



# City of Grand Island

Tuesday, March 10, 2009

Council Session

## Item F1

**#9207 - Consideration of Amending Chapter 20-8 of the Grand Island City Code Relative to Fire Arms**

Staff Contact: Steve Lamken

# Council Agenda Memo

**From:** Steven Lamken, Police Chief

**Meeting:** March 10, 2009

**Subject:** Amendment to Grand Island City Code 20-8 – Fire Arms

**Item #'s:** F-1

**Presenter(s):** Steven Lamken, Police Chief

## Background

There are frequent occurrences of multiple criminal mischief crimes in the City where the damage is being caused by the use of a gun or similar item that shoots a projectile such as a bb, pellet or paintball. Police Department investigations show that these crimes are being committed by persons driving or riding in vehicles and shooting at other vehicles or buildings causing damage. Police Officers have contact with persons carrying loaded bb guns or similar guns in their cars. City Code 20-8 prohibits the discharge of such items in the City but does not prohibit persons from carrying them while loaded in their vehicles.

## Discussion

The residents and businesses of our City are frequently victims of vandalisms to their property caused by persons shooting bb, pellet, paintball or similar type guns. The cumulative damage of these vandalisms is in the tens of thousands of dollars. Police investigations determine the overwhelming majority of these offenses are committed by persons who are driving or riding in vehicles.

Police Officers have contact with persons driving or riding around in the City who have loaded bb, pellet, or similar guns in their cars. Most persons lack a legitimate purpose to be driving in the City with a loaded bb or pellet gun in their car as it is unlawful to discharge such guns inside the City limits.

Officers have made arrests for criminal mischief by observing such guns in vehicles they have stopped and conducting further investigations. While officers have been able to clear some cases and make some arrests; this is not the norm for what takes place during most traffic stops when a bb or pellet gun is found in the vehicle. Most of the time officers cannot take any action or enforcement when they find a loaded bb, pellet, or paintball gun in a vehicle. These items are not firearms or dangerous weapon under the

statutes of the State. There is no prohibition for carrying a loaded bb, pellet, paintball, or similar gun in a vehicle.

We do not find legitimate purposes for having a loaded bb, pellet, paintball or similar gun, transported in the passenger compartment of a vehicle. We recommend the adoption of the changes to City Code 20-8 that requires that such guns be unloaded and properly encased when being transported in the passenger compartment of a vehicle.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to Approve
2. Take no action on the issue
3. Postpone the issue to a future date
- 4.

### **Recommendation**

City Administration recommends that the Council approve the amendments to City Code 20-8, Discharge Firearms, Air Rifles, etc.

### **Sample Motion**

Motion to approve the amendments to City Code 20-8, Discharge Firearms, Air Rifles, etc.

ORDINANCE NO. 9207

An ordinance to amend Grand Island City Code Section 20-8 relating to restrictions for carrying air guns and similar items in the passenger compartment of motor vehicles; to repeal sections in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 20-8 of the Grand Island City Code is amended to read as follows:

**§20-8. Discharging Fire Arms, Air Rifles, etc.**

(A) It shall be unlawful for any person, except a law enforcement officer in the course of his or her duties, to discharge or fire a gun, pistol, fire arm, cannon, air rifle, sling shot, or other item designed for the discharge of bullets, missiles, rocks, or other dangerous items by the operation thereof, anywhere within the City.

(B) The above prohibition shall not apply to a location designed and utilized for the safe usage of such items, whether established or constructed on a temporary or permanent basis.

(C) It shall be unlawful for any person to possess in the passenger compartment of a motor vehicle off his or her own premises, an air rifle, bb or pellet gun, airsoft gun, paintball gun or any other such item designed to discharge a projectile, unless the item is unloaded and encased in a closed container that is secured by means of latches, zipper, or similar method. Any item found in violation of this section shall be seized as evidence and held by the Grand Island Police Department for a minimum period of sixty (60) days. If at the end of the sixty-day period the item is no longer required to be held as evidence for the prosecution of any violation of this section, any other city ordinance, or violation of any federal or state statute, the item will be returned to the rightful owner. If the rightful owner is under eighteen (18) years of age at the time the item is eligible for release, the item will be released to the rightful owner's parent or legal guardian.

SECTION 2. Section 20-8 as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

ORDINANCE NO. 9207 (Cont.)

SECTION 3. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 4. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: March 10, 2009.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk