

BILL NO. 915

ORDINANCE NO. 152

AN ORDINANCE REGULATING THE UNLAWFUL USE OF WEAPONS WITHIN THE CITY LIMITS AND THE CITY OF FOLEY ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF AND MATTERS THERETO

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY AS FOLLOWS:

Section 1: That cities of the fourth class, Foley being such, have the authority under the Revised Statutes of Missouri, Section 79.450, and Chapters 571 and 577, to regulate the possession and use of weapons.

Section 2: A person shall commit the offense of unlawful use of a weapon if the person knowingly:

- (1) Carries concealed upon or about his or her person a knife, firearm, a blackjack or any other weapon readily capable of lethal use; or
- (2) Sets a spring gun; or
- (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft or motor vehicle as defined in Section 302.010 of the Revised Statutes of Missouri, or any building or structure used for the assembling of people; or
- (4) Exhibits in the presence of one or more persons any weapon readily capable of lethal use in an angry or threatening manner; or
- (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or
- (6) Discharges a firearm within one hundred (100) yards of any occupied schoolhouse, courthouse or church building; or
- (7) Discharges or shoots a firearm at any object or at random, on, along or across the public highway, or discharges or shoots a firearm into any outbuilding; or
- (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place

where people have assembled for worship, or into any school, or into any election precinct on any election date, or into any building owned or occupied by the agency of the federal government, state government, or political subdivision thereof, or into any public assembly of persons met for any lawful purpose.

Section 3: Provisions of subparagraphs 1, 3, 4, 6, 7 and 8 of the above section shall not apply to or affect any of the following:

- (1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the criminal laws of the state, or for violation of the ordinances of counties or municipalities of the state, or any persons summoned by such officers to assist in making an arrest or preserving the peace while actually engaged in assisting such officer;
- (2) Members of the Armed Forces or National Guard while performing their official duties;
- (3) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crimes;
- (4) Those persons vested by Article 5 Section 1 of the Constitution of Missouri with the judicial power of the state;
- (5) Any person whose bonafide duty is to execute process, civil or criminal.

Section 4: Subparagraphs 1, 5, and 8 of this Ordinance do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state where ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision 1 of Subsection A of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or other business premises over which the actor has possession, authority or control, or is traveling on a continuous journey peacefully throughout this state.

Section 5: When any person shall be arrested, it should be lawful for any police officer making such arrest to dispossess such person of any knife, pistol or other dangerous weapon found on or about the person, and the property so taken shall be reported to the chief of police. Except that where the laws of this state require any contraband property coming into the possession of such police

officer shall be delivered or reported to the prosecuting attorney, it shall be his or her duty to so do so.

Section 6: That any person found in violation of the provisions of this ordinance shall be subject to a fine of up to Five Hundred Dollars (\$500.00) and/or imprisonment in the Lincoln County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment.

Section 7: That this ordinance shall take full force and effect immediately upon its enactment and passage.

READ THREE TIMES AND APPROVED THIS 17th DAY OF July, 1991.

*Sylvia Stonebraker*  
MAYOR

ATTEST:  
*Sylvia F. Collier*  
CITY CLERK

