Section 2. That there is hereby enacted a new Chapter 21 to the Official City Code of the City of Hastings, Nebraska, to read as follows:

CHAPTER 21

WEAPONS

- 21-101. Carrying weapons in open carry.
- 21-102. Discharge of firearms and weapons.
- 21-103. Display and sale of specified weapons prohibited.
- 21-104. Sale and transfer of specified weapons prohibited.
- 21-105. Sale, lease, rental, and transfer; certificate required; exceptions.
- 21-106. Disposition of confiscated weapons.
- 21-107. Report of treatment of wounds.

21-101. Carrying weapons in open carry.

A. It shall be unlawful for any person, including City employees, to have on or about his or her person in either open carry or concealed carry of any deadly weapon as defined herein in Subsection C. in any building or vehicles owned by the City of Hastings, Nebraska.

B. This Section does not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon the person is carrying is a handgun as defined Subsection C. (1); provided, however, this exception shall not apply to any building within the City of Hastings where the Mayor and City Council are meeting or in a building or place prohibited by Nebraska statute or Federal law.

C. For the purpose of this section deadly weapon shall mean any firearm, knife, bludgeon, or other device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury. Included within this definition are the following:

- (1) A handgun with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand;
- (2) A knife defined as:
 - (a) Any dagger, dirk, knife, pocket knife, switch blade knife, or stiletto with a blade over three and one-half inches in length and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury; or
 - (b) Any other dangerous instrument which is capable of inflicting cutting, stabbing, or tearing wounds and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury;
- (3) Knuckles and brass or iron knuckles or other instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;
- (4) A machine gun defined as any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;
- (5) A rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and
- (6) A shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

D. The provisions of this section shall not be held to prohibit any act or possession in open carry or by concealed carry by any peace officer. For the purposes of this Section peace officer means the Chief of Police or Police Officer, County Sheriff or Deputy Sheriff, any Officer of the Nebraska State Patrol, any Federal Agent, retired law enforcement officer who has been granted lawful concealed carry under the federal Law Enforcement Officers Safety Act (LEOSA), any member of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder, and all other persons with similar authority to make arrests.

E. The City shall post conspicuous notice that carrying a deadly weapon in open carry or concealed carry is prohibited in a building or vehicles where the Mayor and City Council are meeting within the City of Hastings. A person does not violate this Section unless the City has posted such a notice. Further, a concealed handgun permit holder carrying a concealed handgun in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area owned by the City of Hastings, does not violate this Section if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle. This exception does not apply to any parking area when the

carrying of a concealed handgun into or onto such parking area is prohibited by federal law

F. The Chief of Police is hereby granted the authority in his or her discretion to authorize the presence of specified deadly weapons in buildings or vehicles owned by the City of Hastings for an event being conducted by a third party on or within such building or vehicle upon written application made to the Chief of Police at least five (5) days prior to the event.

Reference: For state law authorizing City to regulate, punish, etc., the carrying of concealed weapons, Neb. Rev. Stat. §28-1201 et seq. and Neb. Rev. Stat. §69-2421 et seq.

21-102. Discharge of firearms and weapons.

It shall be unlawful for any person to discharge or cause to be discharged any rifle, gun, pistol, revolver, shotgun, air gun, blank cartridge revolver or any other firearm or any sling shot loaded with rock or other dangerous missile, or any crossbow or bow and arrow, at any time or under any circumstances within the City or within any park, the property of the City, whether within or without the corporate limits; provided, that this Section shall not apply to a peace officer as defined in Section 21-101 in the discharge of his or her duties; to licensed shooting galleries; to any theatrical performance or exhibition duly authorized or licensed; to the discharge of any crossbow or bow and arrow when the bolt or arrow does not leave the property from which it is discharged; to the discharge of a shotgun related to cleaning inside the furnace at Whelan Energy Center; or when the same may be necessary for the public or individual defense and safety. This Section does not apply to starter's pistols used to start events at track meets or road races within the City of Hastings.

Reference: For state law authorizing City to regulate or prohibit the discharge of firearms, see Neb. Rev. Stat. 1943, Section 16-227.

21-103. Display and sale of specified weapons prohibited.

No person engaged in business in the city shall display or place on exhibition in any show window or other window facing upon any street, any deadly weapon as defined in Section 21-101.

21-104. Sale and transfer of specified weapons prohibited.

No person in the City shall sell, provide, loan, deliver, or in any other way transfer any deadly weapon as defined in Section 21-101 to any person under the influence of alcohol, who is an unlawful user of or addicted to any controlled substances, anyone who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, anyone who has been convicted in any court of a misdemeanor crime of domestic violence, anyone who "is subject" to a protection order, or to a minor under the age of eighteen (18) years. The exceptions to this prohibition for minors under the age of eighteen years of age is (1) persons who are related to the juvenile and have permission from the parents, (2) a legitimate and lawful sporting purpose, or (3) and

appropriate educational program under direct adult supervision when the firearm is a rifle or shotgun.

21-105. Sale, lease, rental, and transfer; certificate required; exceptions.

Except provided in this section a person shall not purchase, lease, rent, or receive transfer of a handgun until her or she has obtained a certificate in accordance with section 69-2404 of Nebraska State Law. Except as provided in this section a person shall not sell, lease, rent, or transfer a handgun to a person who has not obtained a certificate.

The certificate shall not be required if:

- (a) The person acquiring the handgun is a licensed dealer under federal law;
- (b) The person acquiring the handgun is authorized to do so on behalf of a law enforcement agency;
- (c) The transfer is a temporary transfer of a handgun and the transferee remains in the line of sight of the transferor or within the premises of an established shooting facility;
- (d) The transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent;
- (e) The person acquiring the handgun is a holder of a valid permit under the Concealed Handgun Permit Act (see section 69-247 of Nebraska State Law); or
- (f) The person acquiring the handgun is a peace officer as defined in Neb. Rev. Stat. §69-2429.

21-106. Disposition of confiscated weapons.

Every police officer, upon making any arrest or taking a weapon used in violation of this Chapter, shall seize the weapon and place it in evidence at the Hastings Police Department to be held until the final determination of the prosecution for such offense; and upon the finding of guilt, it shall then be the duty of the Chief of Police to make disposition of the weapon.

Any deadly weapon defined in section 21-101 used by a person in the commission of a crime which there is a conviction shall forfeit to the City such deadly weapon. Deadly weapons which have come into the Hastings Police Department's possession through a seizure or otherwise, and have not been used in a crime, have not been defaced or altered in any manner that violates and state or federal law, may have a lawful use and be lawfully possessed, shall lawfully be restored to the owner.

21-107. Report of treatment of wounds.

Every physician or surgeon duly admitted to the practice of medicine or surgery in the State, whenever he shall treat any person in the City for a wound inflicted by a dangerous or deadly weapon of any kind, shall notify the City Police Department immediately of the time when he renders such professional service, or is called upon to render the same.

Section 3. That any ordinance or provision passed and approved prior to the passage, approval and publication or posting of this Ordinance, and in conflict with its provisions, is hereby repealed.


Section 4. That this Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in pamphlet form, said effective date being the 14TH day of March, 2019, and this Ordinance shall be included in the Official Hastings City Code Book.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this 26TH day of February, 2019.

ATTEST:



Mayor

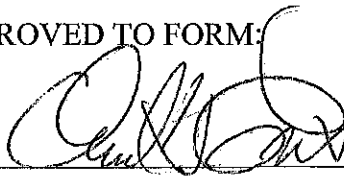


City Clerk

(S E A L)



APPROVED TO FORM:



City Attorney