

Chapter 255

WEAPONS

§ 255-1. Carrying concealed weapons prohibited; certain weapons prohibited.

§ 255-2. Possession of dangerous weapon by a child.

§ 255-3. Violations and penalties; attempt; parties to acts.

[HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 9, Secs. 9-2-2 and 9-1-2, of the 1996 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Firearms and explosives — See Ch. 142.
Minors — See Ch. 171.

Peace and good order — See Ch. 201.

§ 255-1. Carrying concealed weapons prohibited; certain weapons prohibited.

A. Concealed weapons prohibited.

- (1) No person shall within the village wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided this subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
- (2) “Dangerous weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

B. Concealed weapons in public establishments. No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer. No handgun, either holstered, cased or uncased, shall be in the possession or under the control of any person while said person is inside a public building or place of business, including, but not limited to, a place of business whose primary purpose or a major part of the business is selling alcoholic beverages of any kind. A “handgun” means any firearm having a barrel less than 12 inches.

C. Specific concealed weapons prohibited. No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry

or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, butterfly knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the village.

D. Possession, sale and manufacture of certain weapons prohibited.

(1) No person shall sell, manufacture, purchase, possess or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon within the Village of Iola.

(2) For the purpose of this section, the following definitions shall apply:

CHURKIN — A round throwing knife consisting of several sharp points protruding from a rounded disc.

NUMCHUK or NUNCHAKU — An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.

SUCBAI — A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.

(3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

§ 255-2. Possession of dangerous weapon by a child. [Added 2-12-1996 by Res. No. 96-7]

A. Purpose and intent. It is declared to be the purpose and intent of this ordinance to protect the public safety of the community and to impose restrictions upon those activities which increase crime and violence.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

CHILD — Any person who has not yet attained the age of 18 years.

DANGEROUS WEAPON — Any firearm, loaded or unloaded; any electric weapon as defined in Sec. 941.295 (4) Wis. Stats.; metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather; a cestus or similar material weighted with metal or other substance and worn on the hand; a shuriken or other pointed star like object intended to injure a person when thrown; a manrikigusari or other similar length of chain having weighted ends; a knife having a blade which exceeds six inches in length; or any other object whose primary function is to injure other persons.

C. Prohibition. No child shall possess or go armed with a dangerous weapon.

D. Penalty. Any child who shall violate the provisions of this section shall, upon conviction thereof, forfeit \$50, plus costs, pursuant to Sec. 938.343(2), Wis. Stats. The village shall have any and all remedies provided in Sec. 938.343 Wis. Stats.¹

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

E. Exceptions.

- (1) This section does not apply to a child who possesses or is armed with a dangerous weapon when the dangerous weapon is being used in target practice under the supervision of an adult or in the course of instruction in the traditional and proper use of the dangerous weapon under the supervision of an adult.
- (2) This section does not apply to a child who is a member of the armed forces or National Guard and who possesses or is armed with a dangerous weapon in the line of duty.
- (3) This section does not apply to a child who possesses or is armed with a firearm and who is in compliance with Secs. 29.226 and 29.227, Wis. Stats.

§ 255-3. Violations and penalties; attempt; parties to acts.

A. Penalty. In addition to the general penalty provisions of this Code in Chapter 1, General Provisions, § 1-17, or any other penalty imposed for violation of any section of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates § 201-11 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this chapter to the District Attorney's office in the interest of justice.

B. Attempt.

- (1) Whoever attempts to commit an act prohibited by this chapter of the Code of Ordinances of the Village of Iola may be required to forfeit amounts not to exceed $\frac{1}{2}$ the maximum penalty for the completed act.
- (2) An attempt to commit an act prohibited by the ordinances in this Code requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he or she does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he or she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

C. Parties to acts prohibited in this chapter.

- (1) Whoever is concerned in the commission of an act prohibited by this chapter of this Code of Ordinances is a principal and may be charged with and convicted of the commission of said act although he or she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
- (2) A person is concerned in the commission of an act prohibited by these ordinances if he:
 - (a) Directly commits the act; or

- (b) Intentionally aids and abets the commission of it; or
- (c) Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.