

ORDINANCE NO. 98-5068

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING A SECTION TO BE NUMBERED 18-204; PROHIBITING THE CARRYING OR CONCEALING OF WEAPONS, FIREARMS OR EXPLOSIVES AT CITY COUNCIL PROCEEDINGS; PROVIDING APPROPRIATE SIGNING; ESTABLISHING PENALTIES FOR SUCH A VIOLATION AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That the Billings, Montana City Code be amended by adding a Section to be numbered 18-204, to read as follows:

"Section 18-204. Prohibiting weapons, firearms and explosives at city council proceedings.

(a) **Statement of Authority and Purpose.**

- (1) Section 45-8-351, MCA authorizes cities to prevent and suppress the carrying of concealed or unconcealed weapons to public assemblies under its jurisdiction;
- (2) Section 45-8-328(1)(a), MCA prohibits the carrying of concealed weapons with or without a permit in any building owned or leased by a local government;
- (3) Section 45-8-333, MCA prohibits the possession of explosives where such possession intimidates, terrifies or endangers another human being; and
- (4) The security of City Council proceedings and the safety of its participants are of paramount concern.

(b) **Definitions.**

- (1) *Council proceedings* means all regularly scheduled meetings of the Billings City Council, all specially-called meetings of the Billings City Council and all agenda meetings of the Billings City Council wherever such meetings may be held.
- (2) *Destructive device* means:
 - (a) An explosive or incendiary material or any other similar chemical substance including, but not limited to, that which is commonly known as tracer or incendiary ammunition,

- except trace ammunition manufactured for use in shotguns;
- (b) A bomb, grenade, explosive missile or similar device or a launching device therefore;
 - (c) A weapon of a caliber greater than .60 caliber which fires fixed ammunition or any ammunition therefore, other than a shotgun or shotgun ammunition;
 - (d) A rocket, rocket-propelled projectile or similar device of a diameter greater than .60 inches or a launching device therefore and a rocket, rocket-propelled projectile or a similar device containing an explosive or incendiary material or any other similar chemical substance other than the propellant for the device, except devices designed primarily for emergency or distress signaling purposes;
 - (e) A breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and which has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.
- (3) *Firearm* means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer or any destructive device.
- (4) *Law enforcement personnel* means:
- (a) Any sworn peace officer of the City of Billings;
 - (b) Any sworn peace officer of the State of Montana;
 - (c) Any officer of the United States Government authorized to carry a concealed weapon;
 - (d) Any member of the armed services or reserve forces of the United States or National Guard while in performance of their official duties;
 - (e) A person summoned to the aid of any of the persons named in subsections (a) through (d);
 - (f) A probation and parole officer authorized to carry a firearm by the Montana Department of Corrections;
 - (g) An agent of the Montana Department of Justice or a criminal investigator in a County Attorney's office;
 - (h) A person authorized by the Billings Chief of

Police to carry or possess an unconcealed weapon on city property.

- (5) *Weapon* means a dirk, dagger, pistol, revolver, rifle, shotgun, firearm, slingshot, sword, cane, billy, knuckles made of any metal or hard substance, razor (not including a safety razor) or other deadly weapon or destructive device.

(c) **Prohibition of weapons, firearms, and destructive devices at city council meetings.**

The carrying or possession of weapons, firearms or destructive devices at Billings City Council proceedings by any person except law enforcement personnel is prohibited.

(d) **Signing.**

Suitable signs giving notice that weapons, firearms and destructive devices are prohibited at Billings City Council proceedings will be posted in appropriate areas.

(e) **Penalties.**

A person convicted of carrying or possessing weapons, firearms or destructive devices at Billings City Council proceedings shall be fined not to exceed \$500.00 or by imprisonment not to exceed six (6) months or both."

Section 2. **Effective date.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. **Repealer.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 14 day of Sept, 1998.

PASSED, ADOPTED and APPROVED on second reading this 28 day of Sept, 1998.

CITY OF BILLINGS



By Charles F. Tooley
Mayor

ATTEST:

By Marita Herold
City Clerk